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Senate

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

''Oh, to grace how great a debtor
''Daily I'm constrained to be
''Let Thy goodness, like a fetter
''Bind my wandering heart to Thee.''
—*Hymn by Robert Robertson.*

Merciful God, we are debtors to Your grace. We want to live our whole lives in grateful response to Your goodness. May Your goodness bind our hearts to You. There is no limit to what we are able to accomplish when love is our motivation. Help us to live this entire day as an expression of our love to You, for all the grace You have lavished upon us. Rather than living by obligation or oughts, may we do our work today as our way of telling You how much we love You. We are so thankful for Your care, for the privilege of living in this free land, for our families and friends and for the opportunity to serve You in the formulation of public policy for the welfare and prosperity of all people. Our goal is to enjoy this day to the fullest. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. HAGEL. Mr. President, on behalf of the majority leader, today the Senate will be in a period of morning business until the hour of 11 a.m. By previous consent, at 11 a.m., the Senate will begin consideration of S. 955, the foreign operations appropriations bill. Amendments are expected to that appropriations bill, and Senators can, therefore, expect rollcall votes throughout the day.

As a reminder, under the consent agreement reached last night, a vote will occur on final passage of S. 1004, the energy and water appropriations bill, immediately following the first vote relative to the foreign operations bill. It is hoped the Senate will be able to complete action on the foreign operations bill during today's session of the Senate.

It is also the intention of the majority leader to begin consideration of the legislative appropriations bill this week, as well as complete action on the nomination of Joel Klein under the remaining 3-hour time agreement.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SMITH of Oregon). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 11 a.m., with Senators permitted to speak for not to exceed 5 minutes each.

The Senators from Nebraska and Georgia are recognized for 20 minutes.

The Senator from Nebraska is recognized.

Mr. HAGEL. I thank the Chair.

(The remarks of Mr. HAGEL and Mr. CLELAND pertaining to the introduction of S. 1021 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. HAGEL. 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. BAUCUS. 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. BAUCUS. Mr. President, may I ask whether we are in morning business.

The PRESIDING OFFICER. We are in morning business.

DESTRUCTION OF THE EYE OF THE NEEDLE ARCH

Mr. BAUCUS. Mr. President, I rise today to express my outrage over an incident that occurred in my home State last May. Over the Memorial Day weekend, vandals on the Missouri River destroyed the Eye of the Needle Arch, as well as several other stone pinnacles nearby.

Lewis and Clark, camping in the traditional homeland of the Blackfeet Indian Tribe, first noted these structures in their historic journal which, I might add, is replete with misspellings: ''Seens [sic] of visionary inchantment [sic]'' and ''eligant [sic] ranges of lofty freestone buildings,'' describing the Eye of the Needle Arch along the Missouri River.

Former Montana Senator Lee Metcalf had the foresight to designate that stretch of the Missouri as ''wild and scenic,'' thus ensuring that generations of Montanans would marvel at these wonders.

But what took Mother Nature millions of years to painstakingly carve out was destroyed probably in a matter of hours. The actions of the vandals have been decried in both local and national newspapers, and the people of Montana have been united in their condemnation of the acts. People have donated over $10,000 in reward money for information leading to the arrests of the individuals responsible. I rise today to add my voice to those who cry out for the loss of a true Montana treasure.

My motivations for speaking on this subject are personal. To me, the Eye of

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

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the Needle was a symbol of what makes Montana the ''Last Best Place.'' Its improbable existence was a miracle of creation and a testimony to Montana's rugged spirit.

I plan to float the Missouri this weekend. I will see firsthand what has become of this treasure. In many ways, I am not looking forward to the experience.

To know that this landmark was destroyed by human hands gives me pause to think on the absolute senselessness of the act. Tearing down a marvel of nature is not a statement of defiance, not a statement of courage, or even machismo. No, it is simply an act of raw brutality, an act of utter stupidity.

In every cloud, there is a silver lining, and though it is not easy to see in this case, there is a positive lesson to learn from this incident. In an ironic way, we have gained a deeper appreciation for the wonders that surround us. They are precious; they are fragile. Perhaps this incident will remind us to protect the things that are near and dear to our hearts. For all our sakes, I hope this is the lesson we learn.

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

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

INVESTIGATION OF THE 1996 FEDERAL ELECTIONS

Mr. TORRICELLI. Mr. President, I rise today to address two of the current investigations that are taking place within the Federal Government on this day. They are very different and they involve different branches of the Government but are important to this country and many of our citizens.

Mr. President, I will address first as a member of the Governmental Affairs Committee what I think is potentially an important new beginning in our investigation of the problems of the financing of the 1996 elections.

Members of the committee have for some time had different perceptions about the most serious allegations involved in that investigation. This, of course, involves the question of whether or not there was an attempt by a foreign government, principally the Government of China, to influence our Federal elections in 1996.

I believe that there is now a common understanding that while all sides previously acknowledged that there was probably such an attempt and regarded it seriously, there were differences about certain aspects of the allegations.

I think the new common understanding is that while there was clearly such an attempt made by the Chinese Government, that it was bipartisan in its goals and primarily designed to influence the Congress of the United States and not exclusively the Presidential candidates in 1996, and that it also at this moment remains unclear whether or not to what extent it might have succeeded in either influencing the elections or more importantly the policies of the United States Government. These have been contentious issues that divided the committee until this day.

I am very pleased, based on statements made by both Democratic and Republicans members of the committee, that I believe our investigation now proceeds with a common perception of these facts. I believe that is critical for the committee doing its work and in eventually uncovering whether and to what extent this foreign involvement violated our laws.

JUSTICE

Mr. TORRICELLI. Mr. President, on a separate second issue I want to address this morning the larger context of the continuing downward spiral in the national political dialogue, and specifically how it addresses the case of a single American. We have tragically in our time witnessed this deterioration in the public dialogue. We are now witnessing how its venom can influence the life of a single citizen. I am addressing, of course, the Whitewater investigation and the actions of independent prosecutor Kenneth Starr.

Mr. President, I claim no expertise in the question of the Whitewater investigation. Indeed, it is not the focus of my remarks this morning. And I hold no brief for either President Clinton or the First Lady as I address this issue. Indeed, the injustice of which I speak does not involve anyone in the President's family, but rather a simple 42-year-old woman named Susan McDougal.

Since September 9, 1996, Susan McDougal has been imprisoned for refusing to testify to an Arkansas grand jury convened by the independent prosecutor Kenneth Starr. And indeed, under the law a witness who refuses to cooperate and testify before a grand jury may be held for a civil contempt of up to 18 months. In this instance therefore the independent prosecutor initially acted within the law and probably appropriately. But that is where the problem begins. Because according to the legislative history of the statute, and indeed under the case law, the purpose of civil contempt and imprisonment ''is to secure testimony through a sanction, not to punish the witness by imprisonment.''

But according to briefings filed with the court, the prison conditions that Susan McDougal has endured up to this point sound more appropriate for a hardened violent criminal than a person jailed for civil contempt.

In fact, while serving 3 months in the Faulkner County Detention Center in Arkansas, Susan McDougal lived under the following conditions. She did not see the light of day for 3 months. She was jailed in a unit that was constructed for 10 people but in reality usually held more than 20. As indicated by these photographs, she was usually shackled both by hands and feet whenever she went to court or to the doctor or to the dentist. This was not customary practice. Indeed, no other prisoner in that facility was shackled by hands and feet in this manner virtually at any time, no less when receiving medical treatment.

When in transport, marshals were under instructions not to remove her shackles at any time including when she required to urinate. She was allowed one visit per week, and only through glass. She was forbidden any family or friendly contact through visitation. She was denied potable water. She could only drink from a rusty shower or a sink attached to a toilet. She was allowed no reading materials except for the Bible, of which I am sure she would have been grateful except she was forbidden to have any reading glasses, even when she offered to buy them with her own funds.

After a brief stint at the Carswell Federal Medical Center in Fort Worth, where she was placed in a work camp with other women, many of whom were serving 30 and 40 years on narcotics charges, she was transferred to California. There in Los Angeles at the Sybil Brand Institute for Women, she was placed in isolation with one tiny slit in a door, the windows covered with barbed wire, with a single peephole where she could see the light of day. She was denied any reading material and was denied a chance to even meet with the prison chaplain.

She was later moved to complete isolation from all other prisoners and was allowed out of her cell for 2 hours per day. So for 22 hours a day she was in complete isolation, no contact with anyone, no ability to see the light of day, with a single window covered with barbed wire, nothing to read, no one to talk to, not even counseling from a minister.

During the evening hours, she is awakened every 20 minutes by a flashlight that is placed in her eyes. She is served breakfast at 4:30 in the morning where she eats alone in a 5-foot cell. If she should leave her cell, she is handcuffed behind her back and is forced to wear prison uniforms that are colored red, which is the color to indicate a murderer or an informant. She is routinely body searched and forced to strip naked for prison officials. She is escorted by a guard wherever she goes, including to the infirmary or the library.

And finally, every time she uses the shower or on those occasions when she is allowed access to a telephone, every other prisoner is forced to be locked into their cells, which has heightened animosity toward her personally and led to dangerous, unlivable circumstances.

Mr. President, I do not know Susan McDougal, and I confess I do not know a great deal about the Whitewater case. In many respects I rose today on the Senate floor to speak to neither, but to talk about justice. This is a barbaric set of circumstances that are indefensible and give rise to the question of whether or not Mr. Starr's investigation is being led by someone who seeks justice or is driven on the personal destruction of individuals to vindicate himself and his own investigation.

Mrs. McDougal is not imprisoned for murder or robbery or any violent offense. She has faced no jury and is convicted of nothing. But for almost a year, she has been held on civil contempt.

The Federal courts have ruled on a variety of circumstances, including in 1983 in the Sanchez case, and in 1984 in the Simkin v. United States case that a court is obligated to release an individual if it becomes clear that she will not testify after continued confinement.

Indeed, in case after case throughout the history of this country judges have released individuals who have refused to testify after 6 or 8 months of imprisonment.

Susan McDougal has now been imprisoned for 10 months. There is no indication that it will end soon. And it clearly is not going to result in her giving credible testimony.

Indeed, it was argued before a Federal judge 2 weeks ago that not only is Susan McDougal's incarceration inhumane, it is counterproductive.

If Susan McDougal were released from these extraordinary barbaric circumstances tomorrow, her testimony in the Whitewater case would be of absolutely no value. Her testimony would have no credibility. It clearly would have been coerced. No grand jury, no judge, and no jury would give it any validity.

Her testimony is now useless. Any individual held in solitary confinement with no privacy, with no ability to consult with family or friends, denied access to a chaplain, shackled hand and foot, subjected to body searches, awakened during the night every 20 minutes, in some circumstances by a flashlight in her eyes, could not possibly at this point be giving voluntary testimony that would be usable in a court of law.

Mr. President, Kenneth Starr should pursue the facts. If they produce further evidence that allows a case to proceed, it is his duty to do so. It is the obligation of every officer of this Government, in any of its branches, to first and foremost, however, pursue justice.

Former Senator William Cohen, then a Member of this institution, said, ''The appearance of justice is just as important as justice itself in terms of maintaining public confidence in our judicial system.''

Mr. President, there is no confidence in our judicial system that can come from these facts. There is a cold tyranny on a single American citizen. It is time for the Federal judiciary to intervene to bring justice and to change the circumstances of Susan McDougal's life.

I yield the floor.

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

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

Under the previous order, the Senator is recognized for 20 minutes.

Mr. DORGAN. Mr. President, I ask unanimous consent that morning business be extended to accommodate 20 minutes.

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

WHO GETS THE BENEFIT OF A TAX CUT?

Mr. DORGAN. Mr. President, I want to talk today about a debate that is going on in a conference committee on who gets what portion of the tax cut that is now proposed by the Congress. It is, I suppose, a debate that one would expect if the Congress decides there shall be a tax cut, and the Congress has decided that taxes shall be reduced in some measure for the American people.

The obvious question is, for whom and for how much? Who gets the benefit of the tax cut?

We had a generous discussion on the floor of the Senate with an enormous amount of data and charts, with each side demonstrating that it is right and the other side is wrong, and each side using economists and all of the research groups that say this side is right, that side is wrong, or that side is right, this side is wrong. I suspect people watching this do not have the foggiest understanding of how you manufacture all these numbers. It is like making sausage, I assume—somebody over there, huddled over a bowl, is throwing all kinds of things in a bowl, and they grind it out and say, ''Here's our sausage.''

I come from a farm State, so I suppose I talk a lot about agriculture. I was thinking about an old story that a fellow in my hometown told me years ago about the chicken and the pig. It reminds me a little of this debate about the tax issue, who gets what. A chicken and a pig were prancing around the farmyard and they were talking about the upcoming birthday for the farmer and deciding what they would give the farmer for his birthday. The chicken said, ''Why don't we give him ham and eggs,'' and the pig thought about that for a long time, and said, ''Well, gee, for you, that's terrific, because for you that's just a contribution, but for me that requires real commitment.''

Well, commitment or contribution, this is the kind of chicken-and-pig issue on who gets what in the Tax Code, who contributes what taxes in this country.

I want to talk just for a moment today about this commitment or contribution issue, and when it comes time to providing tax relief, then who gets some help. There is a discussion in this Congress that occurs almost every year around something called tax freedom day. The Tax Foundation, in fact, puts out a little publication. This year it was May 9, I believe, and it says tax freedom day is May 9. We have someone dutifully coming to the floor, and they hold it up and say, ''Here is the day in which we are free. Up until this day, all of the things we earn have to go to pay taxes, and beyond this day we are free.''

It has always been curious to me that the amount of money I pay for my children to go to school is somehow considered a burden. It is not to me. I consider it an opportunity to put my kids in a good public school system, and the taxes I pay to help that public school system is not a burden to me. But some people feel every dollar they pay is an enormous burden and a waste. They say, ''Here is tax freedom day, May 9, this year.'' When they talk about tax freedom day, the same people that come to the floor and do that say tax freedom day is the accumulation of taxes that people have to pay, including income taxes and payroll taxes. And, incidentally, payroll taxes are a big chunk of the taxes people have to pay in this country. When they talk about tax freedom day, they include payroll taxes.

When they talk about who gets what in terms of tax cuts, guess what happens? The Congress then says we are only going to measure income taxes. We are only going to measure the income taxes you pay, and that is the basis on which you get a tax cut. So you have a situation in this country where over two-thirds of the American people now pay a higher payroll tax than they pay in income tax. Two-thirds of the American people pay higher payroll taxes than income taxes. Payroll taxes have grown, and rather substantially.

So when it comes time to give a tax cut, we are told that the tax cut shall go to people based on the income taxes they pay, and if you don't pay substantial enough income taxes, you do not get a tax cut.

Some of us feel that the working families toward the bottom of the ladder, those working families somewhere between the 50th percentile and down who are paying more in payroll taxes than income taxes, they are working, they are paying taxes. It is a different kind of tax—payroll tax—they ought to get a tax cut, as well.

Here is the dilemma. We have a tax cut that is proposed in part of this package that is a per child tax credit of $500, and we are told that the per child

tax credit will go to only those people who pay enough income taxes to earn the credit. What does that mean? It means 4 million to 6 million American kids will not get a per child tax credit, despite the fact their folks are working and their folks are paying substantial payroll taxes, sufficient payroll taxes to earn this tax credit. But they will be denied any tax benefit under this plan because they pay payroll taxes and not enough income tax.

Why is it their fault? Because they are not earning enough money, they are at the bottom of the economic ladder. They are told in this plan, payroll taxes don't count. So, therefore, these 4 to 6 million children, the parents of those children, are not going to get a tax cut, because they only work and they only pay payroll taxes. That makes no sense at all. It does not make any sense.

Why would we prevent the parents of 4 to 6 million children, the parents of those 4 to 6 million children who are working, from getting a tax credit of $500 per child, as all other Americans will get?

We were told last week by a Member of the majority who believes we should not provide a child tax credit to those people who are working and paying payroll taxes, that if we did, it would be welfare. Why welfare? These are people who are working, these are people who are paying taxes, and these are people who also deserve a tax cut.

It is always interesting to me that every time we talk about a tax cut in this Chamber, if you get way into the upper end of the income scale—an area, incidentally, where they have had enormous increases in income—that somehow the most generous portions of the tax cut always go to those folks.

I want to read some information that was in a piece yesterday in the Washington Post about what has happened to incomes in this country. According to the Congressional Budget Office, the Americans in the bottom one-fifth of the income distribution, the lowest 20 percent of income earners in the work force, saw their after-tax incomes drop by 16 percent between 1997 and 1994. When you adjust all that for inflation, they have 16 percent less purchasing power in a 20-year period. The next-to-the-bottom fifth lost 8 percent. The middle fifth stayed about even.

The members of the wealthiest 20 percent saw their incomes rise by 25 percent, and the top 1 percent of the income earners in this country in the same 20-year period saw their income rise in real terms by 72 percent. So if you look at who has benefited substantially in the last 20 years, you conclude that the top 20 percent of income earners, especially the top 1 percent, have benefited enormously.

Why is it, then, when we talk about providing tax cuts, that we say to those who have not benefited at all, those who are in the work force who have not received any substantial increase in income, in fact, who have lost ground, we say to them, ''You are working, you are paying taxes, but we're sorry, you don't get a tax cut.'' What kind of logic is that? This does not make any sense to me.

I will read a couple of other things that have been written recently. Today, in the Washington Post, with respect to this debate about who is providing what benefit to which income group in this country, the Washington Post editorial says:

> The Republicans have written a tax bill tilted heavily toward the better-off * * *
>
> The Republicans in turn have adopted a new technique. Rather than argue as they might have done in the past about the virtues of the bill, they engage in distortion.

They are talking now about the numbers that are bantered back and forth.

> The people who wrote this bill aren't defending its distributional consequences; they're denying them. The plain facts are that the bill over time would not just mainly benefit the better-off but would cost the government revenues it can't afford.

I want to talk about this issue of better off, however, because if we have a proposal passed by both the House and the Senate to reduce the tax burden in this country, it seems to me it ought to be targeted to those families who have faced an increasing tax burden.

Which taxes have increased in recent years in this country? Does anybody know the answer to that? Which taxes have increased? I guess most people would say the payroll taxes, and they would be right.

Payroll taxes in the last decade have increased, increased again, and increased again. The income tax rates have come down, except for one circumstance. But the payroll taxes have increased.

So the result is, when the discussion of the Congress is about giving a tax cut, I think we ought to talk about providing tax relief to those who are paying higher payroll taxes. But some say they want to prevent those people who are paying higher payroll taxes from receiving any of the significant benefits of the tax cut. Frankly, that is just wrong.

The piece in the Washington Post, written by E.J. Dionne, called ''The Tax War,'' is an interesting piece that appeared a day or two ago, and it says the following:

> The Republicans are missing a chance to make their best case for a tax cut. For years, they argued that government should not tax people into poverty or make life tougher for the pressed middle class. They were right about this, especially since regressive payroll taxes take a much bigger chunk from the incomes of the middle class and the working poor than from the wealthy.
>
> That's why it is incomprehensible that Republicans have so fiercely resisted Clinton's proposal to give the $500-per-child tax credit to families who owe no income taxes but pay substantial payroll taxes. Most of these families earn roughly $17,000 to $30,000 a year.
>
> People at the middle and bottom of the income strata need tax relief for another reason: For nearly two decades—until the last 2 or 3 years of the current economic recovery—they have lost ground or barely kept up.

Now, the point I come to the floor today to make is this. We are in conference between the House and the Senate on the question of what kind of tax cut and who receives the benefits of this tax cut. The chart I have here shows the percentage of working families in this country whose payroll taxes exceed their income taxes. You will see this by quintile.

The bottom fifth, 99 percent of them, pay more payroll taxes than income tax. These are people who work. They get up every day, go to work, work hard, try to take care of their families. The second quintile, 97 percent, pay more in payroll taxes than they do in income tax, and right on down, until you get to the top fifth, and they pay 16 percent in payroll taxes. Sixteen percent have payroll taxes that exceed their income tax.

You can see the import of this chart. It shows the folks in the bottom 60 percent of the income strata in this country who are out working, are paying higher payroll taxes than income taxes. Any proposal that says that does not count, that does not matter, the payroll taxes you pay are not part of our concern, is just plain wrong.

Now, we have an opportunity to fix it, and we can fix it in this conference committee. The House and the Senate conferees can decide to consider payroll taxes paid as a measurement against who gets the $500 child tax credit. They can do that. Some don't want to do it because it means they will not be able to get their special little deal in the Tax Code. They have lots of special trunks in cases that have been put in this bill. Some want to have their special deal, so they don't want to do this because it costs money.

If you want a fair tax cut and you want to be fair to working Americans and working families, you must say to those out there in the work force, ''We will give a tax cut based on a $500-per-child tax credit and we will measure it against the taxes you pay—all taxes, including payroll taxes.'' The failure to do that means that this Congress is not doing right by middle-income families. This Congress is not doing right by nearly 4 million to 6 million children and the parents of those children who will be denied a reduction in their taxes only because the taxes they paid, the higher taxes they paid, were payroll taxes rather than income taxes.

So we have an opportunity to do this right. Most people look at the Congress and they think, if you cut taxes, guess what Congress will do? It will cut tax and give people at the higher income levels, at the upper end, the biggest tax cut.

Congress has two ways of doing things. It deals with cakes and crumbs. The folks at the bottom get the crumbs and the folks at the top get the cake with lighted candles on it. That is the way people think Congress behaves because too often that is the way they do behave. We have an opportunity in constructing a tax bill in this conference

to do it the right way, which would be to say to all Americans we are going to give a $500-per-child tax credit, which the Republicans proposed and which the President proposed, which the Democrats and Republicans voted for, but that tax credit will not be denied the people just because they paid a payroll tax rather than an income tax.

This conference in the next couple of days can do this right or it can do it wrong. I hope they will listen to the voices of some in this country who say, if you are going to give a tax cut, pay some attention to the needs of the middle-income earners in this country who deserve a tax cut, yes, based on income taxes paid, but also based on the higher sales tax they pay every day as they go to work and work hard to support their families.

I yield the floor and suggest the absence of a quorum.

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

The legislative 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. MCCONNELL. Mr. President, what is the pending business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 955, making appropriations for foreign operations, export financing, related programs for the fiscal year ending September 30, 1998, and for other purposes.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 955) making appropriations for foreign operations, export financing, related programs for the fiscal year ending September 30, 1998, and for other purposes.

The Senate proceeded to consider the bill.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, my friend and colleague, Senator LEAHY, the ranking Democrat on the subcommittee, is detained down at the White House for the time being. I see his colleague, Senator DORGAN, standing in for him. We will, while Senator DORGAN is here, by mutual agreement, take care of several managers' amendments here at the outset of the discussion of this year's foreign operations bill.

There are a list of eight managers' amendments, which I will refer to and then send to the desk en bloc.

There is the McConnell-Leahy amendment requiring a report on the management of the Russia enterprise fund and prohibiting establishment of a private-public entity to manage the defense enterprise fund activities; a Leahy amendment establishing credit authority for AID; a Leahy amendment allowing funds to be transferred to the Export-Import Bank for NIS activities; a Leahy technical corrections amendment to section 571; a McConnell-Leahy amendment providing authorities to DSAA for the costs associated with the transfer of EDA to Central and East European countries and use of less expensive commercial transport and stockpiles in Thailand and Korea; a McConnell-Leahy amendment providing DSAA authority to obligate funds upon apportionment; a McConnell-Leahy amendment to provide a date for the report on Ukraine; and a Leahy amendment with a technical change on page 92.

AMENDMENTS NOS. 876 THROUGH 883, EN BLOC

Mr. MCCONNELL. Mr. President, I send eight amendments to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], proposes amendments numbered 876 through 883, en bloc.

The amendments are as follows:

AMENDMENT NO. 876

(Purpose: To improve the performance of enterprise funds)

On page 27, line 15 insert the following new sections:

(Q) None of the funds appropriated under this heading or in prior appropriations legislation may be made available to establish a joint public-private entity or organization engaged in the management of activities or projects supported by the Defense Enterprise Fund.

(R) 60 days after the date of enactment of this Act, the Administrator of AID shall report to the Committees on Appropriations on the rate of obligation and risk and anticipated returns associated with commitments made by the U.S. Russia Investment Fund. The report shall include a recommendation on the continued relevance and advisability of the initial planned life of project commitment.

AMENDMENT NO. 877

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

DEVELOPMENT CREDIT AUTHORITY

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans and loan guarantees in support of the development objectives of the Foreign Assistance Act of 1961 (FAA), up to $10,000,000, which amount may be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 and funds appropriated by this Act under the heading ''Assistance for Eastern Europe and the Baltic States'', to remain available until expended: *Provided,* That of this amount, up to $1,500,000 for administrative expenses to carry out such programs may be transferred to and merged with ''Operating Expenses of the Agency for International Development'': *Provided further,* That the provisions of section 107A(d) (relating to general provisions applicable to development credit authority) of the Foreign Assistance Act of 1961, as added by section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this paragraph: *Provided further,* That direct loans or loan guarantees under this paragraph may not be provided until the Director of the Office of Management and Budget has certified to the Committee on Appropriations that the Agency for International Development has established a credit management system capable of effectively managing the credit programs funded under this heading, including that such system (1) can provide accurate and timely provision of loan and loan guarantee data, (2) contains information control systems for loan and loan guarantee data, (3) is adequately staffed, and (4) contains appropriate review and monitoring procedures.

AMENDMENT NO. 878

On page 20, line 14, after the word ''paragraph'' insert the following: ''*Provided further,* That up to $22,000,000 made available under this heading may be transferred to the Export Import Bank of the United States, and up to $8,000,000 of the funds made available under this heading may be transferred to the Micro and Small Enterprise Development Program, to be used for the cost of direct loans and loan guarantees for the furtherance of programs under this heading: *Provided further,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974''.

AMENDMENT NO. 879

On page 97, lien 5, strike the words ''between the United States and the Government of Indonesia''.

On page 97, line 6, insert a comma after the word ''sale'' and strike the word ''or''.

On page 97, line 7, after the word ''transfer'' insert '', or licensing''.

On page 97, line 7, after the word ''helicopter'' insert ''for Indonesia entered into by the United States''.

AMENDMENT NO. 880

On page 102, line 9, after the word ''1998.'', insert the following:

EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN COUNTRIES

SEC. 575. Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking ''1996 and 1997'' and inserting ''1998 and 1999''.

SEC. 576. ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES.

(a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting before the period at the end the following: ''and $60,000,000 for fiscal year 1998''.

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2341h(b)(2)(B)) is amended by adding at the end the following: ''Of the following: ''Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.''.

SEC. 577. DELIVERY OF DRAWDOWN BY COMMERCIAL TRANSPORTATION SERVICES.

Section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318) is amended—

(1) in subsection (b)(2), by striking the period and inserting the following: ‘‘, including providing the Congress with a report detailing all defense articles, defense services, and military education and training delivered to the recipient country or international organization upon delivery of such articles or upon completion of such services or education and training. Such report shall also include whether any savings were realized by utilizing commercial transport services rather than acquiring those services from United States Government transport assets’’;

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

‘‘(c) For the purposes of any provision of law that authorizes the drawdown of defense or other articles or commodities, or defense or other services from an agency of the United States Government, such drawdown may include the supply of commercial transportation and related services that are acquired by contract for the purposes of the drawdown in question if the cost to acquire such commercial transportation and related services is less than the cost to the United States Government of providing such services from existing agency assets.’’.

AMENDMENT NO. 881

On page 34, line 21, after the word ‘‘Act’’ insert the following: ‘‘: *Provided further,* That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a)’’

AMENDMENT NO. 882

On page 24, line 9 insert after the word ‘‘resolution’’ the following: ‘‘*Provided further,* That the Secretary shall submit such determination and certification prior to March 31, 1998.’’

AMENDMENT NO. 883

(Purpose: To require the withholding of assistance to any country granting sanctuary to any person indicted by the International Criminal Tribunal for Rwanda)

On page 92, line 16, strike ‘‘is authorized to’’ and insert ‘‘shall’’.

On page 92, line 21, strike ‘‘should’’ and insert ‘‘shall’’.

Mr. BIDEN. Mr. President, I am pleased the managers of the bill will accept my amendment to the foreign operations appropriations bill. My amendment will apply the same standards for sanctions on countries that harbor Rwandan indicted war criminals as are applied to countries that provide sanctuary for individuals indicted by the Yugoslav war crimes tribunal.

As the bill is currently written, with the exception of certain types of humanitarian assistance, no foreign aid can be given to any country that provides sanctuary to individuals indicted by the Yugoslav war crimes tribunal. But for those individuals indicted by the Rwandan war crimes tribunal, the bill contains only a discretionary authority to withhold aid.

Mr. President, the United States was a cosponsor of the U.N. Security Council resolution which authorized the establishment of the Rwandan war crimes tribunal. Accountability for the 500,000 people killed in the 1994 genocide is an integral part of any effort for reconciliation and reconstruction in Rwanda, much like the Truth Commission in South Africa.

Mr. President, my amendment is not without precedent. The foreign operations bill 2 years ago restricted foreign assistance to countries that harbored both Rwandan and Yugoslav indicted war criminals. I believe this was the right standard, and to do anything less sends the wrong message on war crimes. If we say we are against war crimes in Yugoslavia, we should also equally say we are against war crimes in Rwanda. I don't believe that there's one Senator who doesn't share this belief—but it is important that we say so.

My amendment makes a strong statement of support for the Rwandan tribunal and for the cause of human rights in Africa.

Mr. MCCONNELL. Mr. President, it is my understanding that these have been approved by the Democrats.

Mr. DORGAN. Mr. President, if the Senator will yield, Senator LEAHY is detained. On his behalf, I am here to say that the amendments have been approved, and he is either a sponsor or a cosponsor with Senator MCCONNELL.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 876 through 883), en bloc, were agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I am pleased to bring the fiscal year 1998 foreign operations, export promotion, and related programs appropriations bill to the Senate for consideration today. I might say at the outset that we anticipate finishing this bill tonight. There are very few amendments of which I am aware and, hopefully, we can mirror the speed with which the Department of Defense appropriations bill and the energy and water appropriations bill were completed.

Senator LEAHY and I have worked closely together to produce a bill which effectively serves vital international U.S. political and economic priorities with the $13 billion allocated to our subcommittee.

Let me point out right up front that while the bill stands at $13 billion, we are funding $13.2 billion on programs; the difference is due to the Budget Committee's treatment of arrears at international financial institutions.

For the first time in more than a decade, the foreign operations account actually experienced an increase. We can thank Senator STEVENS for understanding how important it is to have international options short of sending in U.S. troops. I might just say, Mr. President, on that point, there are a number of our colleagues who are particularly enthusiastic about the defense option, and I am among them. On the other hand, being able to engage overseas without the use of troops is frequently, always, less dangerous and, many times, less expensive.

For the better part of the last 3 years, Senator LEAHY and I have warned that the United States would pay long-term consequences if we continued the pattern of shortsighted gains made by reducing foreign assistance.

Finally, the administration listened. I want to commend Secretary Albright for making an increase in the 150 account her first and foremost priority. The nearly $1 billion increase arrested a devastating decade-long decline.

I think it is important to put this increase in perspective. Measured against foreign aid's peak year of 1985, our resources have dropped nearly 60 percent. Since 1990, we have seen a 40-percent reduction. Keep in mind that those cuts have occurred in times when the United States established assistance programs to help strengthen and stabilize more than two dozen new, emerging democracies.

As we welcome Poland, Hungary, and the Czech Republic into NATO, thereby expanding European stability and security arrangements, we should all remember it was the United States economic and security assistance that helped make this possible.

Just taking a look, Mr. President, at the chart here behind me, my colleagues will notice that in 1985, in billions, the foreign operations account was $28.2 billion. A mere 12 years later, it was $12.2. And what we are seeing this year, after a decline of $28.2 to $12 billion, is an increase back up to $13.4 billion.

I will argue, as I did a few moments ago, that given the new responsibilities to the new emerging democracies, that this increase this year in the 150 account is entirely appropriate.

The aspirations, ingenuity, and determination of the citizens of these countries—particularly in Central Europe—combined with American grants, loans, exchanges, training, and equipment to build democratic institutions, strong free markets, and responsible military partners makes a lot of sense.

Obviously, this effort should be continued. The combination of an increase in the foreign assistance allocation, along with progress made by emerging European democracies, have made this a key transition year—one in which we have an opportunity to initiate support for new priorities while ending or establishing clear performance benchmarks in countries where U.S. support is not fulfilling political or economic expectations.

In this context, let me review some of the bill's highlights.

In title I, we have increased export promotion support over the administration's request. We have fully funded the Trade and Development Agency and the Overseas Private Investment Corporation, and to compensate for dismal forecasting at the Eximbank, we

have increased the funding there as well.

No one is more pleased than I am that there is a new team directing the Bank's important work. However, the new Chairman arrives in with the news that the Bank expects to have to carry over into 1998 nearly $400 million in planned or possible 1997 projects because of a shortfall in available funding. At a time when everyone recognizes that exports are key to American economic growth, we need to support Exim's vital mission. While the administration asked for $632 million, we have provided $700 million to support American business as they venture into tough emerging markets.

Title II provides funding for all bilateral programs, including development assistance activities, programs in the new independent states and Central and Eastern Europe, disaster aid, the Peace Corps, international narcotics control, and a consolidated fund which covers nonproliferation, demining, antiterrorism, IAEA activities, and related programs.

Within this title, there are a number of provisions which reflect the committee's new emphasis of building on success and objectively recognizing and reversing failures.

Nowhere is this more evident than in the Middle East. I will not spend a great deal of time at this point on the issue of Egypt's record over the last 2 years. Let me simply say that funding for both Egypt and Israel has always been provided in the context of the Camp David accords and a national commitment to serving the interests of peace.

Leading a renewal of the Arab economic boycott of Israel, rejecting President Clinton's plea to participate in the peace summit, and actively opposing the Hebron agreement between Israel and the Palestinians are a few reasons why Egypt no longer seems to share our commitment to regional stability and peace. To send a signal that improvements are expected if aid is to continue to flow, the committee did not earmark funds for Egypt.

In contrast, King Hussein has taken enormous risks to advance peace, and the committee reflected its support for this effort by substantially increasing economic and security assistance to Jordan. Egypt and Jordan define the basic tenet of this bill: Aid is not an entitlement program. It must be earned, and it must be deserved.

The NIS offers other examples of this approach. For several years the Senate has earmarked funds for Ukraine. Now I believe it is time to assess results. Although Ukraine has made remarkable progress in passing a constitution and introducing a new currency, I think it is time to register our concerns that corruption and the slow pace of reforms may defeat the relevance and impact of our assistance.

As in the past, we have earmarked $225 million, making clear we still believe in Ukraine's strategic importance and support the constitutional and economic changes which have been achieved. However, to leverage improvements and accelerate the pace of reforms, 35 percent of the aid package is withheld until the Secretary of State certificates progress has been made combating corruption, and moving forward with key economic and political policy changes.

Russia offers another example of where aid must better serve United States interests. For the past 2 years, the bill has included language linking the provision of aid to the termination of Russia's nuclear cooperation with Iran—a provision always watered down by the administration. With elections around the corner, the administration's argument last year was simple: If we cut off aid, they said, we undermine the election chances of the only people who are committed to ending this lethal program.

Well, we all know the reformers won the election last year, and, unfortunately, the nuclear program is still around. Only now it is expanded, and the Russians are not only collaborating with Iran on a nuclear powerplant. They are working together on a missile technology program. This year a waiver allowing aid to continue—no matter what the Russians do with Iran—is simply out of the question.

Consistent with our effort to take aid off autopilot, the bill also includes language addressing the crisis in Cambodia. In our opening hearing this year, the administrator of AID referred to Cambodia as a democratic success story, a view echoed by the Secretary of State in our closing hearing. Persistent allegations of close collaboration between Cambodia's leadership and major regional drug traffickers were dismissed in that hearing, as were alarming accounts of the two prime ministers arming themselves for a resumption of civil war.

As we all know, a few short weeks ago the committee report called attention to this rapidly deteriorating situation and conditioned assistance of all further aid on progress in four key areas. The Secretary had to certify the government had taken steps to: First, end political violence and intimidation of opposition candidates; second, establish an independent election commission; third, protect voters and election participants by establishing laws and regulations guaranteeing freedom of speech and assembly; and, fourth, eliminate corruption and collaboration with narcotics dealers.

Mr. President, however elusive that goal now seems, each of these steps remains important to the future of democracy in Cambodia. With the coup engineered by Hun Sen last week, I intend to further modify these conditions as we proceed forward with this bill today.

Turning to title III, the committee has provided over $3.3 billion in security assistance, loans and grants and support for international peacekeeping. While this level reflects a slight reduction of the administration's request, we were able to provide an increase in aid to Jordan and an increase in support for Lithuania, Estonia, and Latvia.

Let me speak for a moment to the case of the Baltic countries. I know I am joined by many of my colleagues who believe the Baltic nations should be the next nations on the list of NATO entrants. Having never recognized their domination by the Soviet Union during the cold war, I think it is a serious mistake for the administration to now bow to Russian demands that the Baltic nations be excluded from NATO. In effect, the administration's policy relegates the Baltic States to the Russian sphere of influence, a perverse reversal of political fortune and a mistake of historic proportions.

These nations are ready, willing, and able to make a meaningful military and political contribution to NATO's mission. The funding we have provided will strengthen and deepen the Baltic ties to NATO by facilitating the completion of a civilian military regional airspace control system, an important step toward membership. This funding reflects a strong view that Latvia, Lithuania, and Estonia deserve to be integrated into a stable European security structure and have earned our political commitment and continued support for NATO admission.

Finally, let me turn to title IV in the bill, which provides funding for the international financial institutions. Although we have reduced the administration's request, we have been able to meet virtually all current-year obligations as well as make substantial progress on past obligations incurred by this administration.

I want all of my colleagues to know that we have once again withheld funds for IDA until the Secretary of the Treasury certificates that the interim trust fund has removed all procurement restrictions imposed which exclude American contractors.

I want the members of both the trust fund and IDA to be on notice that these restrictions must be gone before this legislation is enacted or I cannot support full funding for IDA in conference.

The last section of the bill is devoted to general provisions. One in particular is worth noting because it is in keeping with the principles we have developed to end aid as an entitlement program.

When the Dayton agreement was signed, each party pledged to support the International Tribunal's efforts to arrest and prosecute war criminals. Today, 66 indicted fugitives remain at large—with potentially many more under sealed indictment.

These are not bandits in hiding living in fear of capture. These outlaws continue to work and wander the streets and, in some cases, such those of Radovan Karadic and Ratko Mladic, they continue to exercise real power.

Section 573 ends assistance to regional authorities refusing to cooperate in the international effort to bring

these fugitives to justice. Peace in Bosnia cannot be sustained if the Tribunal fails to complete its task. Stability and economic growth depend on the repatriation of refugees consistent with the Dayton agreement—and those refugees will not return to communities which continue to be terrorized and intimidated by war criminals.

Section 573 bans aid to countries which have not cooperated in the arrest of war criminals. Waiver authority is granted to the President for a period of 6 months, if he certifies that a country has turned over a majority of war criminals. However, at the end of the 6 months, aid can only continue if the President certifies that all war criminals have been arrested.

The provision exempts democracy building, demining and humanitarian programs in an effort to afford the administration some carrots as it attempts to encourage compliance.

But, this should not be seen as a door which will be opened wider creating more exemptions and weaker standards. Let us be clear on a single point: after more than $400 million in U.S. aid, we need to implement and enforce the moral reckoning which only the Tribunal can offer. Only justice can bridge the deep divides which continue to fracture the former Yugoslavia.

Let me conclude by once again emphasizing that the increase in the 150 account represents both an opportunity and an obligation to more effectively serve American international interests. We can only accomplish this purpose if we end aid as an entitlement program. I believe this bill sets us on the right course and I encourage my colleagues to support it.

AMENDMENTS NOS. 885, 886, AND 887

Mr. MCCONNELL. As an indication of how quickly we should be able to move this bill, I see that my friend and colleague from Oregon is here ready to offer an amendment, and before I yield the floor for that purpose, I will offer an amendment to earmark aid to Egypt for myself and Senator LEAHY, Senator STEVENS, and Senator BYRD.

I am also going to send to the desk two amendments on Cambodia.

So, Mr. President, I am sending to the desk three amendments at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself, Mr. LEAHY, Mr. STEVENS, and Mr. BYRD, proposes an amendment numbered 885.

The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. LEAHY, proposes an amendment numbered 886.

The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. LEAHY, proposes an amendment numbered 887.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 885

(Purpose: To provide assistance to Egypt)

On page 17, line 14, strike the number ''$2,585,100,000'' and insert in lieu thereof, ''$2,541,150,000''.

On page 17, line 20, after the word ''later:'' insert: '': *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:''.

On page 33, line 26, strike the number ''$3,265,000,000'' and insert in lieu thereof ''$3,308,950,000''.

On page 34, line 3, after the word ''Israel'' insert: '', and not less than $1,300,000,000 shall be made available for grants only for Egypt.''.

AMENDMENT NO. 886

(Purpose: To restrict aid to Cambodia)

On page 11, line 14, strike all after the word ''Of'' through page 12, line 13, ending with the number ''1997.'' and insert in lieu thereof the following: ''None of the funds appropriated by this Act may be made available for activities or programs in Cambodia until the Secretary of State determines and reports to the Committees on Appropriations that the Government of Cambodia has: (1) not been established in office by the use of force or a coup d'etat; (2) discontinued all political violence and intimidation of journalists and members of opposition parties; (3) established an independent election commission; (4) protected the rights of voters, candidates, and election observers and participants by establishing laws and procedures guaranteeing freedom of speech and assembly; and (5) eliminated corruption and collaboration with narcotics smugglers: *Provided,* That the previous proviso shall not apply to humanitarian programs or other activities administered by nongovernmental organizations: *Provided further,* That 30 days after enactment of this Act, the Secretary of State, in consultation with the Director of the Federal Bureau of Investigation, shall report to the Committees on Appropriations on the results of the FBI investigation into the bombing attack in Phnom Penh on March 30, 1997.''.

AMENDMENT NO. 887

(Purpose: To restrict aid to Cambodia)

On page 96, line 20, strike all after the word ''Cambodia'' through page 97, line 2, ending with the word ''smugglers.'' and insert in lieu thereof the following: ''has: (1) not been established in office by the use of force or a coup d'etat; (2) discontinued all political violence and intimidation of journalists and members of opposition parties; (3) established an independent election commission; (4) protected the rights of voters, candidates, and election observers and participants by establishing laws and procedures guaranteeing freedom of speech and assembly; and (5) eliminated corruption and collaboration with narcotics smugglers.''.

Mr. MCCONNELL. I ask that all three of those amendments be temporarily set aside.

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

Mr. MCCONNELL. Now, Mr. President, I yield the floor.

AMENDMENT NO. 888

Mr. SMITH of Oregon addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH], for himself, Mr. NICKLES, Mr. THOMAS, Mr. HUTCHINSON, and Mr. GORTON, proposes an amendment numbered 888.

Mr. SMITH of Oregon. 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 new section, and renumber the remaining sections accordingly:

SEC. . TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF RUSSIA SHOULD IT ENACT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION.

None of the funds appropriated under this Act may be made available for the Government of Russian Federation unless the President determines and certifies in writing to the Committee on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has enacted no statute or promulgated no executive order that would discriminate, or would have as its principal effect discrimination, against religious minorities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a signatory, including the European Convention and the 1989 Vienna Concluding Document of the Conference on Security and Cooperation in Europe.

Mr. SMITH of Oregon. Mr. President, a few weeks ago, on the Fourth of July, as Americans were celebrating their cherished freedoms upon which this country was founded, the Russian Federation passed a bill which, if signed into law, would restrict freedom of religion in that country in a lamentable way.

This bill is ironically titled, ''On Freedom of Conscience and on Religious Associations.'' It first passed the lower house of the Russian Duma in late June.

The bill would, among other things, limit the activities of foreign missionaries and grant unregistered religious groups significantly fewer rights than accredited Russian religious organizations such as the Russian Orthodox Church, Islam, Judaism, and Buddhism.

Mr. President, this bill awaiting signature now on President Yeltsin's desk would severely limit the very existence of what Russia terms ''new faiths.'' These ''new faiths'' include many Protestant faiths—Evangelicals, fundamentalists, Pentecostals, SDA's, Jehovah's Witnesses, Mormons, and even the Catholic Church. These faiths will be persecuted as religious minorities under this proposed law.

Congress has already taken a number of steps to send signals to President

Yeltsin about this bill. Many Members of both Houses have signed letters to President Yeltsin and to President Clinton. From the Vatican to former President Jimmy Carter, the reaction to this law has been strong and unwavering.

I rise today to send an even stronger signal. My amendment would withhold funds appropriated in the foreign operations bill to Russia unless the President of the United States determines and verifies in writing to the Congress that the Government of Russia has enacted no statute that would discriminate against religious minorities in the Russian Federation.

Mr. President, I realize, as do all Senators, that Russia is a sovereign country. We cannot tell Russia what to do as a country. We can, however, elect not to send foreign aid to a country that would discriminate against religious beliefs in so fundamental a way.

This will be the clearest and strongest message that can be sent to President Yeltsin. Should he decide to enact into law this discrimination, we then will send no American funds, none of our taxpayers' hard-earned moneys, to that country in the fiscal year of 1998.

In the modern world, for most religions, the kind of deprivation of status that the Russian bill would enact, should it become law, is a major encroachment upon religious freedom.

Many international agreements have already been signed that require signatories to guarantee religious freedom. For example, sections of the Vienna Concluding Document of the Conference on Security and Cooperation in Europe commits participating States in the Helsinki process to grant religious freedom as part of their Constitution.

Mr. President, the Russian Federation is a signatory to that Vienna document. Furthermore, the bill on President Yeltsin's desk would not only violate this and other international agreements; it would also violate Russia's own Constitution which guarantees religious freedoms we as Americans have come to hold as so dear and so fundamental. I know some might argue, Mr. President, that we should not take these kinds of actions; that we are trying to help Russia build democracy, and we are and want to do those things, but I would say to them that religious freedom is the cornerstone of democracy. Indeed, a democratic foundation without that cornerstone of religious freedom is a democracy that is built upon sand.

I hope that all Senators will join me in sending a strong signal to President Yeltsin that American dollars will not find their way to support any country that treats religious freedom in such a manner.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not.

Mr. MCCONNELL. Mr. President, I just walked back in the Chamber. I am not quite sure——

Mr. SMITH of Oregon. Mr. President, I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not.

Mr. MCCONNELL. Mr. President, let me say that we will get a sufficient second for a vote on this amendment. I am told by the Democratic Cloakroom that it would be permissible to have a couple of votes around 12:30, and it is my plan to have a vote on the Smith amendment at about 12:30.

I also understand under the previous agreement we are to vote on final passage on energy and water in juxtaposition to that vote.

Mr. President, is that correct?

The PRESIDING OFFICER. The vote on final passage will follow the first vote on this bill. That is correct.

Mr. MCCONNELL. So, Mr. President, why don't I ask unanimous consent that we have a vote on the Smith amendment at 12:30.

Mr. President, I withhold.

Mr. President, we may have the ability to get the yeas and nays now. I ask for the yeas and nays on the Smith amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. MCCONNELL. Mr. President, let me say again we are not going to set the time for the Smith amendment now until we have had further consultation with the Democratic Cloakroom, but in all likelihood there would be two votes at 12:30, one on the Smith amendment and the other on final passage of energy and water.

AMENDMENT NO. 889 TO AMENDMENT NO. 888

Mr. SMITH of Oregon. Mr. President, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

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. 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, the pending business now is the second-degree amendment of the Senator from Oregon?

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH], for himself and Mr. NICKLES, proposes an amendment numbered 889 to amendment No. 888.

Mr. SMITH of Oregon. 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:

In lieu of the language proposed to be inserted, insert the following:

SEC. . TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF RUSSIA SHOULD IT ENACT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION.

None of the funds appropriated under this Act may be made available for the Government of Russian Federation unless the President determines and certifies in writing to the Committee on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has enacted no statute or promulgated no executive order that would discriminate, or would have as its principal effect discrimination, against religious minorities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a signatory, including the European Convention and the 1989 Vienna Concluding Document of the Conference on Security and Cooperation in Europe.

This section shall become effective one day after the enactment of this bill.

Mr. SMITH of Oregon. 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.

Mr. SMITH of Oregon. 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. HUTCHINSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I would like to voice my support for the Smith amendment prohibiting foreign assistance to the Government of Russia, should it enact laws that would discriminate against religious minorities and religious faiths in the Russian federation. As you eloquently pointed out, on July 4, and ironically on July 4, as we celebrated our precious freedoms in the United States the Russian Federal Assembly gave final approval to a bill which would seriously undermine religious freedom in Russia.

I was in Poland just 1 week ago, representing the Senate at an international conference, the Sixth Annual Session of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe. At this conference, I had the opportunity to chair a bilateral meeting with the Speaker of the Russian Duma and we discussed this bill at length.

In that bilateral meeting were a number of deputies from the Russian Duma. I found that their concept of rights and freedoms were strikingly in contrast to our concept of freedoms, as embodied in our Constitution and in our American tradition. Repeatedly, as we discussed the proposed law that the Russian Duma at that point had already voted on—the upper body had

not yet at that point voted on it—it was clear that they viewed religious freedom, and in fact all rights, as being that which could be granted by the Government as opposed to our concept, embodied in our Constitution and our founding documents, that those rights and those freedoms are unalienable and endowed by our Creator—given by God. Therefore, as viewing rights as being something given by the Government, they saw no problem in removing the unlimited, unfettered right to freedom of religion.

I was alarmed at the attitude and the intransigence that we found, not only from the Speaker of the Duma but the deputies who were present, and their concept. They said, and I paraphrase but very close to what was said in this bilateral meeting, that we must protect naive Russians from cults—cults being a broad definition to include all of the so-called new faiths. Of course, Russia today is experiencing a tremendous renewal of religious faith. In, I think, a misguided effort to protect the Orthodox Russian Church, this law has been proposed. I said very frankly and very bluntly—and may I say Congressman CLEMENT from Tennessee, Congressman DINGELL from Michigan, and a number of other Members of the U.S. Congress were present during this bilateral meeting and echoed my sentiments—that this law proposed, passed by the Duma, now pending before President Yeltsin, is antithetical to and irreconcilable with a true concept of liberty and religious freedom.

Among the provisions in this bill that are most alarming is the requirement that religious groups list all of their numbers, their names, their addresses, a requirement that a commission be established—a commission of state experts—to review the doctrines and practices of groups applying for registration. It is unimaginable in this country, in which we have so enshrined the concept of religious freedom. There is a requirement under this bill that a religious group be in existence for 50 years in order to receive ''all Russian'' status, creating a division between religious associations and groups which could create a multitier religious hierarchy of different denominations. And then in this bill is a requirement that would deny for a 15-year period legal status to new religious groups, which could include those groups that refused to register under the Communist regime. Without legal status, these religious groups could not rent public space for services, they would find it difficult to conduct any financial activity, invite foreigners to Russia, or set up a church school for children.

There is no justifiable reason to divide religious organizations into two categories, one with full rights and privileges and the others with limited rights, limited privileges. This new Russian law discriminates against religious faiths by establishing a hierarchy of religious groups under the law and denying legal status to communities of believers.

When similar legislation threatened religious freedom in Russia only 4 years ago, Members of the House, Members of this body, the Senate, joined together in an urgent appeal to Boris Yeltsin to veto that legislation. Courageously, President Yeltsin stood firm. He refused to sign that bill into law.

Now we have an opportunity, thanks to the amendment of Senator SMITH of Oregon, to send a strong message to Russia that we will take concerted action to preserve this essential human right. This is potentially the greatest retreat on religious freedom and human rights since the fall of the Soviet Union, and it is an ominous sign about the future of that Republic. We must forcefully signal our grave concern by passing the Smith amendment. I hope my colleagues in the U.S. Senate will join with Senator SMITH of Oregon in sending that signal to the Government of Russia, and add encouragement and solidarity with the people of the Russian Republic.

I yield the floor.

Mr. HATCH. Mr. President, I wish to rise and join my colleagues in supporting the Smith amendment to the fiscal year 1998 foreign operations bill that would cut assistance to the Government of the Russian Federation if it enacts the onerous bill passed by the Duma last month entitled ''On Freedom of Conscience and Religious Association.''

Mr. President, this bill passed by the Duma is about restricting freedom of conscience and prohibiting the freedom of conscience. It is a major step backward for democracy and human rights in Russia. It takes Russia away from the West and the institutions that protect an individual's freedom of religion.

The bill passed by the Duma—promoted by an unholy alliance of Communists and Populists whose responsibility to the country appears to focus on restricting its citizens' ability to practice any faith they choose.

The measures in the bill are deeply objectionable. A few points are worth mentioning:

Religious groups must register with the government by 1998. In a blatant act of discrimination, the bill assigns different religions to different categories that will afford them different sets of rights.

For a religion to be deemed a religious organization, it will have to demonstrate that they have officially existed in Russia for at least 15 years. This means that the religion would have had to register under Communist dictator Leonid Brezhnev, at a time when the Soviet Union was officially atheistic and officially repressive to the pursuit of faith.

Religious groups not deemed in the official, first category of ''religious organizations'' would have greatly restricted rights. They would have no legal status. Members would have to be individually and officially registered. They groups could not rent public space for services, own property, conduct financial activity, invite foreigners to Russia, or set up church schools.

To register as a ''religious organization,'' a religious group would have to (a) be sponsored by a Russian religious organization, (b) undergo a 15-year registration period, and (c) have ''authenticity'' determined by a commission of state experts, who would review a faith's doctrine for admissibility. This state bureaucracy could deny registration to faiths on a wide range of practices, such as advocating nonmedical forms of healing, monasticism, conscientious objection, and proselytizing to minors.

Mr. President, the Duma bill on restricting religious rights is contrary to international conventions signed by Russia, including the Helsinki Treaty of 1989, which states:

> [Participating states] will take effective measures to prevent and eliminate discrimination against individuals of communities on grounds of religion or belief in the recognitions, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life; and
>
> [participating states] will grant upon their request to communities of believers, practicing or prepared to practice their faith within the constitutional framework of the States, recognition of the status provided for them in their respective countries.

But if the Russian Government wishes to ignore its treaty obligations—which, from our record of arms control agreements, we must recognize is not a unique development—it is still shocking that the Duma egregiously ignores the Russian Constitution, which states:

> The state guarantees the equality of rights and freedoms regardless of sex, race, nationality, language, origin, property and official position, place of residence, attitude to religion, convictions, membership in public associations, as well as other circumstances. Banned are all forms of limitations of human rights on social, racial, national, language or religious grounds. (Art. 19)

It is indeed of great concern to me, Mr. President, that the Duma sees fit to legislate restrictions on individual rights at a time when Russian society is greatly suffering. Michael Specter of the New York Times recently wrote about the alarming downward spiral in the health of the Russian population. In that article, Specter notes that per capita alcohol consumption is the highest in the world; that Russia has a wider gap in life expectancy between men and women than in any other country; that of the nations of Asia, America, and Europe, Russia's mortality rate is ahead of only Afghanistan and Cambodia; and that the death rate among working Russians today is higher than a century ago. And the indicators are getting worse: the mortality rate for Russian men between 40 and 49 years of age increased by over 50 percent between 1990 and 1995. The reporter concluded: ''An astonishing drop in life expectancy for Russian men over the past decade, combined with one of the lowest birthrates on earth, has turned Russia into a demographic freak show.''

Mr. President, we can expect yelping from the supporters of this bill in the Duma. Delighted to frustrate President Yeltsin's every move, they will claim that international opprobrium against this bill is infringing on Russia's sovereignty. This is not a question of Russia's sovereignty, Mr. President. The calls and letters President Yeltsin has received from political and religious leaders around the world declare our concerns about the freedom of individual conscience in Russia, concerns their elected body should share, not patronize.

U.S. assistance is not an entitlement. It is a demonstration of our support for the emergence of democracy in a land cursed by communism for most of this decade. If Russia turns back to the night of authoritarianism, we should not squander our resources, Mr. President.

In the past 2 weeks, we have seen the announcement of the historic enlargement of NATO. The Russian Government opposed this, somewhat disingenuously, I believe, because its concerns where not reflecting the concerns of the Russian people, who are much more concerned with poverty, disease, and rampant crime and their Duma's incessant political posturing, than they are of an alliance that has no historic record of aggression.

Among those in the West, there were several groups of thinkers who supported this move. Perhaps they could be referred to as idealists and realists. The idealists hold a sense of optimism that believes that the enlargement of NATO is an expansion of democratic societies, which, history has shown, have a lesser tendency to go to war with each other. Certainly the history of NATO is clearly that of a defensive collective organization committed solely to its own defense.

The realists focused on an unpredictable future and a geopolitical vacuum. This temporal and spatial approach, traditional geopolitics, warns that we do not know the ultimate evolution of the Russian state. It argues that there is little historical experience of democracy in Russia.

The idealists focus on the internal aspects of NATO and the expansion of democracies. To idealists, the solution to Russia's concerns about NATO would occur when Russia is seen to have fully demonstrated its evolution to rule by democratic institutions. Because would NATO need to defend against such a Russia?

I would like to think of myself as an idealist, Mr. President. And I support the enlargement of NATO because I welcome Hungary, the Czech Republic, and Poland to the family of democratic nations. Their membership in NATO will work to preserve their democratic accomplishments.

But the developments in Russia—in particular this bill against religious freedom by the Duma—cloud my optimism. If Russia turns away from democracy in favor of an ill-considered exercise in demagogic politics, the realists, who fear a future authoritarian Russia and seek to prepare for it, will have their views confirmed.

Mr. President, I have long supported Boris Yeltsin. In fact, when he first came to the United States in the late 1980's, I was among the few who said, to the Republican administration at the time: ''You're focusing on the wrong guy, Gorbachev. This is the man to watch, and this is the man to back.'' Since then, I have strongly approved every time President Yeltsin stood bravely for democracy in Russia. When he stood on that tank in defense of Russia's nascent democracy, my prayers were with him.

I expect that President Yeltsin will veto this bill. That will make this legislation that we will pass today merely a demonstration that this body will stand for religious freedom in Russia. I will stand and applaud him when he vetoes this bill.

But if this bill becomes law in Russia, Mr. President. Our support for democracy in Russia has been dealt perhaps a fatal blow. We should not waste our funds promoting democratic development on a government that turns away from democracy. And if President Yeltsin signs the the bill against religious rights, Mr. President, I will pray for Russia.

Mr. BINGAMAN. Mr. President, I rise today to explain why I cannot support Senator SMITH's amendment to the foreign operations appropriations bill, S. 955, which we are debating here today.

I believe that Senator SMITH and others in this Chamber who vote in favor of this amendment have good intentions, but this amendment is not structured in a manner that I can support. This amendment would prohibit the United States from issuing foreign aid to the Government of Russia should it enact laws which would discriminate against minority religious faiths in the Russian federation. On the surface, this is a very well intentioned effort.

I understand and completely support the fundamental importance and right of religious freedom, a constitutionally protected right in our Nation, as I also appreciate the importance of other freedoms that we hold dear in the United States such as the freedom of speech and freedom to assemble.

However, Russia and many other nations have not organized their nations to provide the same degree of freedoms that our Nation provides. This is not an excuse for other countries; it is just simple fact. To tie our Nation's foreign aid decisions too closely to legislative outcomes in other countries—even absolutely egregious ones like the Russian law which recently passed the Duma restricting recognized faiths to those recognized by the former Soviet Union before 1984, including Orthodox Christianity, Islam, Buddhism, and Judaism—can have serious unintended consequences and disrupt national security objectives of our Nation. Through legislative actions such as this one which we are considering today, we can actually trigger the enactment of outrageous laws in other nations which could seriously damage the existing freedoms that citizens in other nations have.

We should realize that many other nations—including Israel, Egypt, Turkey, and other recipients of United States aid—would lose that aid if held to the same standard that we are proposing for Russia. Perhaps this is something that we should discuss here. But my sense is that we don't want a single measuring stick—and that today, we are focusing on Russia in a rather knee-jerk fashion. Russia needs to hear our concerns about religious freedoms, and I feel that we should pursue this matter and communicate United States objections to this Russian law in the many different arenas available to us in our engagement with Russia. However, this vehicle—as it is constructed—is not appropriate and could send matters in a negative rather than positive direction.

I think that the most important item left out of the drafting of this amendment is a national security waiver, which would permit the President to waive the provisions of this bill in cases where American national security were at stake. If this provision had been included, I may have viewed this amendment more positively.

Again, I believe firmly in the innate human right to worship as each individual sees fit. However, in my opinion, not only is this particular foreign aid provision an inappropriate vehicle to send that message abroad but it also ties the hands of the President in the execution of foreign policy and fails to allow for waivers which may very well be in the national security interests of the United States.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I commend the distinguished occupant of the Chair, the Senator from Oregon, for an excellent amendment. I was in the Senate when we started the Russian aid program. I would say to Senator SMITH and Senator HUTCHINSON, who spoke so eloquently in behalf of this amendment, the whole Russian aid program was predicated on the notion that we were going to have a Russia based on the principles of democracy, free speech and freedom of religion—the fundamental underpinnings of our Western society, led by the United States many years ago when we were largely alone in establishing these principles; that the new Russia, at least in those very basic respects, was going to be not dissimilar to the United States on these fundamental freedoms. And, as an enthusiastic supporter of Russian assistance, both in the beginning and since, I can tell you that is not assistance without stipulation. It is not assistance no matter how you act.

As I said in my opening statement, this foreign aid bill this year, if it

stands for anything, it stands for the notion that foreign assistance is not an entitlement. It is not something you get automatically this year because you got it last year. Foreign assistance is designed to promote American interests abroad. Foreign assistance is the only way that the Government directly impacts overseas, other than sending in the troops, which is expensive and dangerous. But, with the less than 1 percent of our budget that we devote to this activity, we must use it in a way that promotes American values as well as American interests.

So, the distinguished Senator from Oregon and Senator HUTCHINSON, who has spoken in his behalf in support of this amendment, have it exactly right. You have it exactly right. This is the sort of action that ought to jeopardize the Russian aid program. We ought not to be giving assistance to a country that, as a result of direct government initiative in what purports to be a democracy, is seeking to grant religious favoritism to certain kinds of religions at the expense of the others.

So, I commend the Senator from Oregon, Senator SMITH, for this outstanding amendment. I intend to support it. Again, I might say, we are hopeful that a vote on this amendment will occur around 12:30. That is not something I can announce yet, but we are hopeful it will occur around 12:30.

I would say to my colleague from Oregon, does he wish additional time to discuss the amendment?

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

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

Mr. GORTON. Mr. President, what is the status of the bill?

The PRESIDING OFFICER. There are several amendments pending to S. 955.

AMENDMENT NO. 893

(Purpose: To express the sense of the Senate regarding the eligibility for NATO membership of Estonia, Latvia, and Lithuania)

Mr. GORTON. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mr. DURBIN, and Mr. MCCONNELL, proposes an amendment numbered 893.

Mr. GORTON. Mr. President, I ask unanimous consent that the 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:

SEC. . SENSE OF THE SENATE REGARDING ESTONIA, LATVIA, AND LITHUANIA.

It is the sense of the Senate that Estonia, Latvia, and Lithuania—

(1) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(2) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(3) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

Mr. GORTON. Mr. President, last week the United States joined with our European allies to invite three nations to join the North Atlantic Treaty Organization [NATO]. Hungary, Poland, and the Czech Republic are deserving of this invitation. I congratulate them on their achievements and look forward to a strong and lasting relationship with the people of these nations.

Today I offer an amendment with my colleague, Senator DURBIN, and the distinguished chairman of the subcommittee, Senator MCCONNELL, to ensure that NATO expansion does not stop here. The Madrid summit was only the first step in our efforts to see to it that the nations of Eastern Europe and the former Soviet Union are brought firmly into democracy's camp. Further expansion of NATO is essential if democratic and economic reforms are to continue and if communism is to be eliminated entirely from the European Continent.

My amendment expresses the sense of the Senate that Estonia, Latvia, and Lithuania should be invited to join NATO at the earliest possible date. These three tiny nations, perched between the Baltic Sea and the northwestern border of Russia, have made remarkable strides since they gained independence from the Soviet Union in 1991. Estonia, Latvia, and Lithuania have all made significant progress toward the NATO requirements of irreversible democracy, free market economies, and civilian-controlled militaries. They have even participated in NATO's Partnership for Peace initiative by supplying troops to NATO peacekeeping efforts. The Baltic nations have requested and deserve consideration for full NATO membership.

From a history wrought with foreign interventions that tore them from their rightful place in the European mainstream and subjected them to the heavy hand of communism, the Baltics have emerged from the economic and political darkness to embrace democracy and the free market with unsurpassed vigor. If these nations are ever to continue on the road to democracy and economic reform, they must feel secure from the possibility of future foreign domination. The United States and NATO have an important role to play in providing that necessary security.

Having traveled to Estonia twice in the past 5 years, I have a very personal interest in its entry into NATO. The people of Estonia, much like their Baltic neighbors, have been under foreign rule throughout history. They were ruled by Germans in the 13th century, Swedes in the 16th and 17th centuries, Tsarist Russia in the 19th century, and the Soviet Union after World War II. With the end of Soviet domination, Estonians and their neighbors in Latvia and Lithuania are looking to the West for confirmation of their right to independence.

Unfortunately, the subject of NATO expansion to Estonia, Latvia, and Lithuania has become highly controversial. Many in the United States national security community believe the Baltics, lying so close to Russia and within the area Yeltsin considers to be Russia's sphere of influence, should not be considered for NATO membership. Out of fear of isolating Russia, the United States and our European allies may forsake the three tiny nations that did so much to promote the collapse of the Soviet Union and the eradication of communism throughout Eastern Europe. Now is the time for the United States take decisive action to rectify the past and protect the Baltics from any future foreign irredentism.

Future NATO membership for Estonia, Latvia, and Lithuania is essential to their safety and prosperity. Security concerns will take precedence over continued democratic and economic reforms if the Baltics continue to exist, unprotected, in the shadow of an increasingly nationalistic Russia.

We must be vigilant, Mr. President, in our efforts to extend NATO's reach to all democratic nations in Europe who cannot protect themselves. If we leave these nations exposed to the risk of foreign invasion and influence, the gains we made in expanding democracy and freedom across the globe will be vulnerable to erosion.

The United States must continue to set an example for the world as a promoter and protector of democratic freedom. As victors in the cold war, we have never had a greater opportunity than this to show democracy's enemies that we have the courage and the will to stand firm against them. We should embrace this historic opportunity and bring every nation deserving of NATO membership into democracy's fold, even those nations closest to the heart of Russia.

The people of Estonia, Latvia, and Lithuania have been out in the cold long enough. They should be commended for the great strides they have made already toward the requirements for NATO membership and would make an outstanding contribution to stability, freedom, and peace in Europe as NATO members. It is time the West welcome them into NATO with open arms.

I thank Senator MCCONNELL and Senator DURBIN for cosponsoring this important amendment, and I urge my colleagues to vote ''yes'' on inclusion of the Baltics in NATO.

Mr. President, to reiterate, this amendment was proposed by myself and by the distinguished Senator from Illinois, [Mr. DURBIN], as an add-on a week or so ago to the defense authorization bill and was accepted by the Senate unanimously at that point.

The Senator from Illinois and I, and I believe, with the happy assent of the manager of the bill, Senator MCCONNELL, are presenting it, once again, in the glorious aftermath of last week's meeting of the North Atlantic Treaty Organization in Madrid.

At that meeting, the Czech Republic, Poland, and Hungary were admitted to NATO. Several other nations who are applicants to NATO were not admitted but were put at least on the road toward meeting the qualifications for entrance into the North Atlantic Treaty Organization. Slovenia and Romania were put more or less at the front of that parade. But in Madrid, there were also represented the three small Baltic nations of Estonia, Latvia and Lithuania, small nations that have been independent for only a relatively short period during their long history.

Unlike the other applicants for the North Atlantic Treaty Organization, these three nations were, in fact, occupied by and incorporated into the Soviet Union from 1940, with a pause for German occupation, until just a very few years ago when they, once again, obtained their independence. None of those countries has any goal greater than being recognized as a part of the West, as being free countries, both politically and economically. No set of nations has been more oppressed by their neighbors than these three nations. None, I think, has a greater dedication to freedom, to liberty, to democracy, and to free markets.

This amendment simply states that we hope that these countries will be carefully considered for the North Atlantic Treaty Organization at such time as they have met all of its qualifications. The North Atlantic Treaty Organization, of course, was formed originally simply for the defense of the West, a task which was overwhelmingly successful. But as we note the response in the three countries about to be admitted, we find that the goals are psychic every bit as much as they relate to any kind of military defense. It ratifies the choices that these three new applicants made to be democracies, to be a part of the West, to care to attempt to catch up, to join what we consider to be the free and democratic world.

Exactly those same feelings are found in the other applicant countries, exactly those feelings are found in the Baltics.

This amendment is a modest way to encourage those three small nations to continue to move in the right direction by stating to them that when they are fully qualified, they will become members of NATO. On behalf of my cosponsors and myself, I urge the adoption of the amendment.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I commend my friend and colleague from Washington, Senator GORTON, for this amendment. As the Senator knows from previous discussions, I share his view that if we were establishing the parade, the next countries at the front of the parade clearly ought to be the Baltic countries. As a matter of fact, as my friend from Washington knows, we included in the bill $20 million in grants and loans to the three Baltic countries, just as we provided financial assistance last year to Poland, Hungary and the Czech Republic in order to help them upgrade their militaries in order to seek to achieve a level of acceptance for admission to NATO.

So I think the amendment of the Senator from Washington, of which I am a cosponsor, is an excellent addition to this debate, and I completely share his views. The countries are most worthy for admission to NATO. We have recognized their independence throughout the cold war. They are doing an awful lot of things correctly. These countries are making enormous progress, and some have argued that they have done every bit as well as Hungary, Poland and the Czech Republic, if not even better.

So I commend my friend from Washington for his amendment. I think it is an excellent amendment.

Mr. GORTON. I thank the Senator from Kentucky for his kind remarks.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. MCCONNELL. Mr. President, does the Senator from Washington hope to get a recorded vote on this?

Mr. GORTON. No, a voice vote will be sufficient.

The PRESIDING OFFICER. If there is no further discussion or debate on the amendment, the question is on agreeing to the amendment proposed by the Senator from Washington.

The amendment (No. 893) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

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

PRIVILEGE OF THE FLOOR

Mr. MCCONNELL. Mr. President, I ask unanimous consent to permit Lesley Carson, a fellow working with the minority side of the Foreign Operations Subcommittee, to have floor privileges during the pendency of this bill.

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

AMENDMENT NO. 885

Mr. MCCONNELL. Mr. President, one of the managers' amendments we will be voting on—actually approving on a voice vote at some point during the debate—relates to our friends in Egypt. I want to make a few observations about the current relationship between the United States and Egypt.

Since the Camp David accords were signed in 1979, United States foreign assistance to Egypt has topped $42 billion. While some progress has been made in the last 16 years, I think it is important to point out the obvious, which is Egypt's role has changed and changed significantly.

Let me review the record so there is a better sense of why the bill reported from the committee did not include the longstanding earmark for Egypt.

First and foremost, Senator LEAHY and I tried this year to get our aid program off autopilot. Our domestic agencies and programs have been put through the budget ringer to determine where we could reduce spending. Foreign aid obviously should not be exempted from this critical appraisal. As we conducted this review, we established very simple tests for evaluating performance. Does the program serve U.S. interests in stability, democracy, and market economies? Are U.S. resources well invested and well spent?

The basic principle which has guided the provision of support in the Middle East has been a shared commitment to the Camp David accords and the promotion of peace. Unfortunately, Egypt's record over the last 2 years indicates a shift away from that commitment.

Let me begin by referring to a letter sent by 25 Senators to President Mubarak last July following an Arab summit convened in Cairo.

I ask unanimous consent that the letter and the communique issued at the summit be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. McCONNELL. Mr. President, let me just quote from the letter. The Senators said in that letter:

> We are concerned that the communique issued at the end of the summit compromises prospects to advance negotiations with the new, democratically elected government of Israel. We believe that limiting or conditioning options for peace discussions with the newly elected government of Israel before its policies have been officially formulated damages prospects for peace. Threats from countries of the Arab League to ''reconsider steps taken in the context of the peace process, in relation to Israel'' do little to enhance successful negotiations. . .

The letter went on:.

We are especially troubled that a leader of your stature created a forum, including Libya and Sudan, which question Israel's right to exist.

Inviting Libya and Sudan to Cairo to condemn Israel is not the kind of initiative which serves peace or, for that matter, should be rewarded with another $3 billion.

The July Cairo summit was followed in late September 1996 by an escalation in tension between Israelis and Palestinians over the so-called tunnel crisis. When violence erupted in the streets, President Clinton called upon Prime Minister Netanyahu, Chairman Arafat, King Hussein, and President Mubarak to come to Washington to negotiate a solution. Every leader came except Mubarak. Every leader had as much to gain and certainly a great deal to lose if the discussions failed. Every leader knew there were costs associated with a high-profile summit which might not relieve tensions.

Only President Mubarak decided it was not worth his time or effort to continue a crucial dialogue with the simple objective of salvaging the peace process. After refusing to participate in this summit, President Mubarak decided to convene another Arab roundtable. In March of this year, he called together the Arab League in Cairo where the foreign ministers passed a resolution which is worth taking a look at. The text read:

The Council recommends as follows: (1) stopping all normalization steps which have been taken with Israel in the framework of the current peace process, and halting all dealings with it, including closing offices and missions. . .and (2) Suspending Arab participation in the multilateral talks and continuing to maintain the primary Arab boycott and reactivating it against Israel.

Mr. President, this is not a resolution of peace. We should see this just for what it was as described by the Arab League's Secretary General, ''binding'' and an open declaration of hostility.

This summit was followed by a crisis in negotiations over the redeployment of Israeli troops in Hebron. There is no question that the Egyptian leadership consistently and actively worked against a resolution of each contentious issue. From hot pursuit to the use of the Shuhada Road, the message from Cairo was provocative and counterproductive.

Finally, and of most alarm, is Egypt's relationship with Libya. I mentioned the invitation to the Cairo summit. That is just the tip of the iceberg. President Mubarak ended a recent visit to Tripoli announcing the goal of establishing $1 billion in annual trade and a free trade zone, a goal made all the more interesting when contrasted with the current level of $82 million in annual trade with Israel. $1 billion in trade with Libya, $82 million in trade with Israel.

Let us remember that Libya is the target of tough U.N. sanctions which imposed an air, arms, and diplomatic embargo in 1992 when Qadhafi failed to extradite two terrorists linked to the Pan Am bombing which killed 270 people. The sanctions were extended when Libya failed to cooperate in the investigation into the bombing of a French airliner which killed 171 passengers.

Sanctions against Libya are not the peculiar position of the United States; they are a matter of international consensus—international consensus—that is, with the exception of Egypt.

In May, President Mubarak denounced the embargo because, in his words, it has ''gone on for too long.'' He also challenged international charges that Libya has a chemical weapons capability. Not so, says Mubarak.

As recently as January, when I joined Senator STEVENS and a number of other Members on a trip to the Middle East, we heard the Defense Minister describe Libya as a country undergoing economic reforms and political liberalization and a key security ally. This was the Egyptian Defense Minister discussing Libya.

This Egypt-Libya relationship is probably why families of Pan Am 103 victims have called my office to express their support for removing Egypt's $3 billion earmark.

Mr. President, I have chronicled the collapse of Egypt's role in the peace process not to incite but to invite change. We have had a successful partnership with Egypt which has certainly endured difficulties and setbacks, but they have been on the whole temporary and intermittent.

For 18 months we have seen a significant shift in the wrong direction in Egyptian policies. We have moved from a road of periodic bumps into a long, deep policy ditch, which we must find our way out of.

Eliminating the earmark was intended to send the signal that our support will not continue no matter what choices Egypt makes. We will not sustain an ally, and advocate of Libya. It makes no sense to offer assistance to opponents of the peace process.

I am convinced the message has been heard. Coincidental with the Senate action, we have seen senior Egyptian officials resume constructive and active efforts to advance the peace process. I am satisfied, as I am sure the Israeli leadership is, that Cairo has resumed the crucial role we know it has, and can play to stabilize the region and secure a durable peace.

Because I believe good faith is being restored, and the goals of the Camp David agreement are once again being served, I will be supporting an amendment, which in fact I have already offered, which will earmark the requested level of funds for Egypt.

But let me just repeat, Mr. President, our assistance to the countries abroad is not an entitlement. This is not something you get every year based upon having gotten it last year. American assistance is geared to behavior. It is my hope that the Egyptians are back on track and willing to resume being a constructive partner in the Middle East peace process. Clearly, Mr. President, that is the key to continued U.S. assistance to Egypt.

EXHIBIT 1

U.S. SENATE,
Washington, DC, July 26, 1996.

His Excellency, MOHAMMAD HOSNI MUBARAK,
President of the Arab Republic of Egypt.

DEAR PRESIDENT MUBARAK: We are writing to express our deep dismay about the communique issued at the Cairo summit.

It had been our hope that heads of state and representatives of Arab countries attending the June 21, 1996 Cairo summit would refrain from statements directed against the new Israeli government that might create an atmosphere in the region unfavorable to a continuation of the peace process.

We are concerned that the communique issued at the end of the summit compromises prospects to advance negotiations with the new, democratically elected government of Israel. We believe that limiting or conditioning options for peace discussions with the newly elected government of Israel before its policies have ever been officially formulated damages the prospects for peace. Threats from countries of the Arab League to ''reconsider steps taken in the context of the peace process, in relation to Israel'' do little to enhance successful negotiations, and instead may undermine efforts to reach a comprehensive peace in the region.

We are especially troubled that a leader of your stature created a forum for Arab League countries, including Libya and the Sudan, which question Israel's right to exist. In light of the past leadership role the Egyptian government has played, we had hoped that Egypt would reach out to the new, democratically elected government in a way that would advance the peace process.

Peace in the Middle East Peace can only be expanded if the Arab countries remain engaged with Israel in the pursuit. We urge the government of Egypt and other members of the Arab League to work toward that goal.

Sincerely,

Mitch McConnell, Barbara A. Mikulski, James Inhofe, Carol Moseley-Braun, Frank R. Lautenberg, Alfonse M. D'Amato, Daniel K. Inouye, Bob Smith, Don Nickles, Joseph I. Lieberman, Paul Wellstone, John D. Rockefeller, Charles E. Grassley, Tom Harkin, Connie Mack, Dirk Kempthorne, Larry Pressler, Phil Gramm, Orrin G. Hatch, Rod Grams, Christopher S. Bond, Arlen Specter, Jon Kyl, Thad Cochran, Olympia J. Snowe.

PARTIAL TEXT OF FINAL ARAB SUMMIT STATEMENT

CAIRO, June 23.—Following is a partial text of the final statement issued by the Arab summit which ended in Cairo on Sunday.

In response to the kind invitation of his excellency President Mohamed Hosni Mubarak, President of the Arab Republic of Egypt, their majesties, excellencies, highnesses, presidents and emirs of Arab states convened a summit conference in Cairo in the period Safar 5 to 7, 1417, which coincided with June 21 to 23, 1996.

With pan-Arab responsibility as their starting point, the Arab leaders affirmed that achieving comprehensive and just peace in the Middle East requires that Israel withdrew from all occupied Palestinian land, including Arab Jerusalem, and enable the Palestinian people to exercise their right to self-determination and set up an independent Palestinian state with Arab Jerusalem as its

capital, considering that the Palestinian question is the essence of the Arab-Israeli conflict. The Arab leaders also demanded complete Israeli withdrawal from the Syrian Golan to the line of June 4, 1967, and complete and unconditional Israeli withdrawal from south Lebanon and the western Bekaa to the internationally recognized borders, in implementation of Security Council resolutions 242, 338 and 425, and the principle of land for peace. On this basis they call for the resumption of negotiations on all the tracks.

''The commitment of the Arab states to pursue the peace process to achieve just and comprehensive peace is a goal and strategic choice to the achieved under the umbrella of international legitimacy and it requires a reciprocal commitment, confirmed by Israel seriously and without ambiguity, and action to complete the course of peace, restoring rights and occupied land and guaranteeing balanced and equal security for all the states in the region, in accordance with the principles agreed at the Madrid conference, especially the principle of land for peace and the assurances submitted to the parties. The Arab leaders assert that any violation on Israel's part of these principles and the fundamentals on which the peace process started, or backtracking on commitments, undertakings and agreements which have been reached in the framework of this process, or procrastination in implementing them would lead to a setback in the peace process, with all the dangers and repercussions that this implies, taking the region back to the cycle of tension, which would force all the Arab states to reconsider the steps that have been taken towards Israel in the framework of the peace process, full responsibility for which Israel alone would bear.

* * * * *

In order to make the peace process succeed on the Syrian, Lebanese and Palestinian tracks, the Arab leaders call on the sponsors of the peace process, the European Union, Japan, the non-aligned states, other interested states, the United Nations and international organisations and institutions to work to ensure that Israel does not violate the fundamentals of the peace process, fulfills the undertakings to which it has given a commitment, whether related to the agreements on the transitional stage or to the final status negotiations * * * and to continue to provide the necessary political and economic support to the Palestinian people and their National Authority. In this context the Arab leaders said the Israeli blockade imposed on the Palestinian people must be ended.

* * * * *

The Arab leaders affirm their support for Lebanon as it faces constant Israeli attacks on its territory, peace and sovereignty and asked the international community to ensure an immediate and unconditional cessation of these attacks.

* * * * *

The Arab leaders affirm that Israel must join the Nuclear non-proliferation Treaty and submit all its nuclear installations to the system of international inspection.

* * * * *

The Arab leaders express their solidarity with the sisterly state of Bahrain and their complete support for the measures it has taken to strengthen security and stability. They expressed their strong condemnation of interference in the internal affairs of the state of Bahrain, affirmed that they stand with it against any threatening attempts from any party whatsoever and call on Iran to respect the sovereignty of the state of Bahrain, in the framework of mutual respect and good neighbourly relations, by preventing any acts of sabotage which target the state of Bahrain, in the interests of security and stability in the region.

* * * * *

The Arab leaders expressed their hope that the traditional Arab-Turkish relations and joint interests will continue, and in this context they *expressed their concern at the Turkish-Israeli military agreement and call on Turkey to reconsider this agreement to avoid anything that would affect the security of Arab states.*

* * * * *

The Arab leaders reaffirm their commitment to the need to preserve the unity of Iraq and their opposition to any policies or measures which affect its territorial integrity and threaten its borders and national unity. They demand that the Iraqi government commit itself not to adopt any aggressive policies designed to provoke its Arab neighbors and to finish implementing all the relevant Security Council resolutions * * *

All this is the right way to bring an end to the sanctions imposed on Iraq and create the right atmosphere for it to regain its role in the Arab regional system.

* * * * *

The Arab leaders believe that the Arab League's proposal to hold an impartial and just trial of the two (Lockberbie) suspects by Scottish judges under Scottish law in The Hague, with the necessary guarantees for them * * * represents an appropriate practical solution leading to an end to the crisis. They call on the three Western states to take a positive attitude towards this proposal * * *

* * * * *

At the same time as the Arab leaders condemn attempts to pin the charge of terrorism on legitimate national resistance, they condemn all forms of acts of terrorism, sabotage and anarchy of which a number of states are victim.

* * * * *

It was agreed that:

His Excellency President Mohamed Hosni Mubarak, President of the Arab Republic of Egypt, *as chairman of the present summit, will carry out the necessary contacts and consultations with the Arab leaders and the Secretary General of the League of Arab States to follow up and agree on holding the next summit.*

Mr. McCONNELL. Mr. President, I ask unanimous consent that Senator ABRAHAM be added as a cosponsor to the Egypt amendment which I was just discussing, which is No. 885.

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

Who seeks time?

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, let me begin today by thanking the managers of this bill, Senator MITCH MCCONNELL and Senator LEAHY, for their leadership in bringing this bill to the floor so quickly. They have had a very tough job managing the foreign assistance programs that are undertaken by our country. In this bill what they have produced merits the support of every Member of the Senate.

Mr. President, at the committee meeting, several Members, including myself and Senator BYRD, were not comfortable with the deletion of the earmark for assistance to Egypt. We certainly do understand Senator MCCONNELL's position. We were together in Cairo at the meetings that he mentioned. But after consulting with the subcommittee chairman, Mr. MCCONNELL, we decided the best way to proceed was to come to the floor and have a discussion.

I want to now call up the amendment No. 885 that is before the Senate, at the desk, as I understand it. I ask unanimous consent it be in order to consider that at this time.

The PRESIDING OFFICER. The Senator has the right to call up amendment No. 885 for consideration. That is now the pending question.

Mr. STEVENS. I want to thank those who have cosponsored this amendment, in particular Senator MCCONNELL. It is a managers' amendment and will restore the balance in the allocation of funds for our partners in the Middle East process.

Egypt has had problems. We all know that. And yet it stands out as one of our Nation's most important global allies. It really is the bedrock of our engagement with the Arab world. Simply put, Mr. President, there would have been no Middle East peace process without commitment of Egypt and the personal leadership that was displayed by President Sadat, and then by President Mubarak.

I say this not just as an advocate of the peace process but as a Senator who has traveled many times to the Middle East. I have witnessed Egypt's evolving role. During the gulf war, Senator INOUYE and I made two trips to that region, one at the request of the President of the United States, to assess what was happening with regard to our military plans, and to meet with our key allies. We found, then, in President Mubarak, a friend and a leader who aligned his great nation with the alliance, and when he did, he brought the rest of the Arab world along. In the years since the gulf war, Egypt has remained at the center of our Nation's efforts to maintain calm in the gulf area and to advance the peace process.

As Senator MCCONNELL said, earlier this year, we had a delegation that went to Israel, Jordan, Gaza, Egypt, Kuwait and Saudi Arabia. Mr. President, at each stop I became more aware of and convinced of trying to do everything we can to assure the continuation of our 20-year partnership with Egypt in the peace process.

Now, the things that Senator MCCONNELL mentioned did happen. But late this spring President Mubarak came to Washington and met with our President and congressional leaders. In those talks he again showed his personal enthusiasm and dedication to the peace process. It was very evident, as was his determination to keep Egypt engaged in that process.

Based upon the continuum of the track record of Egypt's support for the peace process, and my personal experience working with Egypt on so many vital national security interests, and we do have others, Mr. President, beyond the peace process itself, I believe

it is imperative that we show the equity in the identification of funds for foreign assistance once again this year. Maintaining a strong and economically developing Egypt is an essential piece of this Nation's total Middle East strategy.

I believe President Clinton summarized the current state of relations of Egypt very well during President Mubarak's visit early this year. President Clinton said:

> Since the Camp David Accords in 1979, Egypt has been a powerful force for peace in the Middle East. That has continued to be true through the last 3½ years—a time of extraordinary progress towards peace and repeated challenges. Now, as Israel and the Palestinians embark on the difficult task of permanent status negotiations, as we look to revive negotiations between Israel and Syria, and then bring Lebanon into the process to complete the circle of peace, we know that Egypt's leadership will be vital to finish the job.

That is President Clinton's statement earlier this year about Egypt.

After 20 years of commitment and investment in this effort, this is just not the time to put at risk all that we have achieved. I welcome the support of the other cosponsors of this amendment and I am sure there are other Members who share our concern that our ties to Egypt remain strong and we continue to foster and support this alliance.

This is not to say that Egypt should not listen to the words that Senator MCCONNELL has delivered here this morning and to the statements he made in the committee. I believe we are all grateful to Senator MCCONNELL for his willingness to work with us in this matter. If there is to be any change in our status with regard to Egypt in this process, I believe it must be done on a bipartisan basis with the President involved. At this time I am hopeful that will never have to happen but, as a matter of fact, the modification of this bill before the Senate, I think, that shows our willingness to go back to the process that has been followed in the past, I hope, will make a significant contribution to the Middle East peace process and will help us advance the interests of the United States there and in other regions with Egypt's support and collaboration.

I do, however, believe there are reasons for us to make sure everyone understands, as Senator MCCONNELL said, that the provisions of support from this bill are not an entitlement. These are funds that are dealt with on an annual basis by our Government, the Senate and the House, the full Congress, as part of that process. It is my judgment that it has been a bipartisan process that has included both the executive and congressional leaders and leadership in the past and I think it should continue that way again this year.

I do hope that our friends in Egypt—and I don't have to hope, Mr. President, I know they have heard Senator MCCONNELL's statement, and I know they are aware that there have been questions raised, but based upon this continuum that has taken place, the friendship and cooperation and the important contributions that Egypt has made to the attainment of our goals in the Middle East, I have offered this amendment with my friends. It is a managers' amendment. I do ask that the Senate consider this amendment now.

The PRESIDING OFFICER. Is there further debate on the amendment offered by the Senator from Kentucky?

The question is on agreeing to the amendment.

The amendment (No. 885) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. STEVENS. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, let me again thank Senator MCCONNELL and Senator LEAHY and their very capable staff for all the work they have done, and to once again urge the Senate cooperate with these managers of this bill the way it has with those who managed the defense bill and energy and water bill.

We are working and striving hard to get the bills to conference before we go to August recess. I would like all of them to go to conference, if possible, before August.

Mr. MCCONNELL. I just say to my friend and colleague before he leaves, we are optimistic we can finish this bill today. We are speeding in that direction.

Mr. STEVENS. I am here to assist.

AMENDMENT NO. 889

Mr. NICKLES. Mr. President, I wish to speak in favor of the amendment of Senator SMITH of Oregon, which would try to protect religious liberty in Russia. I want to compliment my colleague from Oregon for this amendment. In my opinion, it is probably one of the most important amendments we will debate, certainly on this bill—maybe this Congress.

Unfortunately, and I guess most of my colleagues are aware of this fact, the Russian Duma overwhelmingly voted to place restrictions on religious freedom in Russia, freedoms that were both won after the collapse of communism and guaranteed by the 1993 Russian Constitution. The overwhelming vote by the Duma is a tremendous step backward for Russia and for its people.

The legislation approved by the Duma would place severe restrictions on religions not recognized by the government in 1982, a time when the Soviet Government was in power, a time characterized by religious persecution and official atheism. In 1982, as I understand it, the only four religions recognized by the Russian Government were the Russian Orthodox church, Judaism, Islam, and Buddhism.

As I understand this legislation, it would deny religions that entered Russia after 1982 the right to rent or own property, the right to employ religious workers, the right to produce religious literature, maintain a bank account, or conduct charitable and educational activities. According to an article that appeared in the June 24 edition of the Washington Post, it would sharply restrict the activities of foreign missionaries in Russia.

I hope my colleagues are aware of this. I was not aware of it until my colleague from Oregon mentioned it to me. I cannot believe that the Duma would pass something by such an overwhelming vote that would deny religious opportunities to the Russian people. Maybe one of the most important of all liberties is the right to worship as one would choose. It is guaranteed by the 1993 Russian Constitution. Yet they would pass legislation basically grandfathering four established religions, but outlawing other religions, such as the Mormon church, the Roman Catholic Church, and untold other numbers of minority religions in Russia.

The Reverend Gleb Yakunin, an orthodox priest, said in a news report carried by the June 24 edition of the London Times, that the bill was ''openly discriminatory'' and ''The bill is effectively aimed at reinstating Soviet religious policy.''

I believe the reverend's statement is true. I believe putting restrictions on the religions that have recently entered Russia will have the same effect of not allowing many people to practice their religions. If religions are unable to carry out charitable activities, how can members of various churches practice their religion?

Christian missionaries who are following the admonition of Christ would not be allowed to do so in Russia. Many remember when Billy Graham went to Russia several years ago. He had an overwhelming reception. Would foreign missionaries not be allowed? Would people that gather be allowed to reproduce materials? I think the reproduction of materials would be banned under the bill that was passed by the Duma. Hopefully, Mr. Yeltsin will not sign this bill. I think it is extremely important he not sign this bill.

According to Lawrence Uzzell, Moscow representative of the Keston Institute, which studies religious life in Russia and Eastern Europe, of the 102 Catholic priests and 112 nuns serving in Russia, all but a handful are foreigners. In fact, Mr. Uzzell reports that a Catholic priest in Belgorod was recently told he could not celebrate mass there because his parish is a foreign religious organization.

I think this report confirms what I suspected, that this bill passed by the Duma would not only put restrictions on these religions, but have the effect of denying the opportunity to many to practice their religion.

So I want to thank my colleague from Oregon for his amendment. Again, it may be one of the most important amendments.

What is the effect? It says no money under this bill, the foreign operations bill, will go to Russia if President Yeltsin signs this bill into law or if it becomes law, or if he issues an executive order that will ban religious freedom as guaranteed under the Russian Constitution.

I think it is a very appropriate amendment. Some people will argue this is too heavy of a hammer. I think we need to get their attention. What they are doing by outlawing many religions, basically most Christian religions and organizations, banning those, outlawing those from Russia, I think, would be a terrible, terrible thing to happen to the Russian people. They should not be forced into any religion. We should certainly encourage religious choice and opportunity for all the Russian people.

Some will say, what is the effect of this amendment? This amendment says no economic assistance will be going to Russia if the President signs this bill or if he issues an executive order which will ban religious freedom in Russia. How much economic assistance does Russia receive? I think last year it was $90-some million, and the President requested $195 million in this bill. It is not earmarked, so we don't have the specific amount. Would this tie the President's hands? This would give real leverage to the administration to tell Russia, this should not become law.

We need to respect individual religious liberty in Russia and not allow—and certainly not encourage—religious liberty to be trampled. I believe we should use what economic forces we have to ensure this doesn't happen. We don't have to give this economic assistance to Russia. We haven't done it for years. We just started a couple of years ago. Many of the programs that we are funding in the foreign ops bill are worthy programs, where we encourage democracy, encourage free enterprise. That is very positive. But we don't have to do it.

Maybe we should tell them if they are going to pass this kind of bill, we are not going to do it. If they are going to pass a bill in Russia to deny Baptists the opportunity to distribute materials or to have employees in Russia, then maybe we should not be giving them economic assistance. Maybe we need to use a heavy hammer to get their attention that this is very serious.

One of the most important freedoms we have, protected by our first amendment, is religious freedom. It is also protected in the Russian Constitution. We should encourage the Russian Government to protect religious freedom, not take it away. So, yes, this is an amendment that has a heavy hammer. It says we are not going to give economic assistance.

I noticed a memo from the administration in opposition to this amendment, which says our assistance money is used to reduce the number of nuclear weapons and improve security over nuclear materials in Russia. We are not touching that. That is covered by the DOD bill. I encouraged the Senator from Oregon to consider putting it on that bill because I wanted to get their attention early. President Yeltsin hasn't signed this bill—our friend, President Clinton's friend, George Bush's friend. He hasn't signed the bill yet. We want to get his attention before it is too late. This is the proper bill. So it doesn't have anything to do with Nunn-Lugar money, or national defense. It does have some money in there for economic assistance.

As I mentioned, the President's request is about $190 million. We probably won't fully fund it. But we don't have to fund it at all if they are going to pass a bill denying religious freedom and opportunity for the Russian people.

So I compliment my colleague from Oregon for an outstanding amendment. I hope we will have an overwhelming vote, maybe 100 to 0, in spite of what the memo says. Let us have a 100 to 0 vote to show that we believe very strongly that religious freedom is very important and we are willing to put it on the line that we will fight to help protect religious freedom throughout the world and certainly in Russia.

So, Mr. President, I compliment my colleague from Oregon. I hope all my colleagues will support this amendment.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 894

(Purpose: To provide conditions for funding North Korea's implementation of the nuclear framework agreement)

Mr. MURKOWSKI. 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 Alaska [Mr. MURKOWSKI] proposes an amendment numbered 894.

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 in Title II, insert the following ''*Provided further,* That funds appropriated under this heading to the Korean Peninsula Economic Development Organation (KEDO) may only be obligated if the Secretary of State certifies and reports to the Congress that during the fiscal year the military armistice agreement of 1953 has not been violated by North Korea.''

Mr. MURKOWSKI. Mr. President. At 10:40 a.m. Tuesday morning along the demilitarized zone between North and South Korea, North Korean soldiers exchanged heavy gunfire with South Korean troops. This is accurately described as the most serious clash on the Korean Peninsula since a North Korean submarine full of special forces went aground off South Korea's coast last September.

According to news reports, 14 North Korean soldiers crossed the military demarcation line and traveled 70 meters into the DMZ. South Korean border guards used a loudspeaker to order the North Koreans back. When the North Koreans failed to respond, South Korean soldiers fired some 200 warning shots in the air.

The North Koreans responded by firing their rifles at the South Korean soldiers, who then directed fire at the North Koreans using rifles and machine guns. North Korean soldiers returned fire. And although reports are in dispute, it appears there was at least one mortar round fired by the North Koreans.

The firefight lasted for over 1 hour before the North Koreans stopped firing and withdrew.

Mr. President. Why do I come to the floor and talk about an artillery exchange thousands of miles away? There are several good reasons why Americans should pay attention to what is going on on the Korean Peninsula.

First, I don't need to remind my colleagues that I am talking about the DMZ where 37,000 American troops stand guard across from a 1.1 million man North Korean army.

Second, according to a GAO report that I requested last year, the United States has sent over 115 million taxpayer dollars in combined food aid and to support the Korean Economic Development Organization [KEDO], which is tasked with sending heavy fuel oil to North Korea and carrying out other activities under the agreed framework signed in October 1994.

Just yesterday, the administration announced that the United States will donate an additional $27 million worth of surplus grain to North Korea.

And today, in the foreign operations appropriations bill, there is an additional $44 million appropriated for KEDO, subject to certain conditions that Senator MCCAIN and I added to last year's appropriation bill.

Now $200 million may be a small price to pay to achieve peace on the Korean Peninsula, and I am not arguing about the money per se. But if there was ever a case of a recipient biting the hand that feeds it—it is North Korea.

Incident after incident—from the submarine incursion to this latest round of gunfire—is dismissed as ''not intentional'' or not ''serious'' enough to derail U.S. assistance under the agreed framework. After the North Korean submarine landed on South Korean shores, our administration asked for ''both sides to show restraint.'' I was outraged that we asked our South

Korean allies to ''show restraint'' when it was their country that had been invaded by commandos.

I understand that right now the administration is preparing a response to this latest violation of the Military Armistice Agreement. And true to form, the administration is asking once again that this issue not be ''blown out of proportion''. Not blown out of proportion?

I think we should be outraged at North Korea's continued belligerent actions that are clearly designed to intimidate. The South Koreans did nothing wrong today, unless you think defending one's borders and shooting in self-defense is wrong. I hope the administration's statement recognizes that reality and does not even implicitly agree with the North Korean foreign ministry propaganda claiming that their soldiers were acting in self-defense.

That is why in offering this amendment, Mr. President, I would condition further funding—this is the important part of the amendment—on a certification from the President that North Korea has not violated the Military Armistice Agreement of 1953.

Although I have very strong reservations about the agreed framework, which I have expressed on this floor from time to time, and particularly because North Korea does not have to submit to inspections that were required 5 years ago, for several more years—and this is in association with the construction of the light water reactors that Japan, the United States, and South Korea are assisting in—I have supported continued funding for KEDO, subject to specific conditions that are spelled out in the bill. But I now believe that these conditions should be expanded to ensure that North Korea belligerency comes to an end.

If the North Koreans want economic assistance from the United States, they are going to have to learn that their troops and munitions ought to stay on their side of the border. Their people, unfortunately, don't have enough to eat. Many of them are starving. We continue to help them with food assistance and humanitarian assistance. Yet, they continue to use their military to provoke those who would help them.

I think it is time for the administration to stop appeasing this tyrannical and barbaric government that has brutalized the people of North Korea for more than 45 years. We, in effect, are supporting a government that would probably fall by its own weight. I am not suggesting that it is not a very dangerous situation with the 1.1 million men in arms. I am not suggesting that the regime isn't dangerous, in the sense of being very unpredictable. But they have to get the message that they can't bite the hand that feeds them. We continue to assist North Korea even while that Government continues a very aggressive posture.

If the administration cannot certify North Korean compliance with this amendment, I think financial assistance must come to an end. If the President can make the necessary certification that the North Koreans have not violated the Military Armistice Agreement of 1953, I certainly would not stand in the way of meeting our commitments to KEDO. But I think the North Koreans should certainly get the message that they simply cannot continue to operate under the theory that anything goes with regard to its commitment to KEDO.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. I say to my friend from Arizona, if I could just propound a unanimous-consent request, then I will yield the floor.

It is my understanding it has been cleared on the other side of the aisle for there to be a vote on the Smith amendment at 2 o'clock. It is my understanding, based upon a previous agreement, that would also trigger a vote on final passage on the energy and water appropriations bill.

Therefore, if I am correct about that, I ask unanimous consent that a vote on the Smith amendment occur at 2 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. I remind my colleagues there will be two votes, back to back, at 2 o'clock, one on the Smith amendment and one on final passage of energy and water.

I yield the floor.

Mr. MURKOWSKI. Mr. President, it is my intention to ask for the yeas and nays on my amendment that is pending.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. MURKOWSKI. It is my intention to ask for the yeas and nays on my pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I am working and my staff is working with the Senator from Alaska right now so that I can cosponsor this important amendment regarding Korea. We have some details we would like to iron out as to the language of the amendment that I am confident we can agree on.

Mr. President, we all know that there has been another North Korean-initiated altercation in the demilitarized zone that separates it from the South.

According to preliminary reports, a small number of North Korean soldiers entered South Korea and refused an order from the South to withdraw. When the North Korean soldiers ignored the verbal warning, the South Korean soldiers fired warning shots, to which the North responded with a mortar and artillery barrage.

My reason for bringing this up is to ensure this latest event involving North Korea is placed squarely in its proper context. On Monday, the Clinton administration announced that it is doubling the amount of food assistance it intends to supply to Pyongyang to alleviate some of the suffering from the famine resulting primarily from 50 years of totalitarian rule and exacerbated by intense flooding. I am not here to argue against providing food to starving people; I am here to reiterate the futility of expecting humanitarian gestures to the most belligerent regime in the world to beneficially affect its behavior.

Nobody knows what is going on inside the minds of North Korea's leaders, especially the presumed head of government, Kim Jong Il. So thoroughly closed off to the outside world as the North Korean Government has been since its post-World War II inception, that details on its inner workings have been more elusive than for the Soviet Union during its most closed and totalitarian period. One incontrovertible fact remains, however: North Korea has an extraordinarily consistent pattern of alternating minor and manipulative gestures of goodwill with acts of terror and provocation toward its South Korean neighbor unseen anywhere else in the world.

To illustrate this pattern of provocation and terror, I ask unanimous consent to submit for the RECORD this list of such individual acts spanning the period 1958 to March of this year.

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

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, March 27, 1997.

To:

From: Rinn S. Shinn, Analyst in Asian Affairs, Foreign Affairs and National Defense Division.

Subject: History of North Korean Terrorist Activities.

The following chronology is in response to your request for historical information on terrorist activities carried out by the North Korean government in the past decades. For the purpose of this chronology, we have agreed that the scope of ''terrorist activities'' should be expanded to cover broadly defined other provocative acts and beyond ''the last 20 years'' you indicated in your request.

I should add that the chronology is selective. From 1954 to 1992, North Korea infiltrated a total of 3,693 armed agents into South Korea. According to data compiled by a South Korean government agency, 2,345 infiltrators were captured; 1,130 killed; and 218 surrendered. The peak years of North Korean infiltration were 1967 and 1968, accounting for a total of 743 agents (167 captured; 553 shot to death; and 23 surrendered). Incidence of infiltration has decreased sharply since 1987 but has not stopped completely (Vantage Point, November 1995, p. 17). If you need further assistance or have questions, please call me.

CHRONOLOGY OF MAJOR PROVOCATIVE ACTS BY NORTH KOREA

Date, activities.

02/1958—North Korean agents hijacked to Pyongyang a South Korean airliner flying from Pusan to Seoul; 2 American pilots and 24 passengers were released in early March but 8 other passengers remained in the North.

01/1968—a 31-number commando team, disguised as South Korean soldiers and civilians, reached within 500 yards of President Park Chung Hee's office/residence complex (The Blue House) before they were intercepted by South Korean police; 29 commandos were killed and one committed suicide; one who was captured revealed that their mission was to kill President Park and other senior government officials.

01/1968—Two days after the commando attempt on President Park, North Korea seized the U.S. intelligence ship Pueblo with a crew of 83 officers and men off Wonsan in international waters outside the 12-mile limit claimed by North Korea; the crew was finally released in 12/1968, but not the ship.

10/1968—130 sea-borne commandos infiltrated the Ulchin and Samchok areas on the eastern coast of South Korea; 110 were killed, 7 were captured, and 13 fled.

04/1969—North Korea shot down an unarmed U.S. EC–121 reconnaissance plane over international waters, resulting in the loss of 31 lives.

06/1969—North Korea agents infiltrated Huksan Island off the west coast; 15 were shot to death.

12/1969—North Korea hijacked a South Korean airliner with 50 persons aboard to Pyongyang; in February 1970, it released all but 11 of the crew and passengers but detained 7 passengers, 1 pilot, and 2 stewardesses and seized the aircraft. The 11 are reportedly still detained in North Korea, along with some 450 other South Koreans abducted by North Korea in the past decades.

03/1970—From 1970 to 1995, North Korea provided sanctuary to 9 members of a Japanese radical leftwing ''Red Army'' group who had hijacked a Japanese Boeing 707 airliner to Pyongyang.

04/1970—Three North Korean infiltrators were shot to death at Kumchon, Kyonggido, south of the Demilitarized Zone (DMZ) separating the two Koreas.

06/1970—A powerful bomb exploded, demolishing the main gate to National Cemetery (South Korea's equivalent of Arlington Cemetery), before President Park's scheduled visit to the place. The incident was linked to North Korean elements.

01/1971—A North Korean attempt to hijack a South Korean Airline F–20 passenger plane flying from Seoul to Sokcho on the east coast was foiled.

08/1974—President Park Chung Hee's wife was killed during another attempt on his life. A member of a pro-North Korean group in Japan who entered Seoul as a tourist fired several shots at Park at a major public function; Park escaped unhurt, but the First Lady was hit by stray bullets and died several hours later.

09/1975—Two North Korean infiltrators were intercepted at Kochang, Cholla Pukdo; one was shot to death.

06/1976—Three North Korean infiltrators were shot to death in the eastern sector south of the DMZ.

08/1976—A group of North Korean soldiers, wielding axes and metal pikes, attacked a U.S.-South Korean tree-trimming team in a neutral area inside the DMZ at Panmunjom, killing 2 U.S. army officers and wounding 4 American enlisted men and 5 South Korean soldiers. In a message to UN Commander General Richard G. Stillwell, North Korea's Kim Il Sung described the incident as ''regrettable'' without admitting North Korean responsibility for what the U.S. government condemned as a ''vicious and unprovoked murder'' of the officers.

07/1977—A North Korean attempt to abduct a South Korean couple (Yoon Jong-hee and wife) failed in Paris.

02/1978—Actress Choi Eun-hee and her film-director husband Shin Sang-ok were kidnapped in Hong Kong and taken to Pyongyang. The couple escaped in 1986 while on a filming assignment in Vienna.

06/1979—A South Korean student Ko Sang-moon was abducted by North Koreans in the Netherlands.

07/1979—A North Korean attempt to abduct Han Yong-gil, an employee of the Korea Trade-Investment Promotion Agency (KOTRA), failed in France.

03/1980—Three North Koreans tried to infiltrate the South across the estuary of Han River; all were killed.

11/1980—Three North Korean infiltrators were shot to death at Whenggando, Cholla Namdo, South Korea.

12/1980—Three North Korean agents were shot to death off the coast of Kyongsang Namdo, South Korea.

03/1981—Of three North Korean infiltrators at Kumhwa, Kangwondo, one was shot to death.

06/1981—A North Korean spy boat was sunk off the coast of Sosan, Chungchong Namdo; 9 agents were shot to death and one was captured alive.

07/1981—One North Korean agent was shot to death in the upper stream of Imjin River, while trying to cross the river.

05/1982—Two North Korean infiltrators were spotted on the east coast; one was shot to death.

08/1982—Police in Canada uncovered a North Korean plot to assassinate President Chun Doo Hwan during a visit to that country.

10/1983—The explosion of a powerful bomb, several minutes before President Chun was due to arrive to lay a wreath at the Martyr's Mausoleum in Rangoon, Burma (Myanmar), killed 17 senior South Korean officials and injured 13 who were accompanying President Chun, then on the first leg of a six-nation Asian tour. Among the killed were; presidential chief-of-staff and another senior presidential assistant; deputy prime minister/minister of economic planning; three cabinet members including foreign minister; 3 deputy ministers; and South Korean ambassador to Burma. The bomb was intended for President Chun. Based on initial findings, Seoul accused Pyongyang of masterminding the mass assassination, an accusation North Korean leader Kim Il Sung dismissed as a ''preposterous slander.'' President Chun termed the mass assassination as ''a grave provocation not unlike a declaration of war,'' and warned the North that ''should such a provocation recur, there would be a corresponding retaliation in kind.'' Two suspects arrested and tried in the Rangoon Divisional Court turned out to be a North Korean army major and captain. On November 4, Burma broke off diplomatic relations with North Korea. In 02/84, the Burmese Supreme Court sustained the death penalty handed down by the lower court.

09/1984—A North Korean agent killed 3 residents of Taegu, South Korea, and committed suicide.

10/1984—A North Korean spy ship was chased off the coast of Pusan, South Korea, but eluded capture.

01/1998—A North Korean attempt to abduct a South Korean citizen (Yoon Taek-shik) failed in Hong Kong.

08/1997—Lee Chae-hwan, a South Korean student enrolled in an American school, was abducted by North Koreans while on a visit to a European country.

11/1987—A bomb planted by two North Korean terrorists on a Korean Airline Boeing 707 exploded in midair over the Andaman Sea off the coast of Burma. 115 passengers were aboard the flight from Baghdad to Seoul. One of the terrorists, who was taken into custody in Bahrain, confessed to the crime, was tried, and convicted in a Seoul court.

03/1990—Another North Korean tunnel dug under the DMZ was discovered; this was the fourth one uncovered since the mid-1970s.

05/1992—Three North Koreans, wearing South Korean uniforms, were shot to death at Cholwon, Kangwondo, south of the DMZ.

10/1992—A North Korean 400-member spy ring in South Korea, directed by Lee Son-sil (a Political Bureau candidate member of the Central Committee of Pyongyang's ruling Korean Workers (Communist) Party), was uncovered by South Korea's Agency for National Security Planning. The Agency announced that the agents had infiltrated through South Korea's coastlines.

03/1993—North Korea announced its intention to withdraw from the Nuclear Non-Proliferation Treaty rather than yield to the International Atomic Energy Agency's demands for a ''special inspection'' of two suspected nuclear waste storage sites at Yongbyon, North Korea.

12/1993—Vice Marshal Choe Kwang, Chief of the General Staff of the North Korean military (and defense minister, 1995–96), declared at a major state function that the military ''has the heavy and honorable task of reunifying the fatherland *with guns* [emphasis added] in the nineties without fail,'' thereby revealing not so subtly North Korea's alternative to its oft-proclaimed policy of ''peaceful reunification.''

03/1994—For the first time in more than two decades, North Korea issue a threat of war in an inter-Korean meeting in Panmunjom. In response to Seoul's chief delegate mentioning the possibility of UN sanctions against the North for its refusal to accept full international nuclear inspections, Pyongyang's chief delegate reportedly shot back: ''Seoul is not far away from here. If a war breaks out, Seoul will turn into a sea of fire.'' The ''sea of fire'' threat rattled South Koreans, already concerned about Pyongyang's perceived attempt to cultivate a 'madman' image as ''a new psychological negotiating tactic'' designed ''to blackmail the US into granting concessions, including diplomatic recognition, the lifting of trade sanctions and the supply of aid for its tottering economy.''

06/1994—A North Korean attempt to abduct a South Korean professor, Lee Jin-sang, from an Ethiopian university in Addis Ababa was foiled.

08/1994—North Korea's foreign ministry declared: ''We will never allow the [special] inspection of the military sites at the expense of our sovereignty in order to receive light-water reactors. Another conflict cannot be avoided, if they [South Korean and Japanese authorities] continue trying to complicate matters, citing the 'special inspection' that we have never allowed and cannot allow in the future either.'' (The North Korean-U.S. ''agreed framework'' of October 1994 to the contrary, North Korea continues to maintain that the special inspection is out of question—a portent of what might be called ''a special inspection crisis'' several years down the road or around 2003).

05/1995—North Korean patrol boat fired on a South Korean fishing vessel, killing three South Korean fishermen; North Korea released 5 other fishermen in December 1995 through Panmunjom.

06/1995—North Korean soldiers threatened the captain of a South Korean vessel with harm in a North Korean port unless he hoisted the North Korean flag while the vessel was there to deliver a South Korean humanitarian rice shipment to the North.

07/1995—A team of three North Korean agents abducted a South Korean missionary,

the Reverend An Sung-un, in southern Manchuria and transported him to North Korea. Reverend An currently remains in the North.

08/1995—North Korea seized a South Korean rice delivery vessel and arrested its crew in a North Korean port after a South Korean crewman took photographs from the ship. The ship was released in 12 days after the South Korean government sent a message to the North, expressing ''regret'' over the photographing incident.

10/1995—Two armed North Koreans were intercepted at the Imjin River just south of the DMZ; one was shot to death and the other escaped (This incident happened at a time when South Korea was sending humanitarian rice aid to North Korea).

10/1995—Two North Korean agents were intercepted at Puyo, about 100 miles south of Seoul; one was shot to death and the other was taken alive. The captured agent disclosed that he had infiltrated into South Korea two months earlier, with a mission to contact anti-government dissidents and politicians and the organization of underground cells.

04/1996—A total of four hundred North Korean troops crossed the military demarcation line of the DMZ at Panmunjom and elsewhere in violation of the Korean armistice agreement, after Pyongyang's unilateral announcement that it no longer would abide by the terms of the armistice.

05/1996—Seven North Korean soldiers crossed the military demarcation line into the southern half of the DMZ, facing South Korean defensive positions just south of the DMZ, but withdrew when South Korean troops fired warning shots.

05/1996—Five North Korean naval patrol craft crossed into South Korean territorial waters off the east coast in an area designated as South Korean waters under the armistice accord but withdrew after four hours of a standoff with South Korean naval vessels. A similar three-hour incursion by three North Korean craft in the same area occurred on June 14, 1996.

07/1996—A North Korean spy was captured in Seoul after posing as a Filipino professor for 12 years. Chung Su Il (alias: Mohammed Kansu), 62, told police that ''scores, perhaps hundreds'' of North Korean spies were operating in the South.

09/1996—A disabled North Korean submarine was spotted bobbing off the shore near the city of Kangnung. Twenty six North Korean military personnel landed on the east coast from the submarine that was found to be on an espionage/reconnaissance mission. Eleven of the infiltrators were shot to death by North Koreans; 13 others refused to surrender and were killed; one was captured and one escaped. During the South Korean hunt for the infiltrators, North Koreans killed 11 South Korean military personnel and civilians and wounded five others.

10/1996—Choi Duk Keun, a South Korean diplomat, was murdered in Vladivostok, Russia, following a North Korean threat to ''retaliate'' for the submarine incident. Circumstantial evidence initially pointed to North Korean complicity in the murder, and later autopsy results showed that poison found in Choi's body was the same type of poison carried by North Korean infiltrators from the grounded submarine in September.

02/1997—In Seoul, South Korea, Lee Hanyong was assassinated by two hit men believed to be North Korean agents. Nephew of North Korean leader Kim Jong Il's former wife, Song Hye-rim, Lee had defected to the South in 1982. The shooting took place three days after Hwang Jan-yop, a high ranking North Korean party official, walked into the South Korean consulate in Beijing to defect to the South—a possible warning to Hwang and other would-be defectors to the South. After being in coma, Lee died a week later in a Seoul hospital.

03/1997—Japan's daily newspaper Sankei Shimbun, based on an interview with a former South Korean agent An Myong-chin (who defected to South Korea in September 1993), reported that in 1977, Megumi Yokota, a 13-year-old Japanese school girl was abducted in Niigata City to North Korea for use as a teaching aide at a North Korean school for spy training. Japanese authorities disclosed that An's description of the girl matched the profile of a girl reported missing in Niigata, Japan.

Mr. MCCAIN. Mr. President, it is a list worthy of Stalin, the butcher of millions of his own people and the Soviet leader who installed Kim Jong-Il's father, Kim Il Sung, in power following the end of the Second World War. This list includes numerous instances of North Korean agents infiltrating the South to conduct assassinations, with the most recent occurring last February; causes of agents kidnapping ordinary Japanese citizens off of the beaches of their own country as well as South Koreans, who are smuggled to North Korea for imprisonment and interrogation; armed soldiers crossing the border between the two countries to provoke fire fights, such as apparently occurred this morning; special forces infiltrating the South through tunnels dug beneath the DMZ; and the naval incursions, most recently the September 1996 submarine that was grounded off the South Korean coast with the ensuing loss of considerable life due to the will of the North Korean commandoes who debarked from the sub not to be taken alive.

I highly recommend my colleagues take a few minutes to review this list. It is the ultimate commentary on the nature of the North Korean regime. It is a window into the soul of that country's rulers. It is a warning against misjudging the North's periodic gestures of goodwill that are inevitably, at most, tactical responses to their own self-induced social calamities or continued efforts at undermining the relationship between South Korea and the United States.

Mr. President, I now want to discuss the bill very briefly itself.

Mr. President, I appreciate the opportunity to address the Senate on the subject of the fiscal year 1988 foreign operations appropriations bill. As has been noted numerous times by Members of this body, the end of the cold war had the unwelcome effect of creating a vacuum into which all manner of ethnic, religious, and territorial conflict has been permitted to emerge. In addition, the continuous problems of combating famine, disease, and other problems afflicting many nations of the world ensures that the global responsibilities of the executive and legislative branches of the Government remain substantial, particularly relative to the resources available with which to address them.

It is for these reasons that we owe it to the American public and to those less fortunate than ourselves around the world that we act as responsibly as possible when allocating these scarce resources. That is why I continue to oppose the practices of adding to the bill funds for programs of questionable merit and of earmarking for specific institutions without regard for broader U.S. national security interests.

As an elected representative from a State with considerable agricultural interests, I am fully aware of the importance of properly administered agricultural programs. Do we honestly expect, however, the American public to adopt a less confrontational posture vis-a-vis their elected representatives when we continue to earmark funds for the International Fertilizer Development Center in Alabama. Not only does the bill before us earmark $3 million for the center, this amount represents a 50-percent increase over fiscal year 1996. Is the chemical makeup or molecular structure of fertilizer changing so much that we need to actually increase appropriations for the Fertilizer Development Center?

As usual, although admittedly to a lesser extent than in years past, the bill recommends or directs funding for specific universities, including the University of Hawaii for the training of health and human service professionals; the University of Northern Iowa for teacher education in Slovakia; and George Mason University, also for health care. Montana State University continues to fare well in foreign operations appropriations bills. In the past, it has received funding for pest control. This year, it is supposed to receive funds for crop eradication, specifically opium poppy, coca, and marijuana. Laudable goals, but why the earmark? I do not question the value of some of these programs; I do question whether they require or deserve funding from the U.S. Treasury or cannot be competed among contending institutions and organizations.

Other recommendations and earmarks of questionable merit included in this bill are $15 million for the Office of Women in Development, which is hardly necessary with simple instructions to our own Agency for International Development; $500,000 for the U.S. Telecommunications Training Institute for communications and broadcast training; and $15 million over 5 years for the International Foundation for Education and Self-Help, which trains teachers and bankers. I was also interested to see in the report accompanying this bill a recommendation to AID that it work with Science and Technology International to further development of the advanced airborne hyperspectral imaging system, which is intended to facilitate the monitoring of environmental degradation and disaster mitigation and aid in the protection of wetlands and management of littoral regions. Does any of this overlap with the $60 million the bill earmarked for the Global Environment Facility.

Once again, I applaud the goal, but question whether we should be specifying programs, directly or indirectly, without the benefit of a competitive process or adequate knowledge of whether similar capabilities are already or imminently available in the private sector. I further note that this is the second bill this week to include funding for this program: The Defense appropriations bill included $2 million for the advanced airborne hyperspectral imaging system.

I have already referred to funding for agricultural programs in the bill that warrants skepticism. With funding also directed toward the Farmer-to-Farmer Program and the Soils Management Collaborative Research Support Program, I wonder whether it isn't time to take a closer look at the proliferation of programs to determine whether they are all necessary or overlap in function.

Finally, Mr. President, I would like to briefly address the Buy-America provisions of the bill. The American public understandably abhors active participation by its Government in encouraging U.S. companies to relocate to foreign countries where labor and materials are cheaper. Section 538 of the bill addresses this concern. Paragraph (b) of this provision may go too far, however, with the ultimate impact of impeding economic growth where it is seriously needed while degrading the benefits that accrue to the American economy through free trade. Specifically, the paragraph in question prohibits the use of funds 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 law of that country do not apply, in part or in whole, to activities carried out with 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.

The Presidential certification process established by this provision will create, I suspect, the same problems as do other certifications processes. As countries evolve over decades and centuries and economies reflect that evolution through industrialization and service-oriented dominance, and as free trade policies account for substantial proportions of economic growth, inevitably jobs are lost in certain areas. It has never been any different. We have also seen the benefits to the very people we purport to help of free market economic zones in countries with otherwise centrally controlled economies. It is such zones that facilitate the greatest economic growth and that are more prone to exhibit liberal social and political transformations consistent with our own national values. To adopt a provision designed to impede such progress is not in our national interest.

There is room for improvement in this bill that I hope will occur when the Appropriations Committees of the respective Houses of Congress meet in conference. It is discouraging to see the practice of earmarking continue. At least, though, the long-term trend has been in the right direction.

Mr. President, I ask unanimous consent that a list of programs in the bill that I find objectionable be printed in the RECORD.

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

OBJECTIONABLE PROGRAMS IN THE FOREIGN OPERATIONS APPROPRIATION BILL FOR 1998: TITLE II—BILATERAL ECONOMIC ASSISTANCE

PROGRAMS WITH FUNDS EARMARKED

	In millions
American Schools and Hospitals: American University in Beirut, Lebanese American University, Hadassah Medical Organization, Feinberg Graduate School in Israel, and Johns Hopkins University (Bologna, Italy, China)	$15.0
U.S. Telecommunications Training Institute	0.5
University Development Assistance Programs: University of Hawaii, University of Northern Iowa, and George Mason University	2.0
International Fertilizer Development Center	3.0
International Foundation for Education and Self-Help: Human resource development in sub-Saharan Africa	15.0

PROGRAMS FOR WHICH THE COMMITTEE RECOMMENDS FUNDING

Advanced Airborne Hyperspectral Imaging System: Monitors Wetlands and Littoral Zones.

Farmer-to-Farmer: Overseas Cooperative Assistance Program, specifically in former Soviet Union.

Pushchino Project: Promotes economic development in South Central Russia.

Mongolia: Academy of Natural Sciences in Philadelphia, PA, to provide technical advice on infrastructure development.

Biological Control of Illicit Drug Crops: Research at Montana State University in the development of plant pathogens.

Pulsed Fast Neutron Analysis: Supports joint funding for this technology.

COMMERCE AND TRADE

Sec. 513. Restricts funds for testing in connection with the growth or production in a foreign country of an agricultural commodity which would compete with commodities grown in the United States.

Sec. 514. Restricts funds for foreign production or extraction of any commodity or mineral for export if its surplus on the world market will cause substantial injury to United States producers of the same, or similar commodity.

Sec. 538. Restricts funds that would provide any financial incentive to a business in the United States considering relocating outside of the United States if it is likely to reduce the number of employees in the United States.

Mr. McCAIN. I thank my friend, Senator MURKOWSKI, from Alaska for proposing an amendment that has to do with the very serious situation in Korea, and frankly the part of America's foreign policy that I think is deserving of significant criticism. I think history will show that this entire issue of North Korea has been mishandled by this administration.

Mr. President, I yield the floor.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from Kansas.

Mr. ROBERTS. Mr. President, I have a unanimous consent on behalf of the leader.

Before I make that unanimous consent request, I would like to thank the Senator from Arizona and the Senator from Alaska in reference to the amendment concerning our policy with North Korea. Senator MCCAIN has pointed out the situation that now exists with another flare-up of hostilities on the DMZ between South Korea and North Korea.

Some time ago—about 4 months—I was privileged to take part in a delegation with Senator STEVENS. Senator STEVENS, Senator DOMENICI, Senator INOUYE, Senator COCHRAN, and myself were the first American congressional delegation allowed into North Korea.

We went to North Korea with a specific purpose. We know that country is hard hit by a famine, and that the situation is very real. We wanted to encourage the North Koreans, in cooperation with Ambassador Richardson, the State Department and the administration, to participate in the four-party peace talks.

Since I have had the privilege of being the former chairman of the House Agriculture Committee and serve on the Agriculture Committee here in this body, I wanted to encourage the North Koreans to explore every opportunity for normal trading relations—that is, to explore the possibility of commercial trade and third-party agreements that would alleviate their situation.

I think we made some progress. I think we tried to make our point that these kind of negotiations, these kind of contacts, would certainly open up new doors of cooperation only to find out, however, that now just at the time the administration is announcing a doubling of the humanitarian food assistance to North Korea we see another repeat of these hostilities.

I remember well in meeting with the South Korean Government officials when South Korea sent a ship full of grain and other food shipments to the North. The North simply confiscated the ship, took down the South Korean flag, raised the North Korean flag, took all of the personnel involved, and had them incarcerated for about 10 days, and then finally let those folks go back to South Korea. That to me is not a very willing partner in an effort to relieve any kind of famine.

Quite frankly, when we were in North Korea they were conducting a military exercise at the time that we were there, and wasting, as far as I am concerned and any other observer, valuable dollars that could have been provided to their own people who are suffering. This is a repressive regime—a theocracy, if you will—that is punishing their senior citizens and their very young—putting them through a famine at the same time that they are asking us for this kind of assistance.

Question: Will these funds go to the purpose that it should go to, or will they go to simply reinforce a very repressive military?

These are questions that should be answered. And I think with the latest flare-up on the DMZ Senator MURKOWSKI and Senator MCCAIN have made an excellent amendment, and I hope we would consider it and I hope it will be improved.

UNANIMOUS-CONSENT AGREEMENT—S. 1004

In behalf of the leader, I ask unanimous consent that the bill, S. 1004, be considered read a third time, that the vote on passage occur as under the original consent, and additionally the bill not be engrossed, that it remain at the desk pending the receipt of the House companion measure; I further ask unanimous consent that when the House companion measure is passed pursuant to the previous order, the passage of S. 1004 be vitiated and that S. 1004 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DORGAN addressed the Chair.

Mr. DORGAN. Mr. President, I ask unanimous consent that Matthew Goldenberg, Danette Lince, Joshua Spellman, and Katherine Ruth be given floor privileges today.

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

Mr. MURKOWSKI. Mr. President, I have an amendment pending, and I had asked for the yeas and nays some time ago. There was a question, and I would like to again ask for the yeas and nays on my amendment on North Korea.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MURKOWSKI. I thank the Chair and I thank my colleague.

Mr. LEAHY. Mr. President, because of a meeting with the President and the Vice President, I was unable to be here for the opening of this bill, and I did want to make note of a couple items.

First, I do commend my friend from Kentucky, Senator MCCONNELL, who has put together a bill which I believe both parties, both Republicans and Democrats, can and should support. I should note that last year the foreign operations bill passed the Senate by a vote of 93 to 7, which is pretty darned good for such a piece of legislation. This year's bill I think will pass by an even higher margin.

I thank the chairman of the full committee, Senator STEVENS, and the senior Democrat on the committee, Senator BYRD, for providing us with an allocation that has made it possible to fund many of the administration's foreign policy priorities, in fact, most of the priorities of Members of the Senate, and that is extremely important as we go into conference with the other body.

For the past 3 years, Senator MCCONNELL and I and Senator LUGAR and others have argued that U.S. leadership costs money. Senator MCCONNELL has fought efforts in the House to cut funding for programs that are vital to U.S. foreign policy and national security. I think all of us owe him a debt of gratitude for that. I take the attitude, which is the attitude of all Vermonters ahead of me, that in foreign policy matters especially we should try to develop bipartisanship. The distinguished senior Senator from West Virginia and the distinguished senior Senator from Alaska did that in developing the allocation in this bill. While I am the only Member of my party ever to be elected from the State of Vermont, I look back to distinguished predecessors as Senators from Vermont who always tried to develop that bipartisanship in foreign policy. This bill appropriates additional funds for development assistance in microenterprise, health and education, agriculture, and many other activities supported strongly on both sides of the aisle—a special fund for combating infectious diseases. I thank the distinguished chairman of the subcommittee for that.

This is an area that I was particularly concerned about. We have seen an alarming increase in TB and other diseases that were once thought to be under control, new viruses like Ebola. These pose a threat to America. You might ask what American interest is there in that in a foreign aid bill. It is very simple. These funds will help monitor and combat these diseases. A microbe does not stop at a border and get a visa before it moves on to the next country. Microbes and viruses, diseases, some of the most horrendous diseases known in our lifetime, traveled freely across borders.

In an era where a Member of Congress does much traveling, we see how people can be, for example, in Kenya and be back in Washington in a matter of long hours, but it is possible to travel that way, sometimes perhaps arriving even a few minutes later than they might have liked, but being able to arrive.

I should note for the RECORD that this reflects sort of a private joke between the distinguished Presiding Officer, my good friend, and myself. But the point is people do travel and, unlike the old days when you looked at a different continent one would never visit, now we go back and forth, and diseases do, too.

My wife, who works as a registered nurse, sees far, far more patients with TB today than she had seen a decade ago. We see far more diseases that we thought had disappeared popping up again. What we want to do is have money in here to help us monitor countries where these diseases are coming up, help the world organizations most involved in this to isolate and quarantine and help eradicate diseases before they travel into our country or other countries.

I also appreciate what has been done to fund IDA. Even though it is $950 million, it is close to and goes a long way toward meeting our past commitments. The same goes for UNICEF, a favorite organization of mine, and other U.N. agencies. We were able to provide $60 million for the global environment facility. The GEF plays a central role in protecting international waters and biodiversity, replacing ozone depletion. It is a step in the right direction. I would like to see a United States contribution to the African Development Fund. I would like to see more funds for voluntary peacekeeping, disaster relief programs.

There were some hard choices. I point out to people that most programs that did not receive full funding, and they are relatively few, were distributed fairly evenly across the various accounts here.

I have other areas of concern, and I will speak to those when the time comes.

I say only this in closing, Mr. President. We have a tremendous opportunity to influence economic and political events around the world, but diplomacy costs money. It is money to support programs that will in a very real way determine what kind of world our children's grandchildren live in. We are the most powerful nation in the world, the greatest democracy history has ever known, and we have a responsibility to the rest of the world because of that. We do not live in isolation, and this bill helps us say that.

Mr. President, I do not see others seeking the floor, so 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. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise to speak to the legislation now pending before the Senate on three topics that are much different in nature, but I think reflect the diversity of the subject matter of this important legislation.

NATO ENLARGEMENT ASSISTANCE

At the outset, let me join with my colleague, Senator GORTON of Washington, who has offered a sense-of-the-Senate amendment in his name and mine, asking that Lithuania, Latvia, and Estonia be invited to become full NATO members at the earliest possible date. I have addressed this issue before on the State Department authorization, and it was adopted by the Senate in similar form.

The amendment states the sense of the Senate that Lithuania, Latvia, and Estonia are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members; that these three countries would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and they should be invited to become full NATO

members at the earliest possible date. The recent NATO summit in Madrid resulted in the member nations inviting Poland, Hungary, and the Czech Republic to join NATO. This was a dramatic breakthrough. I think it signaled the end of the cold war and a new era in the world, with those who had been our adversaries for literally decades now to become our allies. We are seeking, with this amendment, Senator GORTON and myself, to increase that number of new NATO members by at least three, by including the Baltic nations.

I can tell you from recent visits to Lithuania that they feel this is the single most important foreign policy challenge which they face. They want to make it clear that they look to the West; they share our values. They are interested in this type of NATO arrangement, which is not offensive in strategy but, rather, seeks peaceful resolutions, and they are hopeful that this will create a new era of opportunity for them.

This amendment is consistent with current laws and programs, and I believe that it is one the administration can embrace. It is clearly not only in our best interests in the United States, but certainly in the best interests of the Baltic States, which are still in a very precarious position.

I thank my colleague Senator GORTON for offering this sense-of-the-Senate resolution on our mutual behalf, and I am also grateful to the managers of the bill for having adopted it.

INTERNATIONAL FAMILY PLANNING

Mr. President, I might go on to say there is another aspect of this bill which is critically important for the future, not only of the United States, but of the world. I rise in support of the funding in this legislation for international family planning. I can't think of a single issue more threatening to the future and stability of our world than the present trends of population increase. The world's population increases by about a quarter of a million people every single day, and 95 percent of the world's population growth is in less developed countries. In 1950, the world's population was 2.5 billion; today it is 5.8 billion. In 1950, the average life expectancy worldwide was 46 years; today, it is 65 years.

By the year 2040, if current trends continue, the world's population will double. The danger of overpopulation, the problems that come with it—poverty, hunger and disease—will not go away if we simply ignore them. We can and we must address these problems by providing family planning assistance to the poorest people in the world.

And family planning works. Mr. President, 30 years ago the average couple in the world had six children. Today, the average couple in the world has four. International family planning is about giving people around the world, especially in the world's poorest countries, the ability to decide the size of their own families. International family planning is about eradicating poverty, hunger and disease. It is not about abortion. It is about preventing abortion. It is estimated that unwanted pregnancies lead to 50 million abortions every year—abortions that might have been prevented by family planning.

International family planning literally saves the lives of children and their mothers by increasing the time between births and helping women to avoid high-risk pregnancies. It is estimated that preventing closely spaced births and pregnancies to very young mothers can save the lives of 3 million babies a year. That would be a 25 percent reduction in worldwide child mortality.

International family planning makes it possible for poor nations to provide better nutrition, health care and education.

About 6 years ago, I joined my House colleague, the late Congressman Mike Synar of Oklahoma, on a trip to Bangladesh. It was an amazing educational experience. One of the poorest countries in the world, Bangladesh seems to be living under a dark cloud. If there is a natural disaster to occur, it is usually occurring in Bangladesh. And these poor people who eke out a living are often victimized by these disasters.

Congressman Synar and I went into the back country where the roads end and we had to get out of the 4-wheel-drive and start hiking to a little village where we literally met with 50 women and their children who were part of a project known as the Grameen Bank, a fascinating experiment in credit for poor people which has now caught on worldwide.

After this meeting, one of the women came up to me and, through an interpreter, spoke to me. She was holding a small baby in her arms, and she said to me that she wanted to tell me something. I asked what it was, through the interpreter. She wanted to tell me that, because of family planning and also because of the UNICEF and United Nations effort to save the lives of small children in developing countries, she and her husband had decided to have no more than three children. It was a dramatic admission on her part to a pale-skinned stranger from a country she had literally never heard of.

Those of us who think the money that is invested in this legislation doesn't do any good should take the time to visit those parts of the world where it literally means life or death. For her, it meant the baby in her arms would survive. In these countries, with their poor health conditions, many times unsanitary water would result in children with dysentery and other intestinal problems who literally died for lack of hydration. The rehydration therapy, as simple and cheap as it is, saves these lives and gives these mothers the hope that they don't need to have six children to have three survivors. And that, many times, is the driving force behind large families in poor countries.

So I hope those who are supporting this legislation, as I am, understand that its investment and commitment to international family planning and also the children's program is money well spent, not just for the humanitarian purposes which I have outlined but for very selfish reasons, for the future of the United States. If we start to stabilize world population, we can also help to stabilize political situations and hope as well that we will bring that kind of quality of life around the world that we enjoy in most parts of the United States today.

SCHOOL OF THE AMERICAS

Mr. President, the final issue which I will address in this moment on the floor is in relation to an amendment which I am prepared to offer today but will not. It is an amendment which has been considered time and again in the House but has not been considered in the Senate. I had thought that it was time to call up this amendment, but after discussions with my colleagues we have decided to wait until next year's appropriations bill to address it.

What I am speaking to is a project known as the School of the Americas. The School of the Americas was established over 50 years ago to provide military education and training to military personnel of Central America, South America, and the Caribbean countries. Given the breakup of the Soviet Union, the training provided at this school is no longer appropriate to the long-term goals of the United States or Latin America. This school at Fort Benning, GA, has been a training ground for thousands of individuals who have been brought in from the militaries of Central and South America and the Caribbean and trained to become more proficient in their military ways.

We acknowledge the Army has tried to make changes at the School of the Americas by updating curricula and improving the selection process for students and the quality of teachers. Despite these efforts, it is my belief that the School of the Americas should be closed. It is an element in this bill which I do not support. It serves no strategic purpose.

In the post-cold-war era, we need to strengthen civilian institutions in Latin America, not the militaries. And the school cannot overcome its horrendous history and its past links to numerous military personnel who have committed human rights atrocities. These admissions are an embarrassment to the United States and to our reputation as a leader in promoting human rights throughout the world.

The training manuals at this school as late as 1991 contained instruction in torture and extortion. Imagine, U.S. taxpayers' dollars spent at this facility in Georgia, at a U.S. military base, to train foreign military leaders in torture and extortion. It is incomprehensible.

No one has been held accountable for the fact that the U.S. Army was teaching training techniques which clearly

violated U.S. Army policy. The School of the Americas has trained leaders in tactics to violate human rights and has done so knowingly and deliberately. It is well documented that this school's graduates have planned and participated in severe cases of human rights abuses during the history of this institution.

Listen to this roster of graduates from the School of the Americas, funded by taxpayers' dollars: Panamanian dictator and drug dealer Manuel Noriega; 19 Salvadoran soldiers linked to the 1989 murder of 6 Jesuit priests, their housekeeper and her daughter; El Salvador death squad leader Roberto D'Aubuisson; Argentinian dictator Leopoldo Galtieri; 3 of the 5 officers involved in the 1980 rape and murder of 4 United States churchwomen in El Salvador; and 10 of the 12 officers responsible for the murder of 900 civilians in the El Salvadoran village, El Mozote.

Victims of these abuses often are the most vulnerable of the country, the poor and Roman Catholic religious who spoke out in defense of peace and social justice. Given that the training manuals used at the school advocated torture, blackmail and other forms of coercion, the atrocities committed by these graduates are predictable results. The United States needs, in this post-cold war era, to find a better way to moderate the abuses of Latin American militaries. Clearly, the School of the Americas is not the answer.

I think it is clear that this school needs to be closed. If an alternative needs to be opened, let us restructure it consistent with our own human rights values. I will not be offering the amendment today which would close this institution, but I want to make it clear to my colleagues in the Senate and those who are listening to this debate, that we will continue to monitor the School of the Americas, that we will continue to make certain that they know we are watching what they do and the graduates they send to lead the militaries of foreign nations. And we will insist, at every step of the way, that this School of the Americas pursue policies that are consistent with the best interests and policies of the United States.

Mr. President, at this point, I yield the remainder of my time.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 895

(Purpose: To restore to United States citizens and residents the right of travel to Cuba)

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

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 895.

Mr. BINGAMAN. 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:

SEC. . TRAVEL TO CUBA.

(a) PROHIBITION.—The President shall not restrict travel to Cuba by United States citizens or other persons subject to the jurisdiction of the United States, except in the case in which the United States is at war, where armed hostilities are in progress in or around Cuba, or where there is imminent danger to the public health or the physical safety of the United States travelers to Cuba.

(b) SUPERSEDES EXISTING LAW.—This section supersedes any other provision of law.

(c) DEFINITION.—For purposes of this section the term ''United States'' includes the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

Mr. BINGAMAN. Mr. President, the amendment I have just sent to the desk is a very simple amendment that would provide that the President shall not restrict travel to Cuba by United States citizens and other people who are lawfully subject to the jurisdiction of the United States, except in circumstances where we are at war or where there are armed hostilities in or around Cuba, or where there is imminent danger to public health or physical safety of United States travelers in Cuba.

My own view is that our policy today, toward Cuba, is a holdover from the cold war. It is an anachronism. It is out of step with the sentiments of the American people. And it is certainly out of step with the best interests of our own country.

We have gotten into a situation where the only attention that is given to our relations with Cuba is that every 6 months the President comes forward and once again waives certain extraterritorial provisions that were part of the Helms–Burton Act that was passed last year; and at the same time that it waives those provisions, it assures Members of Congress and the Cuban-American community that it plans to maintain a posture of tough sanctions against Cuba. So any efforts that might be undertaken to promote a constructive and humanitarian engagement with Cuba, or at least some level of humanitarian assistance to those in need in Cuba, all of that has been put aside and lost, unfortunately, in our discussion of Cuban-American relations.

When the Helms–Burton Act passed the Congress, Walter Russell Mead wrote an article in the New Yorker that I think sums things up pretty well. He said:

Fidel Castro has survived the enmity of nine American Presidents. In concert with his enemies in South Florida, he retains a hypnotic ability to induce stupidity in Yankee policymakers. That seems unlikely to change until the U.S. Government gets around to taking control of its Cuba policy away from a small, self-interested lobby group.

Mr. President, I share Mr. Mead's views on this anachronistic stance that we continue to take toward Cuba.

In my opinion, the one reason that Castro has remained entrenched and has survived nine American Presidents is that he continues to be able to point to the United States as a menacing foreign presence and to call upon the Cuban people to withstand the hardships that they have to withstand because of bad intentions and actions by America, as he would have it.

If people, including so many of my distinguished colleagues across the aisle and on the Democratic side, believe in the value of Radio Marti and TV Marti, our broadcasting operations in Florida, which are intended to inform Cubans about the way of life in the United States and our freedoms and our liberties, then certainly increasing contact by allowing travel by Americans to Cuba would do even more. I think it is important that the administration and others realize that the Helms–Burton Act and this 6-month clock on issuing a waiver on the worst provisions of that act not be allowed to serve as the be all and the end all of our Cuban policy.

On June 19 of this year, I joined Senator DODD and a great many other Senators in writing to the President urging that direct flights to Cuba for the purpose of humanitarian assistance be permitted. The subject of that letter is not the subject of my amendment today. I cite that as one example of an effort to improve constructive relations between ourselves and Cuba and to assist in humanitarian needs that are real.

I do believe that one of the least justifiable aspects of our policy toward Cuba today is the restrictions that we place on travel by U.S. citizens and U.S. residents to that country. The right to travel is a constitutional right. It is one that the courts have recognized. It is one that we, as a country, have recognized and that we only interfere with where there is a national security reason or some overriding national interest that requires that we interfere with that free right of travel.

I attended a conference, Asia Pacific Forum, 2 weeks ago at the Kennedy School in Boston. There were some Chinese leaders there and some Korean leaders and some Japanese leaders, and I was struck by the story that I heard from one of the Chinese leaders, the head of the Chinese delegation. He had been one of those singled out for abuse during the cultural revolution when that occurred in China a couple of decades ago.

He was taken from his hometown, from Beijing, at that time where he was a prominent leader in the university, and he was sent to a very remote part of China and forced to work there. He worked in a factory for 10 years during the cultural revolution in a very

lowly position. At the end of the cultural revolution, he was allowed to take a more responsible position and, once again, begin to demonstrate and use his talents, but he stayed in that factory for an additional 5 years after the 10 years that was required during the cultural revolution.

I asked, ''Why did you stay in that part of China? Why didn't you come back to Beijing?''

He said, ''I didn't have a permit. I wasn't permitted to travel.'' You couldn't just travel. You weren't permitted, at that time at least, to travel in China without a permit.

Mr. President, that refusal to allow people to travel is characteristic of Communist, authoritarian regimes. It is not characteristic of the United States. It should not be our policy to keep American citizens and American residents from traveling, except where national security requires it. Clearly, there is no national security justification for us continuing to prevent travel to Cuba by Americans today.

Let me also just point out this restriction against travel is an invitation to abuse. We have a lot of people in business in this country, in Canada, in Mexico and in various nearby countries who make it their business to facilitate travel to Cuba by United States citizens.

We made a little search of the Web. You are supposed to search the Web whenever you want to find out anything these days. So we got on the Internet. Here is a provision, Intra Kensington Travel. It says: ''Cuba travel for U.S. citizens. U.S. citizens holding valid passports are welcomed as visitors to Cuba for purposes of tourism. Many U.S. citizens visit Cuba each year for this purpose.''

This is what the advertisement on the Web said: ''When you arrive in Cuba, ensure that your passport is not stamped. Instead, have the Cuban immigration officials stamp a separate sheet of paper and be sure to bring this with you, so your passport won't be stamped. To avoid difficulty with U.S. Immigration and Customs authorities, do not return to the United States with any evidence that you have ever visited Cuba. This would include cigars, rum, souvenir T-shirts, postcards, tourist information and other items.''

Mr. President, this restriction is not enforceable. It is being abused. It is an embarrassment to a great nation like ours that we have this restriction in our law. I believe strongly that we should eliminate it. The amendment I sent to the desk would do that.

Let me also say, though, for purposes of reality in the Senate, that we have had a vote on this amendment before, essentially this same amendment. Former Senator Simon from Illinois offered this same amendment in the last Congress. I supported his efforts. I am sad to report that we only received 25 votes for the effort to eliminate these restrictions.

So this year, Mr. President, I would like to offer a different amendment and see if we can't get more support. Let me, at this point, Mr. President, withdraw my amendment and send another amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The Senator has a right to withdraw his amendment.

The amendment (No. 895) was withdrawn.

AMENDMENT NO. 896

(Purpose: To provide for Cuban-American family humanitarian support and compassionate travel)

Mr. BINGAMAN. Mr. President, I send another amendment to the desk and ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 896.

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

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

The amendment is as follows:

SEC. . PROTECTION OF HUMANITARIAN EFFORTS.

Notwithstanding any provision of law to the contrary,

(1) no person subject to U.S. law as it pertains to expenditures of money in Cuba shall be prohibited from sending to his or her parent, sibling, spouse, or child currently residing in Cuba small amounts of money (not to exceed $200 per month) to be used for the purchase of basic necessities, including food, clothing, household supplies, rent, medicines, and medical care;

(2) each person subject to U.S. law as it pertains to expenditures of money in Cuba in relation to travel to Cuba shall be free to travel without limitation for periods not to exceed 30 days per any one trip to attend to a medical emergency involving, or to attend the funeral of, such person's parent, sibling, spouse, or child; and

(3) the United States government shall not be prohibited from participating in humanitarian relief efforts of multilateral organizations of which the United States is a member, where such humanitarian relief efforts are made in the aftermath of a natural disaster on the island of Cuba.

Mr. BINGAMAN. Mr. President, let me describe the second of these amendments. It says, and I will just read it. It is very short. It says:

Notwithstanding any other provision of law to the contrary,

(1) no person subject to U.S. law as it pertains to expenditures of money in Cuba shall be prohibited from sending to his or her parent, sibling, spouse or child currently residing in Cuba small amounts of money (not to exceed $200 per month) to be used for the purchase of basic necessities, including food, clothing, household supplies, rent, medicines and medical care;

That is the first part.

The second part:

(2) each person subject to U.S. law as pertains to expenditures of money in Cuba in relation to travel to Cuba shall be free to travel without limitation for periods not to exceed 30 days per any one trip to attend to a medical emergency involving, or to attend the funeral of, such person's parent, sibling, spouse or child . . .

Mr. President, the third part of this amendment says that:

(3) the United States Government shall not be prohibited from participating in humanitarian relief efforts of multilateral organizations of which the United States is a member, where such humanitarian relief efforts are made in the aftermath of a natural disaster on the island of Cuba.

So this amendment that is now pending before the Senate would do these three things: It would allow a modest amount of funds to be sent by a U.S. citizen or resident to their family, for purposes of basic necessities—food, clothing, supplies, rent, medicines, and medical care—not to exceed $200 per month.

Second, it would provide this opportunity to return to Cuba for up to 30 days, again, by someone who has a relative, a parent or a sibling or a spouse or a child still in Cuba. And third, it would allow the United States Government to participate in humanitarian relief efforts if there is a natural disaster on the island of Cuba, and participate in those relief efforts through multilateral organizations, not unilaterally, but through multilateral organizations.

None of these provisions threaten the national security of the United States. These are extremely modest ways that we can enhance the person-to-person contact and humanitarian assistance which can begin to take United States-Cuban relations in a positive direction.

None of these provisions violate the spirit of the economic embargo that we have had in place these 35 years, although I must acknowledge that I think that economic embargo at this stage in our history is a mistake. None of what I am proposing here interferes with that economic embargo. None of these provisions help Castro to galvanize his public against the United States. They may very well help erode the support that he has been able to maintain during this last 35 years because of the failed policy that we have pursued during that entire period.

So I urge my colleagues to support this amendment. I believe it is a worthwhile amendment and one that would move us in a positive direction.

Mr. President, we are coming on the end of this entire century and millennium, and sooner or later we need to become realistic about the fact that this other nation, Cuba, is 90 miles from our border, and we need to try to develop a more constructive relationship.

This provision would help Cuban-American citizens in particular, but would begin to move us toward a constructive relationship. I urge its support, and I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, is there a vote scheduled at 2?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Does the Senator wish to speak on this amendment?

Mr. BROWNBACK. Not on this amendment. I have a separate amendment I want to propose that the managers have agreed to. It is a sense-of-the-Senate resolution.

Mr. STEVENS. I would like to speak for a couple of minutes—I know the Senator is seeking recognition—on the Smith of Oregon amendment before the vote at 2.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

AMENDMENT NO. 889

Mr. STEVENS. Mr. President, I support the Smith amendment, and I remind the Senate that at the time of the great upheaval in the Soviet Union, when the tanks rolled into Red Square, there was a group of people that was prodemocracy from throughout the world which carried Bibles into that square and literally handed them out to the drivers of the tanks which were coming into Red Square, supposedly to dislodge the new government.

While I was chairman of the Presidential prayer group one year, I asked our former great symphony director, Rostropovich, to come and tell about his experience there. He told us of these people coming into the square and handing out those Bibles.

What is happening now in Russia is a direct reversal of the open-door policy for those people who believe that freedom of religion is an international freedom. I do believe that the Senate should go on record in support of the Smith amendment today. That is why I urge its adoption at this time.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Thank you very much, Mr. President.

AMENDMENT NO. 892

(Purpose: To express the sense of the Senate regarding the targeting of assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia)

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the pending amendments be set aside so I can call up amendment No. 892.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 892.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the 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:

SEC. . SENSE OF THE SENATE REGARDING SUPPORT FOR COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA.

Congress makes the following findings:

(1) The ancient Silk Road, once the economic lifeline of Central Asia and the South Caucasus, traversed much of the territory now within the countries of Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

(2) Economic interdependence spurred mutual cooperation among the peoples along the Silk Road and restoration of the historic relationships and economic ties between those peoples is an important element of ensuring their sovereignty as well as the success of democratic and market reforms.

(3) The development of strong political and economic ties between countries of the South Caucasus and Central Asia and the West will foster stability in the region.

(4) The development of open market economies and open democratic systems in the countries of the South Caucasus and Central Asia will provide positive incentives of international private investment, increased trade, and other forms of commercial interactions with the rest of the world.

(5) The Caspian Sea Basin, overlapping the territory of the countries of the South Caucasus and Central Asia, contains proven oil and gas reserves that may exceed $4,000,000,000,000 in value.

(6) The region of the South Caucasus and Central Asia will produce oil and gas in sufficient quantities to reduce the dependence of the United States on energy from the volatile Persian Gulf region.

(7) United States foreign policy and international assistance should be narrowly targeted to support the economic and political independence of the countries of the South Caucasus and Central Asia.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the policy of the United States in the countries of the South Caucasus and Central Asia should be—

(1) to promote sovereignty and independence with democratic government;

(2) to assist actively in the resolution of regional conflicts;

(3) to promote friendly relations and economic cooperation; and

(4) to help promote market-oriented principles and practices;

(5) to assist in the development of infrastructure necessary for communications, transportation, and energy and trade on an East-West axis in order to build strong international relations and commerce between those countries and the stable, democratic, and market-oriented countries of the Euro-Atlantic Community; and

(6) to support United States business interests and investments in the region.

(c) DEFINITION.—In this section, the term ''countries of the South Caucasus and Central Asia'' means Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgystan, Tajikistan, Turkmenistan, and Uzbekistan.

Mr. BROWNBACK. Mr. President, this will just take a minute or two, because the managers have agreed to this particular amendment.

I know Senator SMITH has a very important amendment that we are going to be voting on, which I support. I think he is in an absolute right position to be stating in this amendment what our aid should be based on.

I rise today to bring to the Senate's attention in a sense-of-the-Senate resolution another strategic important region of the world that is also being impacted by where it sits locationwise.

And these are countries that are transversed by the Old Silk Road.

The PRESIDING OFFICER. The Senator will suspend.

VOTE ON AMENDMENT NO. 889

The PRESIDING OFFICER. The Chair states that under the previous order the vote now occurs on amendment No. 889 offered by the Senator from Oregon. The yeas and nays have been ordered.

Mr. MCCONNELL. Mr. President, I understand that the Senator from Kansas is only asking for a few minutes.

Mr. BROWNBACK. That is correct.

Mr. MCCONNELL. I ask unanimous consent that the Senator from Kansas be given 5 minutes, and then the votes commence then.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. LEAHY. Reserving the right to object, and I will not object, if we are going to do that, the distinguished Senator from Virginia wanted an equal amount of time.

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to amendment No. 889. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana [Mr. BURNS] is necessarily absent.

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

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

The result was announced—yeas 95, nays 4, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—95

Abraham	Feinstein	Mack
Akaka	Ford	McCain
Allard	Frist	McConnell
Ashcroft	Glenn	Mikulski
Baucus	Gorton	Moseley-Braun
Bennett	Graham	Moynihan
Biden	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nickles
Breaux	Gregg	Reed
Brownback	Hagel	Reid
Bryan	Harkin	Robb
Bumpers	Hatch	Roberts
Campbell	Helms	Rockefeller
Chafee	Hollings	Roth
Cleland	Hutchinson	Santorum
Coats	Hutchison	Sarbanes
Cochran	Inhofe	Sessions
Collins	Inouye	Shelby
Conrad	Jeffords	Smith (NH)
Coverdell	Johnson	Smith (OR)
Craig	Kempthorne	Snowe
D'Amato	Kennedy	Specter
Daschle	Kerry	Stevens
DeWine	Kohl	Thomas
Dodd	Kyl	Thompson
Domenici	Landrieu	Thurmond
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Warner
Enzi	Levin	Wellstone
Faircloth	Lieberman	Wyden
Feingold	Lott	

NAYS—4

Bingaman	Kerrey
Byrd	Lugar

NOT VOTING—1

Burns

The amendment (No. 889) was agreed to.

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

Mr. MCCONNELL. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Is the SMITH underlying amendment now the pending business?

The PRESIDING OFFICER. The question is on final passage of the energy and water appropriations bill, under a unanimous consent.

Mr. BYRD. Mr. President, I had hoped to speak briefly before this last vote to explain my reasons for voting against the amendment. This is a politically sensitive vote, and I did not have the opportunity to explain in advance.

I am sympathetic to the concerns of Senator SMITH with regard to religious minorities in Russia or anywhere else. The effect of the law recently passed by the Russian Duma is to discriminate against any religious group not recognized by the Soviet Government in 1982, which has the effect of recognizing the rights only of Orthodox Christianity, Islam, Judaism, and Buddhism. This represents an onerous act of discrimination against religious minorities within the Russian Federation.

I note that if the same standard included in the Smith amendment was applied to all other nations, we would be forced to terminate our foreign aid to other key United States allies, including Israel, Egypt, and Turkey. These nations, along with others, could not pass the test included in the Smith amendment. This amendment, therefore, discriminates against one nation, even while it claims that discrimination is its concern. Just as Russia should apply one standard in the case of all religions, so should the United States apply one standard in the distribution of foreign aid with all other nations.

Finally, I would note that there are other diplomatic methods that can be used to deal with this problem. When the United States was concerned about Jewish emigration from the Soviet Union, we were able to greatly increase such emigration by using quiet diplomacy. As soon as the Congress enacted laws publicly attacking the Soviets on this matter, emigration was sharply reduced. The Smith amendment could well have the same effect, and would only make matters worse for religious minorities in Russia, as Nationalist elements in the Duma may react in anger to this action.

I am not a strong advocate of foreign aid. I don't carry a brief for Russia, and as far as believing that religion should not be discriminated against, I don't think anyone in this Chamber would feel more strongly than I. But let me read to Members what the annual State Department report on human rights states in its report concerning Israel.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status.

Under the complex mixture of laws and regulations that apply to the territories, Palestinians are disadvantaged under Israeli law and practices compared with the treatment received by Israeli settlers. This includes discrimination in residency, land and water use, and access to health and social services.

Reading from the same United States State Department report, concerning religious minorities in Israel:

In civic areas where religion is a determining criterion, such as the religious courts and centers of education, non-Jewish institutions routinely receive less state support than their Jewish counterparts. The status of a number of Christian organizations with representation in Israel has heretofore been defined by a collection of ad hoc arrangements with various government agencies. Several of these organizations are negotiating with the Government in an attempt to formalize their status.

Attempts to establish meaningful negotiations are ongoing.

Another paragraph, under the subject of—this is very fine print, and I have some difficulty reading it—''National/Racial/Ethnic Minorities.'' The State Department report says:

The government—

Meaning the Israeli government—

does not provide Israeli Arabs, who constitute 18 percent of the population, with the same quality of education, housing, employment, and social services as Jews. Government efforts to close the gaps between Israel's Jewish and Arab citizens have resulted in an estimated 180 percent increase in resources devoted to Arab communities between 1992 and 1996. Nevertheless, significant differences remain.

Now, Mr. President, I felt that Senators ought to know my reason, and I certainly want my constituents to know my reason, for voting against this amendment. I wanted to call to the attention of the Senate the problem here in rushing to vote on matters that we don't clearly understand when we come to the well to vote. And I have that problem as much as anybody. But it seems to me there is some inconsistency here in handing out foreign aid—the American taxpayers' money.

If foreign aid is going to be used as an enforcer of human rights, then we ought to be consistent. That is all I am saying. If we are going to be consistent, my colleagues, remember that you may be asked one day to cut off aid to Israel, or to cut off aid to Turkey. Senators know that I have fought battles on this floor here in support of Turkey, and so I am not saying this with any animus whatsoever toward the recipient countries; that is not it. I am just calling attention to the fact that we voted, in this amendment, to apply an ''enforcer,'' if I may use that term, concerning human rights, and it is not an enforcer tool that we apply consistently across the board against our friends. I don't know how we can defend votes like this to the American people.

I feel as strongly as anyone about religion. I am not of the religious right and I am not of the religious left. I don't claim even to be a good man. My Scripture tells me that no man is good—but this is another matter. And I hope that Senators know that we don't even have a waiver provision in this amendment. I should think that there ought to be a waiver—a national security waiver. The President should have an opportunity to waive this provision under certain conditions. That is not in this amendment. What I am saying, I certainly don't say critically of the author of the amendment. My sentiments, I am sure, are much like his in the overall. But I think we make the mistake when we vote without really understanding what we are voting on in a matter of this kind. This is a very politically sensitive matter. It is pretty difficult to explain your vote against this kind of an amendment—pretty difficult.

Finally, I note that there are other diplomatic methods that can be used to deal with this problem. When the United States was concerned about Jewish immigration from the Soviet Union, we were able to greatly increase such immigration by using quiet diplomacy. As soon as the Congress enacted laws publicly attacking the Soviets on that matter, immigration was sharply reduced.

The Smith amendment could well have the same effect, and would only make matters worse for religious minorities in Russia, as nationalist elements in the Duma may react in anger to this action.

Mr. President, that is the explanation of my vote.

I yield the floor.

VITIATION OF YEAS AND NAYS ON AMENDMENT NO. 888

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on amendment No. 888, as now amended.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Senators HELMS, D'AMATO, HATCH, and BENNETT be added as cosponsors to the Smith amendment.

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

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The question now is on the energy and water appropriations bill, S. 1004.

The yeas and nays have not been requested.

Mr. DOMENICI. 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.

Mr. REID. Mr. President, I am grateful for the work by so many to reach conclusion on this most important appropriation bill.

Senator DOMENICI has been a real partner and I appreciate his openness with me and my staff.

Alex Flint and David Gwaltney have been easy to work with and have been essential to final passage of this bill. Minority clerk Greg Daines has rendered invaluable service to me and the country in helping develop this legislation. Elizabeth Blevins on the minority side has been most helpful. Bob Perret, a congressional fellow, has rendered valuable assistance to me with his scientific background.

I look forward to a quick conference and a speedy signature by the President.

DISPOSITION OF EXCESS PLUTONIUM

Mr. GORTON. Mr. President, I rise to engage in a colloquy with the distinguished chairman and ranking member of the subcommittee regarding an issue that has been underscored in the House report and deserves similar recognition within this distinguished body. The issue concerns the Department of Energy's program for disposition of excess weapons usable plutonium. This program, managed by the Department's Office of Fissile Materials Disposition, is an important cornerstone of international efforts related to arms reduction, nonproliferation, and world peace. It is a relatively new program within the Department, and one that deserves special recognition by this body and our unconditional support.

Mr. CRAIG. Mr. President, I rise in support of the gentleman from Washington State and to add my request that this body go on record in clear support of the Department's Plutonium Disposition Program. In particular, the Department should be commended for all its fine work leading to the January Record of Decision, which chose two options for the disposition of the excess weapons plutonium. These two options—immobilization and use of mixed oxide [MO_x] fuel in existing reactors—will set the pace for parallel activities in the former Soviet Union. We should encourage the Department now to implement this decision in an expeditious manner, for the sake of world peace and stability. In particular, we understand that the Department intends to begin the process of selecting the suite of industrial partners that will carry out the MO_x Program. I look forward to the fruits of that labor, and strongly encourage the Department to move out expeditiously. Accomplishments in this program can do a lot toward world security, not to mention what it can do for DOE's image and reputation at home and abroad.

Mr. DOMENICI. I thank my colleagues for highlighting this important program before the Senate as a whole, and I add my concurrence to the sentiments expressed.

Mr. REID. I, too, appreciate the thoughtful remarks of my colleagues and add my support.

ADVANCED HYDROPOWER TURBINE DESIGN

Mr. KEMPTHORNE. Mr. President, yesterday the managers accepted my amendment No. 870. The amendment will continue funding for an ongoing shared-cost research program for hydropower turbine design—commonly referred to as the ''fish-friendly hydropower program.''

In the Snake and Columbia Rivers, dams and turbines generate energy that fuel the Northwest economy. But while these facilities are used by this Nation for a tremendous good they also are, in part, responsible for the death and injury of critically endangered salmon. Some young salmon on their way to the ocean pass through the slowly moving turbine blades. The turbulence caused by the blades can and does injure some of these fish. This Nation has spent well over a billion dollars to save salmon as a result of the Endangered Species Act. Stocks of salmon continue to decline causing some to suggest removing the dams altogether. In light of this it seems amazing that we are in the process of removing funding from a promising technology that will save salmon and improve the efficiency of this renewable energy resource.

Phase I of the project—the conceptual/engineering designs—has been completed. Phase II needs to be funded for us to realize the benefits of the money already spent, and to provide the Nation with modern, environmentally sound technology.

We simply can no longer afford to use 50-year-old hydropower technology in a 21st century energy environment. We must learn to balance our environmental concerns with safe and clean energy development.

Preliminary work indicates that a well-focused R&D program can achieve major innovations in the design of environmentally sound hydropower turbines. For the last several years we have been pursuing a program funded by the hydropower industry with a modest contribution from energy and water development appropriations. This amendment will continue that program into the development of a biological design.

The U.S. hydropower industry raised $500,000 of its own funds to invest in phase I of this program. They can be expected to continue to contribute to this program in phase II.

Hydropower is the Nation's leading renewable energy source, producing 85 percent of the U.S. renewable energy capacity and 13 percent of all U.S. electric generation. In the Pacific Northwest States of Montana, Idaho, Oregon, and Washington 60 percent of electrical usage depends on hydropower. In the South and Northeast, hydropower remains an integral part of electrical energy supplies. The Clinton administration's climate change action plan identified a continued and expanding role for emission free hydropower in sustainable development. With proper siting and sound technology, the Department of Energy estimates hydropower can increase U.S. energy independence and opportunities for sustainable development in the United States and worldwide. With over 100 hydro facilities being relicensed over the next decade, the development of an alternative technology will be essential to maintaining electric generating capacity.

This is not the time to end a promising, environmentally sound and technologically efficient tool in our Nation's energy arsenal. We cannot in good conscience end funding for this program while the numbers of salmon stocks remain at their critically low levels.

TENNESSEE VALLEY AUTHORITY

Mr. JEFFORDS. Mr. President, the Tennessee Valley Authority was created as part of the New Deal to bring economic development and electricity to the Tennessee Valley. Much has changed since the 1930's. Fortunately, rural Americans now enjoy electricity, and the economy of the Tennessee Valley has improved significantly. That region's economy, in fact, is doing quite well and now is home to industry and businesses like Saturn Automotive and Gateway Computer. It's time for TVA to change, too.

Over the past six decades, TVA has become, by its own measure, the Nation's largest electric utility company, providing some of the cheapest electricity in the Nation. TVA's current managers are trying aggressively to prepare this giant government-owned utility for the competition that may result from deregulation. Earlier this year, in testimony before the Energy and Water Development Appropriations Subcommittee, TVA's Chairman argued that, in order to help prepare for this competition, the direct Federal appropriation to TVA should end. In fact, he stated, ''With your help, we can end taxpayer funding of TVA appropriated programs and begin a new era for TVA.'' It is my understanding that the Energy and Water Development Appropriations Subcommittee has voted to codify that request.

Reforming TVA should no longer be a controversial activity. More and more lawmakers have introduced bills to rethink the giant agency as we look toward a deregulated electricity industry and a balanced Federal budget. Even TVA's Chair, as mentioned before, has stated that the agency should forego its $106 million annual appropriation. TVA's former chief financial officer has gone further, arguing that the Federal Government should sell TVA. Sale, he argues, would generate big savings for taxpayers; reduce the Federal debt; provide a model for privatization; and move one of the largest electric companies out from under the burden of Federal bureaucracy into the private sector, where it would pay taxes.

Mr. President, I urge my Senate colleagues who will sit on the conference committee to take a first step toward reforming TVA by eliminating the agency's entire appropriation. I also urge my colleagues to consider more substantial changes to TVA in the context of reducing taxpayer subsidies and opening the electricity market to true competition.

Mr. STEVENS. Mr. President, I hope all Senators will support the work of Senator DOMENICI and Senator REID.

The PRESIDING OFFICER. The question is, ''Shall the bill pass?'' The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana [Mr. BURNS] is necessarily absent.

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

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—99

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Gregg	Nickles
Brownback	Hagel	Reed
Bryan	Harkin	Reid
Bumpers	Hatch	Robb
Byrd	Helms	Roberts
Campbell	Hollings	Rockefeller
Chafee	Hutchinson	Roth
Cleland	Hutchison	Santorum
Coats	Inhofe	Sarbanes
Cochran	Inouye	Sessions
Collins	Jeffords	Shelby
Conrad	Johnson	Smith (NH)
Coverdell	Kempthorne	Smith (OR)
Craig	Kennedy	Snowe
D'Amato	Kerrey	Specter
Daschle	Kerry	Stevens
DeWine	Kohl	Thomas
Dodd	Kyl	Thompson
Domenici	Landrieu	Thurmond
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Warner
Enzi	Levin	Wellstone
Faircloth	Lieberman	Wyden

NOT VOTING—1

Burns

The bill (S. 1004), as amended, was passed, as follows:

S. 1004

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, 1998, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $164,065,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

Norco Bluffs, California, $200,000;

Laulaulei, Hawaii, $200,000;

Tahoe Basin Study, Nevada and California, $320,000; and

Barnegat Inlet to Little Egg Harbor Inlet, New Jersey, $400,000: *Provided,* That the Secretary of the Army, acting through the Chief of Engineers, may use $200,000 of funding appropriated herein to initiate preconstruction engineering and design for the Delaware Coast from Cape Henlopen to Fenwick Island, Delaware project.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,284,266,000, to remain available until expended, of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri, Lock and Dam 14, Mississippi River, Iowa, Lock and Dam 24, Mississippi River, Illinois and Missouri, and Lock and Dam 3, Mississippi River, Minnesota, projects, and of which funds are provided for the following projects in the amounts specified:

Arkansas River, Tucker Creek, Arkansas, $300,000;

Red River Emergency Bank Protection, Arkansas, $3,500,000;

Panama City Beaches, Florida, $5,000,000;

Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $18,000,000;

Martin County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $5,500,000;

Middlesboro (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $7,200,000;

Pike County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $5,800,000;

Town of Martin (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $700,000;

Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $4,690,000;

Lake Ponchartrain Stormwater Discharge, Louisiana, $3,000,000;

Natchez Bluff, Mississippi, $4,000,000;

Jackson County, Mississippi (Water Supply), $3,000,000;

Pearl River, Mississippi (Walkiah Bluff), $2,000,000;

Wallisville Lake, Texas, $10,000,000;

Virginia Beach, Virginia (Reimbursement), $925,000;

Virginia Beach, Virginia (Hurricane Protection), $15,000,000;

Hatfield Bottom (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $1,000,000;

Lower Mingo (Kermit) (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $6,300,000;

Lower Mingo, West Virginia, Tributaries Supplement, $150,000;

Upper Mingo County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $3,000,000;

Levisa Basin Flood Warning System (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $400,000;

Tug Fork Basin Flood Warning System (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $400,000; and

Wayne County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $1,200,000: *Provided further,* That the Secretary of the Army is directed to design and implement at full Federal expense an early flood warning system for the Tug Fork and Levisa Basins, West Virginia and Kentucky, within eighteen months of the date of enactment of this Act: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to combine the Wilmington Harbor-Northeast Cape Fear River authorized by the Water Resource Development Act of 1986, section 202(a), the Wilmington Harbor Channel Widening authorized by the Water Resources Development Act of 1986, section 101(a)(23), and the Cape Fear-Northeast (Cape Fear) River authorized by the Water Resource Development Act of 1996, section 101(a)(22), North Carolina projects into one project with one project cooperation agreement based on cost sharing as a single project and that with $2,430,000 of the funds appropriated herein, is directed to continue design and initiate construction of the combined project: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $15,000,000 of the funds appropriated herein to initiate construction of the Houston-Galveston Navigation Channels, Texas, project and execute a Project Cooperation Agreement for the entire project authorized in the Water Resources Development Act of 1996, Public law 104–303: *Provided further,* That the Assistant Secretary of the Army for Civil Works shall consider the recommendations of the Special Reevaluation Report for the McCook Reservoir as developed by the Corps of Engineers Chicago District: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, may use up to $5,000,000 of the funding appropriated herein to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, and that this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(i)); except that funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further,* That the economic justification for the emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects, and that the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: *Provided further,* That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission,

that the project will not violate the requirements or intent of the Treaty Between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada, signed at Washington January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the ''Boundary Waters Treaty of 1909''): *Provided further,* That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: *Provided further,* That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g–1), $289,000,000, to remain available until expended: *Provided,* That notwithstanding the funding limitations set forth in Public Law 104–6 (109 Stat. 85), the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to use additional funds appropriated herein or previously appropriated to complete remedial measures to prevent slope instability at Hickman Bluff, Kentucky.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,661,203,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that fund for construction, operation, and maintenance of outdoor recreation facilities, and of which funds are provided for the following projects in the amounts specified:

Beverly Shores, Indiana, $1,700,000:

Provided, That no funds, whether appropriated, contributed, or otherwise provided, shall be available to the United States Army Corps of Engineers for the purpose of acquiring land in Jasper County, South Carolina, in connection with the Savannah Harbor navigation project: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to dredge a navigational channel in the Chena River at Fairbanks, Alaska from its confluence with the Tanana River upstream to the University Road Bridge that will allow the safe passage during normal water levels of vessels up to 350 feet in length, 60 feet in width, and drafting up to 3 feet.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $106,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act approved August 18, 1941, as amended, $10,000,000, to remain available until expended: *Provided,* That, using funds appropriated in this Act, the Secretary of the Army may construct the Ten and Fifteen Mile Bayou channel enlargement as an integral part of the work accomplished on the St. Francis Basis, Arkansas and Missouri Project, authorized by the Flood Control Act of 1950.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Engineering Strategic Studies Center, the Water Resources Support Center, the USACE Finance Center and for costs of implementing the Secretary of the Army's plan to reduce the number of division offices as directed in title I, Public Law 104–46, $148,000,000, to remain available until expended: *Provided,* That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the Division Offices.

REVOLVING FUND

Amounts in the Revolving Fund may be used to construct a 17,000 square foot addition to the United States Army Corps of Engineers Alaska District main office building on Elemendorf Air Force Base. The Revolving Fund shall be reimbursed for such funding from the benefitting appropriations by collection each year of user fees sufficient to repay the capitalized cost of the asset and to operate and maintain the asset.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) In fiscal year 1998, the Secretary of the Army shall advertise for competitive bid at least 8,500,000 cubic yards of the hopper dredge volume accomplished with government owned dredges in fiscal year 1992.

(b) Notwithstanding the provisions of this section, the Secretary is authorized to use the dredge fleet of the Corps of Engineers to undertake projects when industry does not perform as required by the contract specifications or when the bids are more than 25 percent in excess of what the Secretary determines to be a fair and reasonable estimated cost of a well equipped contractor doing the work or to respond to emergency requirements.

SEC. 102. In fiscal year 1998 and thereafter, the Secretary of the Army is authorized and directed to provide planning, design and construction assistance to non-Federal interests in carrying out water related environmental infrastructure and environmental resources development projects, including assistance for wastewater treatment and related facilities; water supply, storage, treatment and distribution facilities; and development, restoration or improvement of wetlands and other aquatic areas for the purpose of protection or development of surface water resources: *Provided,* That the non-Federal interest shall enter into a binding agreement with the Secretary wherein the non-Federal interest will provide all lands, easements, rights-of-way, relocations, and dredge material disposal areas required for the project, and pay 50 per centum of the costs of required feasibility studies, 25 per centum of the costs of designing and constructing the project, and 100 per centum of the costs of operation, maintenance, repair, replacement or rehabilitation of the project: *Provided further,* That the value of lands, easements, rights-of-way, relocations and dredged material disposal areas provided by the non-Federal interest shall be credited toward the non-Federal share, not to exceed 25 per centum, of the costs of dredging and constructing the project: *Provided further,* That hereafter the Federal share of the costs of each of the individual projects undertaken shall not exceed $5,000,000: *Provided further,* That utilizing $10,000,000 of the funds appropriated herein, the Secretary is directed to carry out this section.

SEC. 103. GREEN BROOK SUB-BASIN FLOOD CONTROL PROJECT, NEW JERSEY.—No funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out any plan for, or otherwise construct, the Oak Way detention structure or the Sky Top detention structure in Berkeley Heights, New Jersey, as part of the project for flood control, Green Brook Sub-basin, Raritan River Basin, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4119).

SEC. 104. GREAT LAKES BASIN.—No funds made available under this Act may be used by the Secretary of the Army to consider any application for a permit that, if granted, would result in the diversion of ground water from the Great Lakes Basin.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, Public Law 102–575 (106 Stat. 4605), and for activities related to the Uintah and Upalco Units authorized by 43 U.S.C. 620, $40,353,000, to remain available until expended, of which $16,610,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided,* That of the amounts deposited into that account, $5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Central Utah Project Completion Act and $11,610,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out responsibilities of the Secretary of the Interior under that Act, $800,000, to remain available until expended.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including

the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, state and local governments, Indian tribes, and others, to remain available until expended, $688,379,000, of which $18,758,000 shall be available for transfer to the Upper Colorado River Basin Fund and $55,920,000 shall be available for transfer to the Lower Colorado River Basin Development Fund, and of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided,* That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further,* That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: *Provided further,* That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further,* That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further,* That using $500,000 of funds appropriated herein, the Secretary of the Interior shall undertake a non-reimbursable project to install drains in the Pena Blanca area of New Mexico to prevent seepage from Cochiti Dam: *Provided further,* That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further,* That section 10 of Public Law 89–108 as amended by section 8 of Public Law 99–294 and section 1701(b) of Public Law 102–575, is further amended by striking ''$61,000,000'' and inserting in lieu thereof ''$62,300,000'': *Provided further,* That the unexpended balances of the Bureau of Reclamation appropriation accounts for ''Construction Program (Including Transfer of Funds)'', ''General Investigations'', ''Emergency Fund'', and ''Operation and Maintenance'' shall be transferred to and merged with this account, to be available for the purposes for which they originally were appropriated: *Provided further,* That the Secretary of the Interior may use $80,000 of funding appropriated herein to complete the feasibility study of alternatives for meeting the drinking water needs on the Cheyenne River Sioux Reservation and surrounding communities in South Dakota: *Provided further,* That the Secretary of the Interior may use $2,500,000 of funds appropriated herein to initiate construction of the McCall Area Wastewater Reclamation and Reuse, Idaho project: *Provided further,* That the Secretary of the Interior may use $300,000 of funding appropriated herein to undertake feasibility planning studies and other activities for the Ute Reservoir Pipeline (Quay County portion), New Mexico project: *Provided further,* That the Secretary of the Interior may use $185,000 of the funding appropriated herein for a feasibility study of alternatives for the Crow Creek Rural Water Supply System to meet the drinking water needs on the Crow Creek Sioux Indian Reservation.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $10,000,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): *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 these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $31,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, to remain available until expended, $425,000: *Provided,* That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.

CALIFORNIA BAY-DELTA ECOSYSTEM RESTORATION

For necessary expenses of the Department of the Interior and other participating Federal agencies in carrying out the California Bay-Delta Environmental Enhancement and Water Security Act consistent with plans to be approved by the Secretary of the Interior, in consultation with such Federal agencies, $50,000,000, to remain available until expended, of which such amounts as may be necessary to conform with such plans shall be transferred to appropriate accounts of such Federal agencies: *Provided,* That such funds may be obligated only as non-Federal sources provide their share in accordance with the cost-sharing agreement required under section 102(d) of such Act: *Provided further,* That such funds may be obligated prior to the completion of a final programmatic environmental impact statement only if (1) consistent with 40 C.F.R. 1506.1(c), and (2) used for purposes that the Secretary finds are of sufficiently high priority to warrant such an expenditure.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: *Provided,* That the Bureau of Reclamation is directed to levy additional mitigation and restoration payments totaling $25,130,000 (October 1992 price levels) on a three-year rolling average basis, as authorized by section 3407(d) of Public Law 102–575.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $47,558,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided,* That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 22, 1987 (16 U.S.C. 460l–6a, as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 6 passenger motor vehicles for replacement only.

TITLE III

DEPARTMENT OF ENERGY

NON-DEFENSE PROGRAMS

ENERGY RESEARCH

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for energy research in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 13 for replacement only), $953,915,000, to remain available until expended; and, in addition, $13,025,000 for energy assets acquisition, to remain available until expended: *Provided,* That $1,500,000 of the funds appropriated herein may be used to continue the cost-shared, fish-friendly turbine program.

ENVIRONMENTAL MANAGEMENT

(NONDEFENSE)

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for nondefense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $664,684,000, to remain available until expended: *Provided,* That from funds available herein, the Department of Energy will assess the cost of decommissioning the Southwest Experimental Fast Oxide Reactor site.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, $230,000,000, to be derived from the Fund, to remain available until expended.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $160,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund; of which $4,000,000 shall be available to the Nuclear Regulatory Commission to license a multi-purpose cannister design; and of which not to exceed $1,500,000 may be provided to the State of Nevada, solely to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, (Public Law 97–425), as amended; and of which not to exceed $6,175,000 may be provided to affected local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: *Provided further,* That the distribution of the funds to the units of local government shall be determined by the Department of Energy: *Provided further,* That the funds shall be made available to the State and units of local government by direct payment: *Provided further,* That within ninety days of the completion of each Federal fiscal year, each State or local entity shall provide certification to the Department of Energy, that all funds expended from such payments have been expended for activities as defined in Public Law 97–425. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further,* That none of the funds

herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multistate efforts or other coalition building activities inconsistent with the restrictions contained in this Act.

SCIENCE

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; and the purchase of 5 passenger motor vehicles for replacement only, $2,084,567,000, to remain available until expended; and, in addition, $138,510,000 science assets acquisition, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $220,847,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511, et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $131,330,000 in fiscal year 1998 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $89,517,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $27,500,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 70 for replacement only), $4,302,450,000, to remain available until expended, of which $2,000,000 is provided for improvements to Greenville Road in Livermore, California: *Provided*, That funding for any ballistic missile defense program undertaken by the Department of Energy for the Department of Defense shall be provided by the Department of Defense according to procedures established for Work for Others by the Department of Energy.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 6 for replacement only), $5,311,974,000, to remain available until expended, of which $65,000,000 shall be available only for ''Closure Projects'' to accelerate closure of specific facilities and thereby significantly reduce outyear costs; and, in addition, $343,000,000 for privatization projects, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of passenger motor vehicles (not to exceed 2 for replacement only), $1,637,981,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $190,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $3,500,000, to remain available until expended; and, in addition, $20,000,000 for capital assets acquisition, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the anadromous fish supplementation facilities in the Yakima River Basin, Methow River Basin and Upper Snake River Basin, for the Billy Shaw Reservoir resident fish substitution project, and for the resident trout fish culture facility in southeast Idaho; and for official reception and representation expenses in an amount not to exceed $3,000.

During fiscal year 1998, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $12,222,000, to remain available until expended; in addition, notwithstanding 31 U.S.C. 3302, not to exceed $20,000,000 in reimbursements for transmission wheeling and ancillary services, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $26,500,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,650,000 in reimbursements, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7101, et seq.), and other related activities including conservation and renewable resources programs as authorized, including the replacement of not more than 2 helicopters through transfers, exchange, or sale, and official reception and representation expenses in an amount not to exceed $1,500, $180,334,000, to remain available until expended, of which $174,935,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, $5,592,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $5,592,000 to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $1,065,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $162,141,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $162,141,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1998 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $0.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $160,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $17,500,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $476,500,000, to remain available until expended: *Provided,* That of the amount appropriated herein, $17,000,000 shall be derived from the Nuclear Waste Fund: *Provided further,* That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further,* That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to State governments, foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act may be retained and used for salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections estimated at $457,500,000 in fiscal year 1998 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further,* That the funds herein appropriated for regulatory reviews and other assistance provided to the Department of Energy and other Federal agencies shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1998 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to State governments, foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1997 appropriation estimated at not more than $19,000,000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by 5 U.S.C. 3109, $4,800,000, to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided,* That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further,* That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1998 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1998 appropriation estimated at not more than $0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,200,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TENNESSEE VALLEY AUTHORITY

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, $86,000,000, to remain available until expended:

TITLE V

GENERAL PROVISIONS

SEC. 501. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—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.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 502. Section 1621 of title XVI of the Reclamation Wastewater and Groundwater Act, Public Law 104–266, is amended by—

(1) striking ''Study'' in the section title, and inserting ''Project'';

(2) inserting in subsection (a) ''planning, design, and construction of the'' following ''to participate in the''; and

(3) inserting in subsection (a) ''and nonpotable surface water'' following ''impaired ground water''.

SEC. 503. Section 1208(a)(2) of the Yavapai-Prescott Indian Treaty Settlement Act of 1994 (Public Law 103–434) is amended by striking ''$4,000,000 for construction'' and inserting in lieu thereof ''$13,000,000, at 1997 prices, for construction plus or minus such amounts as may be justified by reason of ordinary fluctuations of applicable cost indexes''.

SEC. 504. (a) The State of West Virginia shall receive credit towards its required contribution under Contract No. DACW59–C–0071 for the cost of recreational facilities to be constructed by a joint venture of the State in cooperation with private interests for recreation development at Stonewall Jackson Lake, West Virginia, except that the State shall receive no credit for costs associated with golf course development and the amount of the credit may not exceed the amount owed by the State under the Contract.

(b) The Corps of Engineers shall revise both the 1977 recreation cost-sharing agreement and the Park and Recreation Lease dated October 2, 1995 to remove the requirement that such recreation facilities are to be owned by the Government at the time of their completion as contained in Article 2–06 of the cost-sharing agreement and Article 36 of the lease.

(c) Nothing in this section shall reduce the amount of funds owed the United States Government pursuant to the 1977 recreation cost-sharing agreement.

SEC. 505. (a) IN GENERAL.—For fiscal year 1998 and each fiscal year thereafter, appropriations, made for the Bureau of Reclamation may be used by the Secretaries of the Interior for the purpose of entering into cooperative agreements with willing private landowners for restoration and enhancement of fish, wildlife, and other resources on public or private land or both that benefit the water and lands within a watershed that contains a Bureau of Reclamation project.

(b) DIRECT AND INDIRECT WATERSHED AGREEMENTS.—The Secretary of the Interior may enter into a watershed restoration and enhancement agreement—

(1) directly with a willing private landowner, or

(2) indirectly through an agreement with a State, local, or tribal government or other public entity, educational institution, or private nonprofit organization.

(c) TERMS AND CONDITIONS.—In order for the Secretary to enter into a watershed restoration and enhancement agreement—

(1) the agreement shall—

(A) include such terms and conditions mutually agreed to by the Secretary and the landowner;

(B) improve the viability of and otherwise benefit the fish, wildlife, and other resources on, in the watershed;

(C) authorize the provision of technical assistance by the Secretary in the planning of activities that will further the purposes of the agreement;

(D) provide for the sharing of costs of implementing the agreement among the Federal Government, the landowner, and other entities, as mutually agreed on by the affected interests; and

(E) ensure that any expenditures by the Secretary pursuant to the agreement is determined by the Secretary to be in the public interest; and

(2) the Secretary may require such other terms and conditions as are necessary to protect the public investment on private lands:

Provided, That such terms and conditions are mutually agreed to by the Secretary and the landowner.

This Act may be cited as the ''Energy and Water Development Appropriations Act, 1998''.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 888

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment (No. 888), as amended, was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR

Mr. McCONNELL. Mr. President, I ask unanimous consent that William D. Jackson, a congressional fellow on Senator JEFFORDS' staff, be granted privileges of the floor for the pendency of this legislation.

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

Mr. McCONNELL. Mr. President, Senator MURKOWSKI is here for the purpose of modifying his own amendment. We are going to go to Senator BROWNBACK, who has two amendments to offer which have been cleared on both sides; then to Senator ALLARD, who has an amendment on which I understand it is possible to get a 30-minute time agreement equally divided.

So, Mr. President, I ask unanimous consent that the Allard amendment, when it is offered, be limited to 30 minutes of debate equally divided.

Mr. ALLARD. Mr. President, reserving the right to object, I think there was a mistake in the remarks. There was going to be 15 minutes on each side, and the request was for 15 minutes equally divided. I wanted to clarify.

Mr. LEAHY. Mr. President, reserving the right to object, why don't we withhold the request on the Allard amendment until I see what it is. But I don't know whether that is going to be enough time.

Mr. McCONNELL. I am sorry. I apologize to my colleague from Vermont. I thought he knew the substance of the Allard amendment. So I will withhold on asking for a time agreement on the Allard amendment for the moment.

Then Senator HUTCHISON is here to offer an amendment with regard to MFN and China. Then Senator DODD and Senator McCAIN wish to offer an amendment related to the drug certification process for Mexico, which will be a rather spirited discussion, and it is my understanding that it is not possible to get a time agreement on that amendment at this time.

So, Mr. President, seeing my colleague from Alaska on his feet, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the chairman.

AMENDMENT NO. 894, AS MODIFIED

(Purpose: To provide an additional condition on the availability of $14 million in debt relief for North Korea)

Mr. MURKOWSKI. Mr. President, I call up amendment No. 894, and I send a modification of the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for himself, Mr. McCAIN, and Mr. NICKLES, proposes an amendment numbered 894, as modified.

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:

On page 33, line 9, strike the period and insert in lieu thereof the following: ''*Provided further*, That the additional $14,000,000 made available to KEDO under this heading may not be obligated or expended until the Secretary of State certifies and reports to Congress that North Korea has not violated the Military Armistice Agreement of 1953 during the preceding nine months.''.

The PRESIDING OFFICER. The Senator's amendment is so modified.

Mr. MURKOWSKI. Mr. President, I ask that my colleagues, Senator McCAIN and Senator NICKLES, be named as cosponsors.

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

Mr. MURKOWSKI. Mr. President, it is my understanding that the amendment has been agreed to on both sides. It provides that the additional $14 million appropriated to relieve the KEDO debt not be available until the Secretary of State certificates that North Korea has not violated the military armistice agreement of 1953 during the preceding 9 months.

Basically, the amendment puts North Korea on notice that additional funds will not be available if North Korea commits another violation like the incident this morning at the DMZ.

I urge adoption of the amendment.

Mr. McCONNELL. Mr. President, it is my understanding that this amendment is not objected to by either side. I am unaware of any additional speakers.

The PRESIDING OFFICER. The yeas and nays have previously been ordered.

Mr. MURKOWSKI. I ask unanimous consent to vitiate the order for the yeas and nays.

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

Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 894), as modified, was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. The Senator from Kansas has been here patiently on the floor for some time and ready to offer two amendments which have been cleared on both sides.

Therefore, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I thank the chairman very much.

AMENDMENT NO. 892

Mr. BROWNBACK. Mr. President, I call up my amendment numbered 892.

The PRESIDING OFFICER. The amendment is now pending.

Mr. BROWNBACK. Mr. President, I rise today to introduce an amendment to S. 955.

This amendment deals with the United States policy for the south Caucasus and Central Asia, an area of the world that was once crisscrossed by the ancient Silk Road, which includes the countries—I have a map here for Senators to be able to look at—of Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgystan, Tajikistan, Turkmenistan, and Uzbekistan. This amendment deals with these countries.

These countries are very vital and important countries at a crossroads in their development. They are, as I mentioned, along the ancient Silk Road, if people can imagine and conjure up those images of that area of the world and the importance it has had in the past and the importance it now has and will continue to have for U.S. policy. We have vital political, social and economic interests there, and they need to be acted on before it is too late.

They are independent for the first time in almost a century. They are located at the juncture of many of today's major world forces, and they are all rich in natural resources. And they are looking west for the first time. They are emerging after nearly a century of being plundered by a Communist regime. While actively taking out their resources, the Soviets put little back. These countries now find themselves free to govern themselves.

Again, as I stated earlier, they are looking west. The very fact that they have had little experience with independence, and that their economies are essentially starting from scratch, leaves them in a precarious situation, which is all the more precarious because of their geographic location.

Consider this: They are placed between the empire from which they recently declared independence and an extremist Islamic regime to the

south—both of which have a strong interest in exerting economic and political pressure upon them.

All of the Silk Road countries are currently seeking U.S. investment and encouragement, and are looking to us to participate actively in working out regional political, economic and strategic cooperation.

Mr. President, we should be actively responding to their appeals. We have now the opportunity to spread freedom and democratic ideals in a region historically dominated by Russia and Iran. The doors are open to promote institutions of democratic government and create the conditions for the growth of pluralistic societies and religious tolerance. These countries are a major force in containing the spread northward of anti-Western Islamic extremism. So far, these nations remain largely open to us.

I would also like to point out something else that is important about this region: that is the Caspian Sea overlapping the territory of the South Caucasus and Central Asia that is rich in natural resources as I mentioned earlier.

I have another chart here I would like to show you to illustrate the energy resources which exist in the Caspian Sea area right here. If people would look at this chart, this is ''Worldwide Undiscovered Resource Potential of Oil and Gas''. You have the Middle East and Russia, the two leaders, and then the Caspian Sea area is potentially the third largest in the world, some say up to $4 trillion worth of oil and gas in this region, creating significant interest for economic ties and investments as well. The United States should do everything possible to promote the sovereignty and independence as well as encourage solid diplomatic and economic cooperation between these nations.

In order to do that, we need to take a number of positive steps. No. 1, we should be strong and active in helping resolve local conflicts. No. 2, we should be providing economic assistance to provide positive incentives for international private investment and increased trade. No. 3, we should be assisting in the development of the infrastructure necessary for communication, transportation, energy and trade on an East-West access. No. 4, we should be providing assistance to help fight the scourge of narcotics trafficking, weapons of mass destruction, organized crime and No. 5, perhaps the most important of all, we should be supplying all the assistance possible to strengthen democracy and tolerance and the development of civil society.

These are the best ways to remain sure that these countries will grow in independence and move strongly toward open and free government. Our time to focus on this region is now, to keep them from spreading into an area or being infiltrated by the spread of the anti-Western fundamentalism that is in this region of the world. That is why I urge my colleagues to adopt this amendment.

I believe it has been worked out with both the majority and the minority staff to agree to this amendment. I ask that the amendment be agreed to.

Mr. President, I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 892) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 884, AS MODIFIED

Mr. BROWNBACK. Mr. President, I would like to call up amendment 884 and send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 884, as modified.

Mr. BROWNBACK. 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:

SEC. . PROMOTION OF RELIGIOUS FREEDOM AND HUMAN RIGHTS.

(a) REPORTS.—Not later than March 30, 1998, and each subsequent year thereafter, the Secretary of State shall submit to the International Relations Committee of the House of Representatives and the Foreign Relations Committee of the Senate an annual report on religious persecution on a country-by-country basis. Reports shall include a list of individuals who have been materially involved in the commission of acts of persecution that are motivated by a person's religion.

(b) PRISONER INFORMATION REGISTRY.—The Secretary of State shall establish a Prisoner Information Registry which shall provide information on all political prisoners, prisoners of conscience, and prisoners of faith on a country-by-country basis. Such information shall include the charges, judicial processes, administrative actions, use of forced labor, incidences of torture, length of imprisonment, physical and health conditions, and other matters related to the incarceration of such prisoners. The Secretary of State is authorized to make funds available to nongovernmental organizations presently engage in monitoring activities regarding such prisoners to assist in the creation and maintenance of the registry.

(c) SENSE OF CONGRESS CONCERNING ESTABLISHMENT OF A COMMISSION ON SECURITY AND COOPERATION IN ASIA.—It is the sense of the Congress that Congress, the President, and the Secretary of State should work with the governments of the People's Republic of China and other countries to establish a Commission on Security and Cooperation in Asia which would be modeled after the Commission on Security and Cooperation in Europe.

SEC. . UNITED STATES INTELLIGENCE ACTIVITIES RELATED TO MONITORING HUMAN RIGHTS ABUSES AND RELIGIOUS PERSECUTION.

(a) IN GENERAL.—The President shall devote additional personnel and resources to gathering intelligence information regarding human rights abuses and acts of religious persecution.

(b) REPORT.—Not later than March 30, 1998, the President shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report on the number of personnel and resources that are being devoted to gathering intelligence information regarding human rights abuses and acts of religious persecution.

Mr. BROWNBACK. Mr. President, I rise today to offer an amendment to this bill that would require the Clinton administration to improve the manner in which the State Department and our intelligence agencies monitor and publicize cases of religious persecution and human rights abuses.

Persecution of people of faith has been on the rise around the world. Governments throughout the world have been denying people the fundamental right of freedom of religion, a fundamental right upon which this country was built.

As a matter of policy, the United States should be doing all it can to bring religious persecution and other human rights violations to an end. One problem we face, however, is that we do not have an accurate accounting of the extent to which many governments persecute people of faith. We do not know the number of prisoners nor do we even have all the names of those prisoners. What we need is an accurate accounting of religious persecution. We need the administration to devote greater resources to monitoring religious persecution and to informing the Congress, as well as the American people, about such instances.

We also need to encourage a formal dialog with countries throughout the world to bring religious persecution to an end. Specifically, my amendment would do the following: Require a religious persecution report modeled on the State Department human rights report; require the establishment of a prison information registry; require the President to devote greater intelligence resources to gathering information regarding human rights abuses and acts of religious persecution; and encourage the administration to work with other nations to establish a Commission on Security and Cooperation in Asia which would be modeled after the Commission on Security and Cooperation in Europe.

Mr. President, the U.S. Government has a responsibility to provide the public a better understanding of the extent to which nations violate this basic right of their citizens. My amendment would move us in this direction. I ask that my amendment be adopted.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 884), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BROWNBACK. I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I see the distinguished Senator from California is in the Chamber. I understand she has an amendment that may not take a good deal of time, and I yield the floor.

Mrs. BOXER. I thank the Senator.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 897

Mrs. BOXER. I will be very brief. The work has been done on this amendment. 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 California [Mrs. BOXER], for herself, Mr. ALLARD, Mr. SMITH of New Hampshire, Mr. LEAHY, and Mr. TORRICELLI, proposes an amendment numbered 897.

Mrs. BOXER. 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:

WILDLIFE CONSERVATION

SEC. . Of the funds appropriated by this Act, not more than $2,900,000 may be made available for the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) in Zimbabwe: Provided, That none of the funds appropriated by this Act may be used to directly finance the trophy hunting of elephants or other endangered species as defined in the Convention on International Trade in Endangered Species of Flora and Fauna (CITES) or the Endangered Species Act: Provided further, That the funds appropriated by this Act that are provided under the CAMPFIRE program may not be used for activities with the express intent to lobby or otherwise influence international conventions or treaties, or United States government decision makers: Provided further, That funds appropriated by this Act that are made available for the CAMPFIRE program may be used only in Zimbabwe for the purpose of maximizing benefits to rural people while strengthening natural resources management institutions: Provided further, That not later than March 1, 1998, the Administrator of the Agency for International Development shall submit a report to the appropriate congressional committees describing the steps taken to implement the CAMPFIRE program, the impact of the program on the people and wildlife of CAMPFIRE districts, alternatives to trophy hunting as a means of generating income for CAMPFIRE districts, and a description of how funds made available for CAMPFIRE in fiscal year 1998 are to be used.

Mrs. BOXER. The amendment that I have sent to the desk is a bipartisan amendment cosponsored by Senators ALLARD, SMITH, LEAHY, and TORRICELLI, and it concerns the CAMPFIRE Program in Zimbabwe. I particularly want to pay tribute to my colleagues, Senators ALLARD and SMITH, for being so strong on this subject. I thank my staff and the staffs of the chairman and ranking member for working on a good amendment that we can all agree on. I am particularly grateful to Senators LEAHY and MCCONNELL for their assistance and cooperation on this amendment.

Briefly, our amendment would maintain the positive aspects of the CAMPFIRE Program while restricting U.S. taxpayer funds being used for activities which are inconsistent with the goals of sustainable development for people and management of natural resources.

My amendment would assure that no taxpayer money is used to finance the trophy hunting of elephants and other endangered species or no taxpayer money could be used for any lobbying activities to weaken elephant protection standards. So we really basically do two things: Taxpayer dollars from America cannot be used to foster trophy hunting in Zimbabwe and taxpayer money cannot be used to lobby Senators or House Members or administration people to weaken elephant protection standards such as the ban on ivory.

Mr. President, these magnificent animals should be protected, not exploited. Our amendment requires USAID to submit a report to Congress on alternatives to trophy hunting and the impact of the CAMPFIRE Program on people and wildlife of Zimbabwe. I think these are very important steps in addressing the criticism about the way the program works. Some of us would have liked to have gone further than this, but we think that this amendment, the way it is drawn, will receive unanimous support, and we think is an important step to be taken.

The CAMPFIRE Program is beneficial to many rural impoverished people in Zimbabwe. It helps to provide the skills and tools necessary to enable local communities to make local decisions about how to manage their natural resources and generate revenue.

However, there are certain aspects of the program which do not promote sustainable development for rural people or improve natural resource management. My amendment restricts United States taxpayer dollars from being spent on those needless activities and directs all funds to be used to maximize benefits to rural people while strengthening natural resources management institutions in Zimbabwe.

I am aware that there have been many concerns raised about the trophy hunting aspects of the program. I do not support trophy hunting and I do not believe that one penny of taxpayer money should be used to finance trophy hunting. My amendment will ensure that no U.S. taxpayer dollars are directly spent on trophy hunting activities.

However, I do recognize that trophy hunting will continue in Zimbabwe. I believe that we need to provide countries like Zimbabwe with viable alternatives to trophy hunting which continue to generate income and promote sustainable development without involving the consumptive use of wildlife. My amendment requires USAID to submit a report to Congress providing alternatives to trophy hunting, and the impact of the program on the people and wildlife of CAMPFIRE districts.

People in Zimbabwe are living under very different conditions than we in the United States. We must recognize these differences in our approach to development while maintaining our high values and ideals. The CAMPFIRE Program in Zimbabwe will end in 1999, but USAID-funded development programs will continue for years to come. I am hopeful that the report which USAID will submit to Congress, will provide the United States with ideas for income diversification for future programs so that we can move away from the consumptive use of wildlife as a management regime.

USAID has proposed several improvements to the CAMPFIRE Program in recent months. These improvements are the result of the concerns raised by many concerned citizens and organizations such as the Humane Society of the United States. I commend the Humane Society for their efforts to make the United States more responsible for the use of taxpayer dollars. I also applaud USAID for taking steps to address these concerns. I believe that this process has been beneficial for all of those involved—especially the people and wildlife of Zimbabwe.

I want to thank Senators LEAHY, SMITH, ALLARD, and TORRICELLI for helping to make this a bipartisan effort toward improving development aid, maximizing benefits to local people, promoting a healthy elephant population, and ensuring that U.S. taxpayer money is used wisely.

Mr. ALLARD. Mr. President, I would like to begin by congratulating Chairman MCCONNELL and Senator LEAHY for their hard work in crafting this legislation and working to include language on the CAMPFIRE Program in the bill.

Mr. President, as I have made very clear in the past, I am a strong supporter of fiscal responsibility on the part of the Federal Government. It is our responsibility to use taxpayer's dollars in the most effective, and efficient way possible. This responsibility at times mandates that we review and question just where our tax dollars are going.

When USAID's Communal Areas Management Programme for Indigenous Resources or CAMPFIRE Program was first brought to my attention, I had to ask myself, just why are United States taxpayer's dollars being spent to fund big game hunting of elephants in Zimbabwe? If a program could spend dollars to hunt elephants how else are they spending our money? Asking myself these questions was not enough, so I began a comprehensive review of the CAMPFIRE Program.

Mr. President, I am pleased to announce, that as a result of congressional review a little more fiscal responsibility has been restored to the

U.S. Government. Our review of CAMPFIRE has produced three highly beneficial results.

First of all, fiscal year 1998 will be the last year that the CAMPFIRE project will receive funding. This will end the cycle of appropriations that has already lead to $28 million being spent on this program. This amount, though small in respect to the overall budget, is a good start to tightening up Government spending, especially U.S. funding for international projects.

Second, the appropriations language states that no U.S. tax dollars will go to directly fund the big game trophy hunting of Zimbabwe's elephants. I think we can agree that an endangered species such as the elephant should not be hunted with the tacit consent of the U.S. taxpayer through governmental funding.

Finally, for the remaining time CAMPFIRE is funded, USAID must submit to Congress the steps they have taken to implement the CAMPFIRE Program. This will allow us to watch their use of our dollars. For far too long the U.S. has funded international programs with little or no oversight—this will serve as an example of how Congress should police international funding measures.

Mr. President, I support the Foreign Operations Subcommittee's appropriations for fiscal year 1998 of the CAMPFIRE Program, with the understanding that this is the last year of the program, USAID submit information on how they implement the program, and no U.S. tax dollars will be spent to kill elephants. Now that we have ended the CAMPFIRE Program, it is my hope that we will not have to revisit this issue again in the future.

In conclusion, Mr. President, I would like to thank Senator BOXER and Senator SMITH of New Hampshire for their help in drafting this language.

I yield my time.

Mr. CRAIG. It is my understanding that the Communal Areas Management Program for Indigenous Resources [CAMPFIRE] Program in Zimbabwe is currently meeting all of the conditions placed on it by the amendment.

Mr. MCCONNELL. The Senator is correct.

Mr. CRAIG. It is my further understanding that Zimbabwe has a very successful elephant conservation program has had led to a population increase of 43,000 elephants in 1987 to 67,000 elephants in 1996 and that much of this success is due to the CAMPFIRE Program.

Mr. MCCONNELL. The Senator is correct.

Mr. CRAIG. It is my further understanding that the language in this amendment dealing with trophy hunting is only a prohibition on a direct USAID subsidy of hunting in the CAMPFIRE Program and should not be interpreted as a negative statement about the indispensable role hunting plays as a management tool for elephants and other foreign species.

Mr. MCCONNELL. The Senator is correct.

Mr. CRAIG. Finally, it is my understanding that nothing in this amendment should be interpreted as having any effect on any other U.S. law or regulation regarding wildlife conservation and hunting.

Mr. MCCONNELL. The Senator is correct.

Mr. CRAIG. I thank the Senator.

Mrs. BOXER. I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mrs. BOXER. I rescind that request. I ask for a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 897) was agreed to.

Mr. McCONNELL. Mr. President, 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.

AMENDMENT NO. 891

(Purpose: To decrease the amount of funds available to OPIC for administrative expenses to carry out the credit and insurance programs)

Mr. McCONNELL. Mr. President, now under the informal order that we have here going from side to side, the Senator from Colorado is here.

Mr. ALLARD. I thank the Senator.

Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 891.

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

Mr. LEAHY. Reserving the right to object, the Senator is going to describe what the amendment is, I assume.

Mr. ALLARD. We shared a copy of that amendment. I think you have it. I will explain it in my remarks.

Mr. LEAHY. I do not have any objection.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. I thank the Chair. I thank Senator LEAHY.

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

The amendment is as follows:

On page 4, line 22, strike ''$32,000,000'' and insert ''$21,000,000''.

Mr. ALLARD. I thank the Chair.

Before I begin, I commend my friends, the subcommittee chairman, MITCH MCCONNELL, and Senator PATRICK LEAHY and chairman TED STEVENS and Senator ROBERT BYRD, for a very good bill. I support the bill. I believe its overall funding levels are very appropriate, and I plan on supporting it.

However, I have one concern. My amendment is very simple. It strikes the $32 million for administrative expenses for the Overseas Private Investment Corporation and scales it back to its 1994 level of $21 million.

Now, why was the year 1994 selected? In 1994, with Public Law 103–392, OPIC's congressional authorized lending authority was last raised. This increased the maximum contingent liability or lending authority cap for insurance from $9 billion to $13.5 billion and increased the contingent liability cap for financing from $2.5 billion to $9.5 million. However, since 1994, there have been no increases in the authorized lending cap for OPIC. As a matter of fact, I have recently learned that while at the end of 1996 OPIC's liability exposure has increased, their total number of issuances has decreased.

Now, in 1995, 1996 and 1997, OPIC's administrative expense appropriations have increased. In 1994, their administrative expense was $20.2 million; in 1995, their administrative expense was $25.8 million; in 1996, their administrative cost was $21.8 million, and in 1997 their administrative costs again increased to $32 million, while their cap was not increased one dime. In fact, there is a zero percent increase since 1994.

Now, their administrative appropriation over the same period has increased $12 million—over the last 3 years—resulting in a 50-percent increase.

Now, why should OPIC's administrative appropriation increase while their lending authority cap has stayed frozen? As I stated earlier, in reality their issuances have declined. While the $32 million in this bill is a freeze as of 1996—and I commend the committee for doing this, by the way—I believe it would be very appropriate to scale them back to the 1994 level.

All this is occurring while the future of OPIC is very much uncertain. On September 30, 1997, OPIC's authorization ends. As of today, I do not believe the Senate has a reauthorization bill for OPIC. From my understanding, the House of Representatives is just beginning the process of reauthorization and, in the report for the companion foreign operations appropriations bill, it states they are reluctant in the absence of an authorization bill to fund OPIC. I believe this number is enough to administer their outstanding liabilities, but there is still great uncertainly as to what the future holds for OPIC. If reauthorization does occur, then we can come back to this issue at a later date.

This amendment is not the place, nor do I plan to argue the specific pros and cons of OPIC, for that will come at a future date if we have a reauthorization bill. I plan to be involved in the debate at that time if that comes up. But this amendment is a matter of whether an agency, a Government entity, that depends on the full faith and credit of the United States, with Federal employees, should have their administrative expenses increased by 50 percent over the last 3 years while their authorized lending cap is not increased by one dime, zero percent.

Make no mistake, OPIC is a Federal agency. It needs the United States to fund its operation. This Congress should always be concerned when an agency staff grows faster than its authority. I know of very few agencies that have no growth in authority which get a 50-percent increase in administrative expenses. It seems, if we are at all serious about reducing the size and scope of Government and take our oversight role seriously, then all agencies should play by the same rules, and we as a Congress should apply these rules evenly to all agencies. I ask my colleagues to support this amendment and keep the growth of OPIC at a minimum, especially when their authorized cap has been frozen since 1994 and with their authorization expiring in September 1997.

Mr. President, I reserve my right to address the Senate and yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I rise to reflect a little on what my friend and neighbor—literally my neighbor—from Colorado has talked about here in the last few minutes regarding OPIC. First, I rise to oppose my friend, the distinguished Senator from Colorado, regarding his amendment. I will explain why.

Before I came to this body, I was a businessman, a small businessman. Over the last 15 years, my partners and I founded a number of companies. A number of those companies were international companies. I have dealt with OPIC directly. I understand a little bit about, I think, the real world, how jobs are created, how you must market in the international community, what kind of competition is out there against a little company like mine that has to go toe to toe with foreign competitors all over the globe.

One of the things I learned very quickly was when you go toe to toe with international competitors, whether it is telecommunications—which I know a little something about—or any other industry, the support that comes with your competitor, from his government, his country, is rather significant. I think that is important in this debate. As my friend, Senator ALLARD, said, we will have an opportunity to truly debate this issue over the next few months. But I would like to make a couple of points that I think are very relevant to OPIC, what OPIC does, what it represents. Again, I come at this, not as a U.S. Senator; I come at this as someone who understands a little bit about how this works and who has been out in the real world in over 60 countries and done business in about 20 of them.

First, I am concerned that an amendment like that of my friend, to slash administrative expenses, could lead to the very point that he is concerned with. It is a good point. If you slash administrative expenses for OPIC, the likelihood is the quality of the portfolio of OPIC, the quality of investments that OPIC has made and will continue to make, will suffer. I think it would cut directly to eliminating the ability to monitor those loan portfolios. I do not think that is in the best interests of the American taxpayer or anyone associated with OPIC. It endangers the creditworthiness of OPIC if you slash their administrative budget.

Let me hit just a few very specific points as to what OPIC does. There is an awful lot of sound and fury and smoke and mirrors when it comes to OPIC. First, OPIC, in fact, does level the playing field in global competition. I spoke to that earlier. All of America's major trade competitors have OPIC-like agencies to help them. It covers the gaps in the markets all over this world.

OPIC creates American jobs. I have a document here—I am sure Senator ALLARD has seen it—of the kind of jobs created in Colorado, his home State, and in my home State of Nebraska; the kind of revenues that flow into Colorado because of countries that buy from companies that have either OPIC insurance that they pay for, or OPIC loans that they pay for. This is a job creator. This is a growth creator. To give some of the specific numbers on this, since 1971 OPIC has supported $108 billion worth of U.S. projects resulting in over 250,000 new American jobs and $53 billion in new American exports. OPIC is prohibited under law from supporting any project that would result in the loss of one single American job.

Two, OPIC does not cost the taxpayers money. In fact, every year OPIC returns to the U.S. Treasury—last year $209 million. OPIC requires no appropriation of funds. Its operations are entirely funded by the market-rate fees it charges businesses. There is some myth about this. If you want an OPIC loan or guarantee or insurance, you pay for it. This isn't a free deal. OPIC is not corporate welfare. I am always amused, and I am a conservative Republican—let me tell you, I am for less Government and cutting Government and cutting taxes. But I am always amused when I ask my colleagues, what do you mean corporate welfare? What is corporate welfare?

No American business receives any subsidy or free benefit from OPIC. All OPIC loans must be paid in full. OPIC charges full market rates and, where applicable, high-risk-based interest rates and insurance premiums for all of its services. Remember, OPIC returns money to the Treasury through the fees it charges firms that use its services.

OPIC has a strong record. Let's not overlook this. It has extraordinarily low default rates, less than 1 percent since 1971. OPIC maintains a well-diversified portfolio by region, by sector, by industry, and maintains $2.7 billion in reserves. We have talked about the possibility of privatizing OPIC. Last year J.P. Morgan looked at it, made a study. It won't work that way. Let me tell you, when you are a small company, a small business like I had, to try to compete with the big guys from France and Germany and Britain—all over the globe—to be able to have some base of your country behind you, and you pay for that, is significant.

The last point I will make, OPIC supports small business. There is a lot of myth about that as well, that this is a big-business boondoggle. It is not. I am living proof of that. In 1996, OPIC supported record numbers of small business projects worth $1.8 billion in 17 countries. Many small American businesses are suppliers to the larger exporters that indirectly come through OPIC. More than half of all suppliers to OPIC-based projects are small businesses. This is a ripple effect. When we get projects and deals internationally, you have to sponsor those. You buy products to support those. And those come from States like that of my friend from Colorado and Nebraska and every State in the Union. So this is a ripple-effect operation.

Mr. President, again, I rise in opposition to this amendment. I think it is shortsighted and I think the wisest thing to do is to continue with our funding, with our authorization, and as I said earlier, we will have ample opportunity to address this issue in debate. But I don't think a hit-and-run way to approach this with an amendment is the correct way to do it.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thank my good friend from Nebraska for his comments about OPIC. With all due respect to our colleague from Colorado, I, too, oppose the amendment. OPIC does not cost a single taxpayer dollar. OPIC is required by law to operate on a self-sustaining basis. Since 1971, it has reimbursed the U.S. Government for every dollar it has received and has reported positive net income every year since its inception. As the Senator from Nebraska pointed out, last year it returned $209 million to the Treasury. OPIC creates American jobs and exports. All major U.S. economic competitors have similar export promotion agencies. Scuttling OPIC would put our companies at an even further disadvantage than they already are.

Today, for example, at least 36 percent of Japan's exports enjoy Government subsidies compared with just 2 percent of American exports. In addition, Japan and France provide 77 percent of the total amount of export subsidies made available around the world.

As Senator HAGEL pointed out, that is what American businesses typically are up against in the international market. OPIC is not corporate welfare. OPIC charges market and risk-based interest rates and fees for all of its services, and all loans must be paid in full. All clients must pass industry standard and OPIC policy reviews. This is an agency that has functioned very

well in behalf of American interests and is actually returning money to the American Treasury. OPIC strongly supports small business, which is the heart of America's economic engine. The source of 6 out of every 10 jobs in this country is directly attributable to small business.

We have had this amendment every year and so far have been able to defeat it. I certainly hope we will be able to again, because OPIC is an important part of what makes American business competitive overseas.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I join with the distinguished Senator from Kentucky and the distinguished Senator from Nebraska in opposing this amendment. I, too, would note that OPIC does return money to the Treasury—the figure $209 million last year was used here. More important, it creates jobs in America.

I represent, in population, the second smallest State in the Union. OPIC is used in my State. It creates jobs, it creates exports, it helps our balance of payments. When you go to the larger States, of course, the dollar amount is just that much greater.

I do not know a business in my State that has turned to OPIC that has not received enormous help. I remember when the former Director of OPIC came to Vermont. She held a meeting there. We had lines going out the door; business people wanting to work with OPIC. It is one of those success stories.

It is also an area where we have to have the kind of tools that all our competitors have. We are in worldwide markets. We can no longer just rely on New Hampshire selling to Vermont, Vermont selling to New Hampshire, as an example. I say that seeing my good friend from New Hampshire is the distinguished Presiding Officer. We export way beyond our States, way beyond the borders of our Nation. But, every other First World—and a lot that go beyond the First World—country does the same. If they are a major exporter, as we are, there are boards like OPIC that help them.

Are there things that can be done better or different than OPIC? Possibly. But I ask the authorizing committee to look at that.

There will be an authorizing bill on OPIC. I am perfectly willing to listen to the recommendations of my friends on both sides of the aisle.

We felt, the Senator from Kentucky and myself—he as chairman and I as ranking member—in looking at these figures for OPIC that the amounts made sense. There certainly was unanimous concurrence of Republicans and Democrats on our subcommittee and in the full committee for the same reason.

If an authorizing bill comes through and changes that, it can change it. This money doesn't have to be spent and an authorizing bill can make a difference. I suspect with such an authorizing bill, you are going to hear success story after success story from States all over the Nation helped by OPIC.

So I hope my good friend from Colorado will withhold this amendment and let it be a matter to be discussed with the authorizing committee, but not on this appropriations bill.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I would like to have an opportunity to make some summarizing comments and then, if there are not any other statements, I will make a closing statement.

I would like to respond by saying it is true that there is some extra revenue that has come into OPIC, but the fact is that that is interest that they have earned, and OPIC itself, in saying how much more income it could generate, said if we could get away from having to buy Treasury bonds and invest in the stock market, we could generate more income.

To me, that sends a signal that we would be better off in the private sector. A lot of these businessmen have an opportunity to go to the private sector, go to the stock market to fund these projects overseas. And I am a small businessman, too, by the way. I started my business from scratch, but I think as business people, sometimes it is all too easy to turn to the agencies for help. We need to encourage business people to turn to the market and to focus on what they can do to meet the needs of the market. After all, this is an agency. It is a Government-run agency that is picking winners and losers. I would feel much more comfortable having a competitive market system picking winners and losers.

Many States, like the State of Colorado which I am from, have done a lot to promote foreign competition, but they have done it on their own. Most of the jobs and the new growth that has happened in Colorado has not been the result of OPIC. So I think we have to be careful and not give too much credit to this particular Federal agency.

Let me end by just stating, again, a few historical facts. In 1971, OPIC's administrative budget was $3.2 million. In 1981, it was $7.5 million. In 1988, it was $12 million. And in 1992, it was $16.4 million.

In 1996, their administrative appropriation was $28.1 million, and in 1997, it was $32 million. Also, according to OPIC, in 1988, their FTE's, or full-time equivalent employment ceiling, was 125. In 1992, it was 155, and in 1996, it was 182. As these historical numbers from OPIC point out, this is not some sleeping agency, but one whose administrative costs and employment have increased substantially.

If we take the 1996 number of employees and divide it into the 1996 administrative costs, it comes to $154,000 per employee. Now, I realize that not all this goes to employees' salaries, but also to normal office supplies and other office expenses that go to support each one of those FTE positions.

But here is the problem. I have yet to hear a compelling argument for continuing increase in the administrative budget when their liability cap is frozen. Also, as I and my staff have searched their records, I have yet to find a clear delineation of where their administration budget goes.

All I do know is that in this $32 million, and I quote from the bill, ''any project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with service provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not,'' again, ''shall not be considered administrative expenses for the purpose of this heading.''

I question what these expenses are and where they go. I cannot find them listed in their reports or from any correspondence. Oversight is a proper function of Congress, and we should pursue it vigorously.

While I may have some problems with OPIC, Mr. President, I do want to commend them for being prompt and professional in their manner of dealing with my inquiries, and I take my hat off to them for this.

Again, I reiterate, this amendment is not about OPIC and whether they should continue, because we will get to that later. But this is an argument of whether a U.S. Government agency should have a 50-percent increase in administrative expenses since 1994 when their congressionally mandated lending authority has been frozen during that same period. I urge my colleagues to support this amendment and ask for limited growth in all agencies.

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.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, with the concurrence of the Senator from Colorado, I would like to lay the amendment aside in the hope that we can stack votes for later.

Mr. ALLARD. Mr. President, I have no objection to that.

Mr. McCONNELL. I ask unanimous consent that we temporarily lay aside the Allard amendment.

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

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kentucky yield the floor?

The Senator from Iowa.

AMENDMENT NO. 899

(Purpose: To promote democracy-building activities in Pakistan.)

Mr. HARKIN. Mr. President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report:

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. WARNER, Mr. TORRICELLI, Mr. SANTORUM, and Mr. JOHNSON, proposes an amendment numbered 899.

Mr. HARKIN. Mr. President, I ask unanimous consent that the 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. . DEMOCRACY-BUILDING ACTIVITY IN PAKISTAN.

(a) OPIC.—Section 239(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(f)) is amended by inserting '', or Pakistan'' after ''China''.

(b) TRAINING ACTIVITY.—Section 638(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2398(b)) is amended—

(1) by inserting ''or any activity to promote the development of democratic institutions'' after ''activity''; and

(2) by inserting '', Pakistan,'' after ''Brazil''.

(c) TRADE AND DEVELOPMENT.—It is the sense of Congress that the Director of the Trade and Development Agency should use funds made available to carry out the provisions of section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421) to promote United States exports to Pakistan.

Mr. HARKIN. Mr. President, I offer this amendment on behalf of myself, Senator WARNER, Senator TORRICELLI, Senator SANTORUM, and Senator JOHNSON.

Put simply, this amendment will allow the resumption of the Overseas Private Investment Corporation, OPIC, International Military and Education Training, IMET, Trade and Development Assistance, TDA, and democracy-building programs in Pakistan, such as the National Endowment for Democracy.

This measure, I will say at the outset, is not anti-India and it is not pro-Pakistan, it is pro-American interests. This will not be a vote for or against India or Pakistan. India is, of course, a friend of longstanding and an ally to the United States and is the largest and oldest democracy in the region. It already receives the benefit of OPIC and IMET, and it has for some time over 35 years. Therefore, I am confident that we can restore these programs to Pakistan without upsetting any balance at all to the region.

Trade between India and Pakistan is growing. OPIC assistance to Pakistan could actually help India because they are working with Pakistan in the energy sector. OPIC assistance would promote American investment in this sector.

Mr. President, it is now clear that continuing the policy of restricting OPIC and IMET to Pakistan will do nothing to direct further U.S. nonproliferation efforts in South Asia. At the same time, these restrictions seriously hinder our ability to advance United States interests in trade and investment in Pakistan. Our influence in the Pakistani military leadership and our ability to strengthen democracy and economic institutions in Pakistan is also adversely affected by these restrictions.

I understand the concerns of some of my colleagues in regard to Pakistan, and I share some of those concerns. The issue of nonproliferation in South Asia is, indeed, an extremely important issue, but U.S. interests in South Asia are important and increasing.

The region contains one-fifth of the world's population and occupies a critical geostrategic position—surrounded by China, the surging economies of East Asia, the Indian Ocean, the huge oil and gas reserves in the Persian Gulf and the Caspian basin.

Mr. President, I visited Pakistan and India earlier this year. I met in Pakistan with Prime Minister Sharif and other members of his government. I believe that Mr. Sharif has learned from past mistakes and is moving Pakistan in the right direction. He has a strong mandate in parliament and has already taken bold steps toward rooting out corruption, privatizing the economy and normalizing relations with India. These are positive steps, and the United States must send a strong signal of support and encouragement for Prime Minister Sharif's initiatives.

I strongly believe that it has come to the point where our uneven policy toward Pakistan is hampering our interests in the region. Improved human rights, nonproliferation and greater trade and investment are being held hostage by this shortsighted policy.

I am pleased that my amendment has the strong support of the administration in an effort to engage Pakistan on these important issues. Secretary Albright and Secretary Cohen both feel strongly about the need for these changes.

Mr. President, I have a letter dated the 16th of July from Secretary of Defense Cohen. He said:

I am writing to express my strong support for your legislation to restore IMET, OPIC, TDA and democracy-building programs in Pakistan . . .

We believe it essential to pursue these programs—not as a reward to Pakistan—but as a means of furthering important U.S. interests. Pakistan is now, and long has been, a friendly, moderate Islamic democracy in a very difficult region. We believe that by enabling it to participate in IMET, OPIC, TDA and democracy-building programs we will strengthen democracy in Pakistan as an institution, strengthen Pakistan's troubled economy, and strengthen our relationship with the Pakistani military—all of which serve important U.S. interests in South Asia.

Mr. President, I ask unanimous consent that the letter from Secretary Cohen be printed in the RECORD.

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

SECRETARY OF DEFENSE

Washington, DC, July 16, 1997.

Hon. TOM HARKIN,

U.S. Senate, Washington, DC.

DEAR TOM: I am writing to express my strong support for your legislation to restore the International Military Education and Training (IMET), Overseas Private Investment Corporation (OPIC), Trade and Development Agency (TDA), and democracy-building programs in Pakistan. These programs are currently precluded by sanctions that have been imposed on Pakistan under the Symington Amendment.

We believe it essential to pursue these programs—*not as a reward to Pakistan*—but as a means of furthering important U.S. interests. Pakistan is now, and long has been, a friendly, moderate Islamic democracy in a very difficult region. We believe that by enabling it to participate in IMET, OPIC, TDA, and democracy-building programs we will strengthen democracy in Pakistan as an institution, strengthen Pakistan's troubled economy, and strengthen our relationship with the Pakistani military—all of which serve important U.S. interests in South Asia.

DoD is particularly supportive of legislation that would restore Pakistan's IMET program. We believe that the positive impact of IMET on the Pakistani military will serve to enhance our overall relationship with Pakistan and, by extension, will facilitate our engagement with Pakistan in a number of important areas *including proliferation*. Moreover, given Pakistan's leading role in UN peacekeeping—Pakistan currently leads the world as a contributor of troops to UN peacekeeping operations—closer cooperation between our two armed forces is increasingly necessary for operational reasons. Senior Pakistani officers have told us that one of the consequences of our suspension of the IMET program has been that a generation of Pakistani officers has not had the positive exposure to U.S. and western values that is made possible through IMET. Without IMET to provide a countervailing argument, these officers may find the often anti-American message of Iran and Iraq more appealing.

Opponents of your legislation will claim that Pakistan's performance with regard to proliferation should not be ''rewarded'' by making it eligible for these assistance programs. We would respond that our denying any of these programs will not cause the Pakistanis to forego strategic programs which they believe are essential for their national security. However, by making these assistance programs available, we will not only serve U.S. interests directly but will improve the climate of our overall relationship thus encouraging Pakistan to be more receptive to our point of view in other areas.

I wholeheartedly support your efforts to enact this important legislation.

Sincerely,

BILL.

Mr. HARKIN. Let me read further from Secretary Cohen's letter. I want to get this last paragraph in. Secretary Cohen said:

Opponents of your legislation will claim that Pakistan's performance with regard to proliferation should not be ''rewarded'' by making it eligible for these assistance programs. We would respond that our denying any of these programs will not cause the Pakistanis to forego strategic programs which they believe are essential for their national security. However, by making these assistance programs available, we will not only serve U.S. interests directly but will improve the climate of our overall relationship thus encouraging Pakistan to be more receptive to our point of view in other areas.

Mr. President, I am also in receipt of a letter signed by Under Secretary

Thomas Pickering. Again, I will just read a couple parts of that:

Dear Senator HARKIN: The Secretary has asked me to convey her strong support for your proposed amendment to restore OPIC, IMET, TDA and democracy-building programs for Pakistan. We firmly believe that allowing these programs to operate in Pakistan is in the U.S. interest, and that once restored they will be a key factor in strengthening our relationship with an important and friendly country in a vital part of the world.

Mr. Pickering goes on:

In the wake of the election of Prime Minister Nawaz Sharif, Pakistan has adopted important political and constitutional reforms, which promise to strengthen both the quality and continuity of democratic rule. We want to bolster that effort by implementing programs to train Pakistan's elected representatives in democratic structures and legislative procedures. Your amendment would give us the requisite flexibility to proceed.

Mr. President, I ask unanimous consent that Secretary Pickering's letter be printed in the RECORD.

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

DEPARTMENT OF STATE, UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS,
Washington, DC, July 15, 1997.

Hon. TOM HARKIN,
U.S. Senate.

DEAR SENATOR HARKIN: The Secretary has asked me to convey her strong support for your proposed amendment to restore OPIC, IMET, TDA and democracy building programs for Pakistan. We firmly believe that allowing these programs to operate in Pakistan is in the U.S. interest, and that once restored they will be a key factor in strengthening our relationship with an important and friendly country in a vital part of the world.

In the wake of the election of Prime Minister Nawaz Sharif, Pakistan has adopted important political and constitutional reforms, which promise to strengthen both the quality and continuity of democratic rule. We want to bolster that effort by implementing programs to train Pakistan's elected representatives in democratic structures and legislative procedures. Your amendment will give us the requisite flexibility to proceed.

At the same time, the Government of Pakistan is undertaking an ambitious reform program to stabilize Pakistan's troubled economy. The United States, as Pakistan's leading trading partner and largest source of foreign investment, is in a favorable position to influence and benefit from a stable economic situation in Pakistan. Extending Trade and Development Assistance and OPIC support to U.S. firms in Pakistan will increase our engagement with the Pakistani government on reform issues, while ensuring that our firms are well positioned to compete for investment and trade opportunities.

Finally, we believe that restoring IMET programs will have an appreciable impact on our relationship with the Pakistani military. For seven years, the United States has lacked contact with junior and mid-level Pakistani officers, from whose ranks will emerge the next generation of Pakistani military leaders. We would serve our interests well by giving them exposure to U.S. practices, institutions, and values.

We, like you, continue to have concerns regarding Pakistan's record on non-proliferation issues. We consider non-proliferation to be one of the most complex and troubling issues in the South Asia region, and it will continue to be one of our highest priorities to work with the Pakistani government to restrain its nuclear and missile programs. That said, we need to consider carefully how to pursue our non-proliferation objectives in conformity with the entire range of U.S. interests in Pakistan. We believe that an initiative such as yours—which will help to develop Pakistan's democracy, increase bilateral trade and investment, and enhance our access to and influence with Pakistan's emerging military leadership—will advance our interests without undermining our non-proliferation agenda.

We appreciate and are pleased to support your effort.

THOMAS R. PICKERING.

Mr. HARKIN. Mr. President, a number of prominent United States business leaders have asked the State Department to resume OPIC support for investment in Pakistan so that American business interests are promoted in that region. In no other country in South Asia is OPIC prohibited from providing support and assistance. I have examples, a number of letters of United States businesses urging the administration to resume OPIC's support of Pakistan.

Mr. President, I have letters from several different companies that I have here that have written letters asking that OPIC be allowed to resume in Pakistan so that they can begin to invest in Pakistan—a letter from Occidental Oil and Gas; a letter from MCI Communications; a letter from Solar Turbines, a Caterpillar Company; a letter from Alpha-Gamma Technologies, Inc., in Raleigh, NC; a letter from Boston Technology, Inc., in Wakefield, MA; a letter from Hawkins Oil & Gas, Inc., in Oklahoma; a letter from Tenaska International, Omaha, NE; and several other letters. I will not read them all. But Mr. President, I ask unanimous consent that several of these letters be printed in the RECORD.

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

OCCIDENTAL OIL AND GAS CORP.,
Bakersfield, CA, April 10, 1996.

Hon. STROBE TALBOTT,
Deputy Secretary, Department of State, Washington, DC.

DEAR MR. SECRETARY: I am writing at this time concerning an important matter impacting on U.S. commercial relations with the Republic of Pakistan. I understand that the Overseas Private Investment Corporation (OPIC) is still not permitted to offer its programs in Pakistan. I urge you to review this matter and to do what you can to expedite the implementation of OPIC programs in Pakistan.

Occidental Petroleum Corporation has had successful oil and gas producing operations in Pakistan for twelve years. Pakistan presents unique business opportunities and offers a stable environment for American companies and for companies from a host of other countries around the world. U.S. trade and commercial ties with Pakistan serve to enhance the overall relationship between our two countries. However, in order for U.S. companies to compete more aggressively in Pakistan, they must have access to OPIC programs.

While I appreciate that there are other important and serious issues impacting on our bilateral relationship, I respectfully ask that you consider the vital commercial link that exists between the U.S. and Pakistan and move quickly to permit OPIC guarantees in Pakistan. The U.S. is the largest foreign investor in Pakistan and its largest trading partner. I am convinced that U.S. commercial interests in Pakistan would increase even more if OPIC programs were available. Furthermore, I am sure you will agree, that permitting OPIC to operate in Pakistan would contribute in a meaningful way to improving our overall bilateral relationship.

Thank you for your consideration.

Sincerely,

JAMES B. TAYLOR.

MCI COMMUNICATIONS CORPORATION,
Washington, DC, March 22, 1996.

Mr. STROBE TALBOTT,
Deputy Secretary, Department of State, Washington, DC.

DEAR MR. TALBOTT: For many years, MCI has successfully conducted business in Pakistan with Pakistan PTT, the government-owned telephone company. Pakistan has proven to be a reliable business partner. We understand that the Overseas Private Investment Corporation (OPIC) is finalizing an agreement with the government of Pakistan to provide political risk insurance covering foreign investments in Pakistan. This agreement should provide the added security necessary for MCI and other American companies interested in increasing their investments in Pakistan. Any action taken to expedite completion of this agreement would be helpful.

Sincerely,

MARK ESHERICK,
Senior Policy Advisor.

SOLAR TURBINES,
Washington, DC, March 26, 1996.

Hon. STROBE TALBOTT,
Deputy Secretary, Department of State, Washington, DC.

DEAR MR. TALBOTT: This letter is a request for you to look favorably upon making the resources of the Overseas Private Investment Corporation available to U.S. exporters when doing business in the Country of Pakistan. Such action would be consistent with the availability of Export-Import Bank financing and insurance and the apparent desire on the part of the U.S. Government to work closely with the Government of Pakistan after the prime minister's visit of last year.

Pakistan represents an important market to U.S. exporters and the resources of OPIC will be of considerable value in generating additional export revenue and jobs within the United States. At the same time, the U.S. businesses will, by working more closely with Pakistan, further the cause of democracy and environmental awareness.

Your leadership in this matter will be greatly appreciated. Thank you for your consideration.

Most sincerely,

PETER CARROLL.

ALPHA-GAMMA TECHNOLOGIES, INC.,
Raleigh, NC, March 18, 1996.

Mr. STROBE TALBOTT,
Deputy Secretary of State,
Washington, DC.

DEAR MR. TALBOT: Alpha-Gamma Technologies, Inc. is actively pursuing a private power development project in Pakistan. Along with two other U.S. based companies, we have plans to make a significant investment in the power generation sector in that country. However, we are placed at a significant disadvantage against foreign competition due to non-availability of OPIC coverage.

I believe that recent legislation passed by the U.S. Congress makes OPIC coverage available in Pakistan. However, implementation of this legislation seems to be taking some time. Any assistance you can provide in expediting the availability of OPIC coverage in Pakistan would greatly help U.S. firms in their efforts to compete in the Pakistan market.

Sincerely,

REESE H. HOWLE,
President.

BOSTON TECHNOLOGY, INC.,
Wakefield, MA, March 19, 1996.

Mr. STROBE TALBOTT,
Deputy Secretary of State,
Washington, DC.

DEAR MR. STROBE TALBOTT: I am writing in response to a phone message from a Mr. Monsori Ali, the Economic Minister of Pakistan, at the Embassy in Washington. Boston Technology is a telecommunications firm employing more than 500 people in the Boston Area, with offices worldwide.

We have already done some business in Pakistan with Paktel, and are currently negotiating for additional business with PTC, the Pakistan Telephone Company.

It would be of great assistance if the Senate would approve the Opic Insurance provision currently under consideration.

Thank you for your interest in Boston Technology.

Sincerely,

TODD HASSELBECK,
Vice President International Sales.

HAWKINS OIL & GAS, INC.,
Tulsa, OK, March 14, 1996.

Mr. STROBE TALBOTT,
Deputy Secretary of State,
Washington, DC.

Ref: OPIC Restoration for Pakistan.

DEAR MR. TALBOTT: This letter is a request that the process to restore OPIC insurance coverage for Pakistan be completed at the earliest possible date. Our company has been working since 1989 to construct and operate a 586 MW power plant—the Uch Power Project—in Pakistan. We have been pleased by the policy behind the Brown Amendment, and now are hopeful that its expected benefits can be realized. U.S. companies own over 50 percent of the Uch project equity, and most of the $625 million plant budget is for purchase of U.S. sourced goods and services.

We are on the verge of financial closing of this project, and hope to receive clearance for filing our application for OPIC insurance thereafter.

Please accept my thanks and appreciation in advance for your assistance.

Sincerely,

JOHN B. HAWKINS.

TENASKA INTERNATIONAL,
Omaha, NE, April 8, 1996.

Mr. STROBE TALBOTT,
Deputy Secretary, Department of State, Washington, DC.

DEAR MR. TALBOTT: On behalf of the Uch Power project sponsors, I am writing to request your support for making Overseas Private Investment Corporation (OPIC) funding available for Pakistani projects.

As you know, Tenaska International and four other companies are developing the Uch Power Limited independent energy project in Pakistan. The other U.S. sponsors are GE Capital Corp. and Hawkins Oil and Gas. Additionally, Midlands Electricity of the UK and Hasan and Associates of Pakistan are project sponsors.

The $630 million project is nearing financial close, and limited construction already has begun. Having access to OPIC insurance is very desirable for the Uch project. Due to the project's advanced stage of development, we hope that OPIC insurance becomes available for Pakistan as soon as possible.

Speaking for Tenaska, we are most interested in future project development in Pakistan as well. Availability of OPIC insurance will be of great benefit to us for future projects.

We urgently request your support in making OPIC insurance available for projects in Pakistan.

Sincerely,

PAUL G. SMITH,
CEO, Tenaska International.

UNION TEXAS PETROLEUM,
March 20, 1996.

Mr. STROBE TALBOTT,
Deputy Secretary of State,
Washington, DC.

DEAR MR. TALBOTT: We are writing in support of initiatives by the Administration and in Congress to further improve relations between the United States and Pakistan, particularly the reactivation of Overseas Private Investment Corporation (OPIC) programs. Union Texas is a United States public company that has operated oil and gas concessions in Pakistan since 1977. During 1995, our operations produced approximately 37% of Pakistan's domestic oil production and 10% of its natural gas production. Over the years, we have had a productive and mutually beneficial relationship with the peoples and Government of Pakistan. We strongly believe that the United States should work to further strengthen its relations with Pakistan.

During 1995, Union Texas and the Government of Pakistan signed a new petroleum concession agreement and we began discussions regarding downstream projects, including electrical power generation and liquefied petroleum gas opportunities. The availability of OPIC programs could be a critical factor in our ability to commit to certain of these projects in the future.

We hope that the Administration will give its full support to reactivating OPIC's ability to offer its programs in Pakistan, thus encouraging U.S. investment and fostering a positive and supportive environment for relations between our two nations.

Very truly yours,

W. M. KRIPS.

SOUTHERN ELECTRIC INTERNATIONAL,
Atlanta, GA, March 19, 1996.

Mr. STROBE TALBOTT,
Deputy Secretary of State,
Washington, DC.

DEAR MR. TALBOTT: You may be aware that the Government of Pakistan (GOP) is pursuing a comprehensive program of privatizing some of its major state-owned companies. As part of this program, the GOP is privatizing the Kot Addu Power Station (KAPS) which is the largest (1600 MW) thermal electric power generating station in Pakistan. Southern Electric International is seriously pursuing this opportunity in competition with three other major international companies, two of which are non-U.S. This project will be bid this month with financial closing expected in September.

As a U.S. company, Southern Electric International's commercial objectives in Pakistan are constrained by the delays in the signing of the relevant protocol that will allow OPIC to provide the needed insurance risk coverages. The availability of OPIC insurance coverage for Pakistan would enhance the competitiveness and investment options available to Southern Electric and all U.S. companies interested in investing in Pakistan. Therefore, I would appreciate very much if your office would facilitate and support an expeditious signing of the relevant protocol.

Southern Electric is a wholly owned subsidiary of The Southern Company, one of the largest electric utility holding companies in the U.S., and is based in Atlanta, Georgia. Southern Electric finances, builds, owns and operates electricity generation, transmission and distribution assets in the U.S. and around the world. Currently, Southern Electric has international assets in Argentina, Bahamas, Chile, Trinidad and the United Kingdom.

Again, I appreciate your consideration and support with respect to OPIC insurance for Pakistan. If you have any questions or concerns regarding this matter, please feel free to contact me.

Regards,

THOMAS G. BOREN.

HYCARBEX, INC.
Irving, TX, March 20, 1996.

Mr. STROBE TALBOTT,
Deputy Secretary of State,
Washington, DC.

DEAR MR. TALBOTT: This letter is a request that the process to restore OPIC insurance coverage for Pakistan be completed at the earliest date. Our company has obtained a petroleum concession in Pakistan and is soon mobilizing our resources for the exploration and development of hydrocarbon resources in Pakistan. I am confident that an agreement between the Governments of the United States and Pakistan regarding OPIC's coverage will assist not only in our business but also others who are interested in doing business in Pakistan.

Please accept my thanks and appreciation in advance for your assistance.

Yours sincerely,

DAVID L. COX,
President.

AES CORP.,
Arlington, VA, March 19, 1996.

Hon. STROBE TALBOTT,
Deputy Secretary of State,
Washington, DC.

DEAR MR. TALBOTT: The AES Corporation is an American company in the business of building, owning and operating private electric power generating facilities in the United States and abroad. We have seven plants in the U.S., three in the U.K., three in Argentina, and four in China. More recently, we have completed the financings for and begun construction of two power plants in Pakistan. It is because of this activity that we write to you.

We have been working in Pakistan for two and one half years, and have committed substantial amounts of time and—more recently—equity capital to this country. Our dealings with the Government of Pakistan have been uniformly characterized by both fairness and remarkable expedition. We're pleased with our success there, and with the positive impact on American jobs that this success will have, indirectly and directly.

What has been lacking in Pakistan is our ability to access the insurance and financing programs of the Overseas Private Investment Corporation (OPIC). As you know, until recently OPIC was congressionally prohibited from offering its services to U.S. companies operating in Pakistan.

These restrictions have now been lifted, and we urge you to act quickly to allow OPIC to offer insurance coverage there. It will help our efforts and the efforts of many American companies to do business in Pakistan.

Sincerely,

ROBERT F. HEMPHILL, Jr.,
Executive Vice President.

Mr. HARKIN. Mr. President, the Government of Pakistan is pursuing dramatic economic reforms, including liberalization, privatization, and deregulation in order to transition its economy into a fully market-oriented system. Once OPIC support is reinstated, the United States will be able to institute trade and development assistance programs as well. U.S. companies will be able to pursue business opportunities in a wide variety of sectors, such as power generation, telecommunications, highway construction, port development and operations, oil and gas, and banking and finance.

I also point out, Mr. President, that the Government of Pakistan is in the process of privatizing its banking system. OPIC can be of great help and support in doing that.

Further, the prohibition of IMET has meant an emerging generation of Pakistani military officers has not had access to training in the United States. Let me be clear that IMET does not mean the transfer or sale of any weapons. It only means valuable education assistance to other militaries which help foster valuable military-to-military contacts with the United States and the host country and allows the United States to impart its values to other militaries.

Mr. President, according to the Department of Defense, the Chinese are currently the single largest provider of military training to Pakistani Forces. Cutting off Pakistan from IMET assistance over the last 7 years has therefore reduced our contacts among the military leadership in Pakistan and reduced their exposure to United States institutions and values. This 7-year vacuum has been filled by China—not in our best interests. In addition to providing American-style military training, IMET can be used to provide training in human rights, military justice, and civilian-military relations.

The chief of the Army staff, General Karamat, for Pakistan, who attended the United States Army Command and General Staff College in Fort Leavenworth, KS, has stated that he would rather send his officers to the United States to study rather than to China. I think we ought to take him up on that.

The United States has an IMET Program with every country in South Asia except for Pakistan, including Nepal, Bangladesh, Sri Lanka, India, even the Maldives. This policy does not make sense. IMET should be restored not as a favor to Pakistan but because it is clearly in the United States interests to do so.

That is what this amendment is really all about, helping the Unites States. It is pro-American. Pakistan is not getting military training from the United States; it is getting it from China. Is that serving U.S. interests? I do not think so.

This amendment is not for anyone else but the United States because it will be our interests that are best served by it. Mr. President, let me briefly outline the long history of friendship between Pakistan and the United States.

I believe it is important that this appear in the RECORD.

Since 1947—50 years ago—the founding of the nation of Pakistan, the people of Pakistan have been helping to serve United States interests in South Asia and around the world. When the first Prime Minister of Pakistan, Liaqat Ali Khan, chose to undertake his first overseas visit, it was to the United States instead of to the Soviet Union, despite efforts by Moscow to entice him there and despite their proximity to both the Soviet Union and China. Since the late 1940's, Pakistan has helped the United States on numerous occasions in promoting and protecting American interests.

In a speech to this Congress, Prime Minister Liaqat Ali Khan proclaimed—and I quote—

> 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 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, the South East Asian Treaty Organization. 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. That is true. I understand that. But I believe that the freedom advocates, the freedom fighters, those who struggle continually in Pakistan for democracy and freedom have been at it continually. They have been assassinated and tortured and put in jail, but they continue to struggle for democratic freedoms in that country.

Those are the ones about whom I speak, not the military dictatorships, but the brave people in Pakistan that continue to struggle and fight and to maintain an adherence to democracy.

Mr. President, from that time on, Pakistan has been on our side and by our side whether it is in Korea or whether it is in Somalia, whether it is in Haiti, or in Bosnia. Yes, Pakistan right now has troops in Bosnia. And they have faced dangers time and time again, but they have stuck by our side.

I spoke, not the military dictators, not the repressive forces in Pakistan, but to those brave people of Pakistan who, through all of this, continue to struggle and to fight against corruption 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. One of those flights, as we all sadly remember, was shot down by the Soviets. Francis Gary Powers was the pilot, and we all know how the Soviets paraded him as one of their trophies.

Soviet leader Nikita Khruschchev turned his ire on Pakistan because he knew that was where the plane was based. 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. The 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 spy planes there. They are bordering right on the Soviet Union, and yet they stood by us.

Pakistan again came to the assistance 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.

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. Not only did the Soviet Union, again, threaten Pakistan with dire consequences, but launched a campaign of subversion and terror against Pakistan. The country experienced numerous violations of its ground and air space, terrorist bombings, and subversion.

Since 1992, 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, Pakistan made significant contributions to the multinational force during the Gulf War to help liberate Kuwait. Pakistani troops are currently in Bosnia.

In 1995, we asked Pakistan to return a suspected terrorist, Ramzi Yousaf, for his alleged involvement in the World Trade Center bombing. And they did.

And, recently, the CIA was able to return to the United States, Mir Aimal Kansi, a Pakistani who is charged with killing two CIA employees outside CIA headquarters.

As a moderate democratic Islamic ally, Pakistan is our most tried and

trusted friend we have in the Islamic world. They have stood by our side against the Soviet Union's aggression. And they have stood by our side in the fight against terrorism.

So I say to my colleagues, let us treat our friend and ally Pakistan as they deserve to be treated due to their longstanding support for the United States, but most importantly it is in our best interests to do so. Granting OPIC and IMET will help U.S. business interests and U.S. national security interests. It will help exports, foster military-to-military contacts and give the United States better intelligence in the region. It is fair, it is right, and makes good sense for the United States to change its shortsighted policy and pursue long-term interests in the region.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Virginia.

Mr. WARNER. Mr. President, I am very pleased that my distinguished friend and colleague approached me to form a partnership for the purpose of this amendment. In different ways and at different times both of us have worked closely with Pakistan. As a member of the Intelligence Committee for 8 years, and then as vice chairman, I worked very closely during the war in Afghanistan, and through the years have come to know many of the distinguished persons from that nation who have come to the United States either in an official capacity or indeed many, many who have a heritage in Pakistan who have come to reside and take up their responsibilities in America.

And that is why I agreed to be the principal cosponsor with my distinguished colleague.

Specifically, the amendment would allow the United States to provide OPIC financing for United States companies operating in Pakistan; would allow the resumption of the IMET program to train Pakistani military officers in the United States; and would allow assistance for activities to promote the development of democratic institutions.

This limited economic and training assistance to Pakistan will ensure that the United States will remain constructively engaged with a nation that has a long history as a friend and ally of the United States.

Almost from its creation as a nation in 1947, Pakistan has assisted the United States in containing Soviet expansion in this critical part of the world. In 1954, the United States and Pakistan signed a mutual defense assistance agreement which, over the following 10 years resulted in the United States providing Pakistan over $700 million in military grant aid. United States economic aid to Pakistan was even more generous—this Nation provided over $5 billion to Pakistan from 1951–82.

This close relationship was of great benefit to the United States following the December 1979 Soviet invasion of Afghanistan. Pakistani cooperation was critical to the success of United States operations related to Afghanistan.

The amendment before the Senate today does not call for a full resumption of United States assistance to Pakistan. Most importantly, the existing prohibitions on providing military equipment would be retained. The programs we are talking about—particularly OPIC and IMET—are of great benefit to the United States, as well as Pakistan. OPIC financing will allow United States businesses to successfully compete for business opportunities in Pakistan; and IMET will allow the next generation of Pakistani military leaders to be exposed to our values.

During today's debate on this amendment, we will likely hear discussion about Pakistan's nuclear activities. While I share the concerns of my colleagues with the proliferation of weapons of mass destruction in South Asia, this amendment does not undermine our nonproliferation goals. To the contrary, I believe that we may be better able to influence developments in Pakistan if we remain engaged with that nation.

I urge my colleagues to support this amendment.

I compliment Senator HARKIN for his hard work on this amendment. We have talked with a number of our colleagues. We have talked with the administration. Former Ambassador Pickering, now a senior official at the Department of State, of course had written us. Those letters are now in the RECORD, to my understanding.

I rank him among the most knowledgeable of our present-day persons in the Department of State, indeed throughout the administration, and value his judgment greatly. I have worked with him for some 15 to 18 years now. And therefore, Mr. President, I strongly urge the adoption of this amendment.

At this time I yield the floor in recognition of my colleagues.

Mr. HARKIN. I just want to thank my colleague for his aid, his assistance, and strong support of this amendment, and for talking to colleagues here on the Senate floor about the importance to the U.S. interests of making sure we reinstate OPIC, IMET, TDA, the democracy initiative, and thank the distinguished Senator from Virginia for his strong support and his help in this effort.

Mr. WARNER. I thank my distinguished colleague, and particularly for his reference to IMET. It is a program I have dealt with throughout my career both in the Department of Defense and here in the Senate. And it returns great dividends to the United States. I am delighted that this will be a part of it.

I yield the floor.

Mr. GLENN. Mr. President, I rise to speak about the amendment offered by my colleagues, Messrs. HARKIN and WARNER, which would authorize the resumption of certain forms of economic assistance and military training activities with Pakistan.

The amendment would allow the provision of assistance by the Overseas Private Investment Corporation [OPIC], the resumption of military training activities, and certain other trade and democratic assistance to Pakistan. This aid had been terminated due to Pakistan's continued inability to keep its many promises and assurances to the United States concerning the peaceful nature of its nuclear program. The amendment would resume this specific assistance and do so unconditionally.

I used the word, ''unconditionally.'' That means, the assistance could continue in the future to flow even if Pakistan acquired new uranium enrichment assistance from China or transferred its own technology to some other country.

The aid could flow if Pakistan detonated a nuclear device or transferred nuclear weapons designs or components to some other country.

The aid could flow if Pakistan once again attempts to violate United States nuclear export control laws by acquiring nuclear equipment or materials for its bomb program.

The aid could flow if Pakistan starts the unsafeguarded production of plutonium, an activity that may soon commence with the completion of its production reactor at Khushab.

The aid could flow, in short, with no expectation whatsoever that such aid would be accompanied by further progress in restraining Pakistan's bomb program. And in so flowing, the aid could help Pakistan—albeit in a restricted way—to alleviate the burdens of United States nuclear sanctions. In other words, America could be helping Pakistan to cope with United States nuclear sanctions, rather than signaling our fundamental national conviction in policy and in law that proliferation must have a price. Instead of making proliferators pay, we could be issuing special rewards for proliferation.

The key here is obviously the word, ''could''. The President would be left, under this legislation, with the delegated responsibility of determining whether the continuation of U.S. assistance in the face of any of the activities above would truly serve the U.S. national interest. And I for one surely cannot imagine any circumstance where such a determination could be made.

Yet I hope that this amendment will not send the entire world exactly the wrong message about America's commitment to nonproliferation.

The amendment must not suggest that America has lost the political will to keep nonproliferation as a key national security policy in our dealings with other countries.

It must not signal that our country is more concerned with promoting its opportunities for trade and investment

than it is about curtailing the global spread of nuclear weapons.

It must not indicate that countries can make—and then systematically break—solemn promises to the United States concerning matters of profound importance to regional and international security, and do so without jeopardizing the flow of much-desired U.S. foreign assistance.

Now all of us here today are familiar with the notion that America should engage Pakistan by providing increased United States assistance as a means of restraining its nuclear program. It would not be the first time that members of the Senate or the Executive had argued that additional military or economic aid would serve as a valuable instrument of nonproliferation. But I do not believe that the sponsors of this amendment today would sincerely make such an argument. We simply cannot turn a blind eye to history.

Mr. President, I ask unanimous consent to insert at the end of my remarks a list of statements concerning the alleged value of United States foreign assistance as a tool of nuclear restraint in Pakistan. I urge my colleagues to read a few of such assurances that United States officials provided to Congress throughout the decade of the 1980's, the very decade, lest we forget, that Pakistan crossed its most significant milestones on its march to the bomb.

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

(See Exhibit 1.)

Mr. GLENN. I would like to remind my colleagues that most United States economic and military aid to Pakistan was cut off in October 1990 by President George Bush, when he was no longer able to certify that Pakistan did not possess nuclear weapons or that the provision of further United States aid would reduce the risk that Pakistan would come to possess such weapons. That language, found in the Pressler amendment, sec. 620E(e) of the Foreign Assistance Act, has been substantially relaxed in recent years, in part by the actions of Congress, and in part by actions taken unilaterally by the Executive. Let me review briefly just how far America has gone already to relax these sanctions.

The Brown amendment, which was enacted in February 1996, amended the Pressler amendment to allow the provision of all types of economic assistance, notwithstanding Pakistan's continuing non-compliance with the Pressler criteria. In addition to allowing the transfer of over a third-of-a-billion dollars of embargoed military gear to Pakistan—including spare parts and upgrades for Pakistan's probable nuclear-weapons delivery vehicle, the F–16—the Brown amendment also unconditionally authorized the resumption of the following aid: international narcotics controls; military-to-military contacts, including IMET; humanitarian and civic assistance projects; peacekeeping and other multilateral operations; antiterrorism assistance; an exemption from storage costs for embargoed military equipment; and delivery of military items sent to the United States for repair before the 1990 sanctions.

For its sponsors, the Brown amendment suffered from one rather serious problem, however. That amendment failed to recognize that Pakistan was still in violation of the Symington amendment, sec. 101 of the Arms Export Control Act, and the likelihood of presidential waiver of the latter was extremely remote, in light of Pakistan's continued violations of that law. In short, because the Brown amendment neither repealed nor amended the Symington amendment, the Symington amendment continues to outlaw the provision of aid under the Arms Export Control Act or the Foreign Assistance Act to Pakistan. That is why the present amendment is being offered—it is being offered to liberalize the sanctions under the Symington amendment.

I note that the International Financial Institutions Act only requires U.S. executive officers at those institutions merely ''to consider'' the nonproliferation credentials of the potential recipient country, and hence this does not prohibit continued aid via such institutions. Pakistan has received hundreds of millions of dollars in assistance from such institutions since October 1990.

The Export-Import Bank Act only requires the denial of credits in the event of violations of safeguards or a US nuclear cooperation agreement; nuclear detonations; or persons or countries that willfully aid and abet non-nuclear-weapon states to get the bomb.

A host of other legislative amendments have authorized the provision of the following forms of assistance to Pakistan, notwithstanding existing nuclear sanctions, via nongovernmental organizations: agricultural, rural development, and nutrition; population and health; education and human resources development; energy; appropriate technology; use of cooperatives in development; integrating women into national economies; human rights; environment and natural resources; endangered species; and private and voluntary organizations.

So America has not been heartless to the lot of Pakistan's vast majority, its poor people. We have over the years provided billions of dollars of assistance intended to improve the living conditions of the people of Pakistan.

Our grievance today is not with the people of Pakistan but with their Government. It arises in particular from the awesome and growing credibility gap between the peaceful words of Pakistan's leaders about their country's nuclear program, and the certain fact that Pakistan is continuing to develop nuclear weapons and the missiles to deliver them.

Now some might argue that we should simply be grateful that Pakistan is not detonating nuclear weapons right now. We should rejoice that Pakistan is not transferring its bombs, bomb designs, or bomb components—right now anyway—to other countries. We should be happy that Pakistan has not yet imported a complete nuclear reprocessing plant or uranium enrichment plant from China, and be grateful that it is only technical assistance and components that Pakistan has received for its bomb program from China. By golly, we should celebrate the fact that Pakistan does not yet have an ICBM, or that it has not yet attacked Indian civilian or military positions with nuclear weapons hung under the wings of United States-supplied F–16 aircraft. Yes, we can surely be grateful for all the above restraint.

But maybe, just maybe, all of this heroic nuclear restraint that Pakistan has exercised is due in good measure to the real and palpable costs that Pakistan would pay if it engaged in any of those flagrant activities—costs that include, but are no means limited to, the costs that are found in existing United States sanctions legislation.

We must examine, however, not just at what Pakistan has not done, but also recall what Pakistan has done. Here is what Pakistan has done recently:

Pakistan has acquired thousands of specially-designed ring magnets for its unsafeguarded uranium enrichment project, and reportedly acquired them just about the time the United States Congress was debating the Brown amendment in 1995. Pakistan's actions make a mockery not just of the Brown amendment, but also of America's nuclear nonproliferation policy as a whole.

Pakistan is nearing completion of an unsafeguarded plutonium production capability with its production reactor at Khushab and, by some reports, a related nuclear reprocessing plant.

Pakistan has in the eyes of most of the world, but evidently not yet those in our own State Department, acquired nuclear-capable M–11 missiles from China, and recently test-fired its HATF missile.

On March 20, 1997, the trade publication, Nucleonics Week, reported that ''Pakistan has completed its tests of its atomic bomb capability successfully through computer simulation.'' This claim was made by one who should know, Pakistan's former Army Chief of Staff, Mirza Aslam Beg, and comes as a particularly bitter reminder of the Senate's unfortunate decision last week to vote down a proposal by my colleagues, Messrs. COCHRAN and DURBIN, to tighten up export controls over high-powered computers going to Pakistan and other risky countries.

In June 1997, the CIA Director sent to Congress an unclassified report on global weapons proliferation in the last 6 months of 1996—Report entitled: ''The Acquisition of Technology Related to Weapons of Mass Destruction and Advanced Conventional Munitions: July-

December 1996''. Here is what the report had to say about Pakistan:

Pakistan was very aggressive in seeking out equipment, material, and technology for its nuclear weapons program, with China as its principal supplier. Pakistan also sought a wide variety of nuclear-related goods from many Western nations, including the United States. China also was a major supplier to Pakistan's ballistic missile program, providing technology and assistance. Of note, Pakistan has made strong efforts to acquire an indigenous capability in missile production technologies.

The report also said that,

The Chinese provided a tremendous variety of assistance to both Iran's and Pakistan's ballistic missile programs.

Needless to say, these are some of the key findings from just one recent unclassified U.S. government report, perhaps the tip of the proverbial iceberg.

Mr. President, I ask unanimous consent to insert into the RECORD at the end of my remarks copies of some of these relevant reports.

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

(See exhibit 1.)

Mr. GLENN. How are we to interpret such activities? Should we just write them off as due to India's own irresponsible nuclear and missile programs? Is it due to the so-called inevitability of proliferation? No, indeed, we need to redouble our efforts to roll back both countries' programs. Above all, we should not be engaging in acts that can reasonably be interpreted as rewards for proliferation.

I do not myself see this legislation as a reward for proliferation and do not believe that its sponsors, including its supporters in the Administration, so view it. But I worry more about how others will perceive it, particularly those in Pakistan and in the various ministries of other countries that may be working on clandestine projects to develop weapons of mass destruction. How far can Uncle Sam be pushed when it comes to avoiding sanctions against the bomb? If past is prologue, it appears that the unfortunate answer is, pretty far indeed.

Through this legislation, America has now made a gesture—based more on hope than on experience—that the Government and people of Pakistan will interpret as they wish. I hope they will recognize that America is sincere about its global commitments to nuclear and missile nonproliferation. I hope they recognize that America remains determined to pursue vigorously these commitments not only in Pakistan, but also in India, and indeed, wherever such illicit programs may exist.

I also hope—as the profound direct and indirect costs mount of maintaining these dangerous nuclear and missile programs—that the Government and people of Pakistan will come in due course to realize that there is a more rational course to follow and a new day will dawn. It is a course charted by the governments and people of South Africa, Brazil, Sweden, Switzerland, South Korea, Taiwan, Germany, Japan, and numerous other countries that individually reached their own decisions that their latent nuclear weapons options are just not worth the substantial national security and economic costs of exercising those options. Make no mistake about it: cost assessments have been and will continue to be crucial to national leaders around the world in making such decisions.

We will not come any closer to witnessing the dawn of that new day, however, if we continue on our current course of incrementally weakening the costs we impose for proliferation where it occurs. I remain concerned that while today's step is quite modest and incremental, the overall tendency is one that is suggestive of a weakening of America's resolve to pursue vigorously its key nonproliferation goals. Last week we gave the Senate's blessing to the disposal of licensing requirements for computers that were used in making hydrogen bombs. Today we loosen sanctions on Pakistan despite its ongoing nuclear and missile programs. Where will this process lead tomorrow?

That is the question that remains unanswered by today's legislation. It is a question that I surely hope is on the minds of each Member of Congress and the relevant offices in the Executive. Indeed, this is a question that should be on the minds of all Americans.

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. 620(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 both reducing incentives and creating disincentives for Pakistani acquisition of nuclear explosives.''—President George Bush, 10/5/89; President Ronald Reagan, 11/18/88; 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 Defense 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 legitimata 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 explosives 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 arms . . . 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 counteract 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

[From Nucleonics Week, April 24, 1997]

PAEC OFFICIAL SAYS CHINA WILL MAKE KEY PARTS, FINISH CHASHMA BY 1999

(By Mark Hibbs)

TOKYO.—Pakistan's first imported PWR will be finished by the end of 1998, and contain equipment which China imported for its prototype PWR at Qinshan but which Chinese firms have since learned to make, according to Parvez Butt, a member of the Pakistan Atomic Energy Commission (PAEC).

Butt described the 300–MW PWR at Chashma as 70% complete in terms of both cost and equipment installed. Still to be installed are reactor internals.

For Qinshan-1, the reactor vessel and internals and steam generator tubing were manufactured in Japan, Germany, France, Sweden, and Britain. At that time, Western industry firms involved in making the equipment claimed that China did not have the metallurgical know-how needed to make all the equipment needed to replicate the plant in Pakistan (NW, 6 Feb. '92, 2). South Korean officials said in 1995 that Korea Heavy Industry & Construction Co. Ltd. (KHIC) had been approached to make the vessel, since it is already manufacturing vessels for China's larger indigenous PWRs at Qinshan, but the idea was dropped when Seoul applied to join the Nuclear Suppliers Group (NW, 28 Sept. '95, 1).

Butt said that the pressure vessel for Chashma-1 was made at a factory in northern China and has been undergoing testing since October. Butt said the vessel would be ''ready soon'' and would conform to international quality standards. According to French industry sources, China sought to make larger pressure vessels for the next French-supplied PWRs to be build in Guangdong Province, but experts at Framatome refused, citing quality concerns.

The steam generators for Chashma-1 will be made by Shanghai Boiler Works, and Shanghai Turbine Works will make the turbine generator. The unit's two main circulation pumps will also be provided by Chinese firms. Instrumentation and control (I&C) equipment is of Chinese design, Butt said, and will be manufactured by Chinese firms in Shanghai and Beijing.

Butt said China will also provide the first core and three reloads, using Chinese uranium enriched and fabricated into fuel in China. China has trained about 150 Pakistani operating and maintenance personnel at Qinshan, Butt said. Pakistan industry input to the Chashma project has been limited to some auxiliary equipment such as decontamination tanks in the liquid waste treatment system.

According to Butt, Pakistan paid cash for all the Chinese input to the Chashma project. Financing for a second Chinese unit there, he said, has ''not yet been arranged.''

[From Nucleonics Week, March 27, 1997]

NEW PAKISTANI GOVERNMENT RESTORES FULL FUNDING FOR CHASHMA PROJECT

(By Abdul Rauf Siddiqi)

KARACHI.—The new government of Nawaz Sharif has decided to divert unutilized funds amounting to about 4-billion rupees (U.S. $100-million) from the disbanded People's Works Programme to the 300–MW Chashma Nuclear Power Project, restoring the current year's budget to ensure the plant's on-time completion, government sources said.

The People's Works Programme was disbanded by the caretaker government headed by Miraj Khalid, which bridged the time between the dissolution of Benazir Bhutto's government to the formation of the current one. The caretaker government, brought into office on complaints of corruption, mismanagement, and misuse of funds in the Bhutto regime, allowed only those program projects which were near to completion to continue.

The caretaker government also reduced the allocation for Chashma by Rs 3-billion from the Rs 4.7-billion budgeted for fiscal 1996–97.

Chashma, being constructed at an estimated cost of Rs 31-billion by the China National Nuclear Corp., is said to be progressing on schedule and is expected to be completed by the target of October 1998. It is modeled on China's indigenous-design PWR at Qinshan.

[From Nucleonics Week, March 20, 1997]

EX-ARMY HEAD SAYS PAKISTAN BOMB PASSED COMPUTER SIMULATION TESTS

(By Abdul Rauf Siddiqi)

KARACHI.—Pakistan has completed its tests of its atomic bomb capability successfully through computer simulation, according to Pakistan's former Army Chief, retired general Mirza Aslam Beg in an interview with the Urdu language national daily Pakistan published in Lahore.

Beg, who retired in 1990, is head of the Awami Qiyadat Party (AQP) and of an international think tank, Foundation for Research on International Environment, National Defence & Security. He took over the reins of the armed forces after his predecessor died in a 1988 plane crash. He was the first army chief to confirm Pakistan's nuclear capability, and disclosed that the government froze the nuclear program in 1989 under U.S. pressure.

The former army chief's confirmation of Pakistan's nuclear test via computer came an India is preparing to conduct a final test of its intercontinental ballistic missile Prithvi at Arrisa, Khalij Bengal. Beg said that Pakistan's next step would be the technology to drop a bomb. He said he has no knowledge of Pakistan's possessing the needed missile technology, he said, ''we can use F–16 aircraft for the purpose.''

[From the Deutsche Presse-Agentur, July 3, 1997]

PAKISTAN CONFIRMS TEST FIRING ROCKET BUT GIVES NO DETAILS

ISLAMABAD.—A government spokesman in Islamabad confirmed Thursday that Pakistan's Space and Upper Atmosphere Research Council (Suparco) recently test fired a rocket.

''It was a routine test carried out by Suparco in rocket motor technology and was aimed at peaceful uses of technology,'' said the spokesman of the Foreign Ministry commenting on press reports that the test involved Hatf–3 missile.

The spokesman did not identify the rocket as Hatf–3 nor did he confirm a report that it had a range of 800 kilometres. ''I do not have the technical details,'' he said.

Suparco is a civilian organization and its research had ''no military component'', he added.

Pakistan has been developing the Hatf missile to rival India's medium-range Prithvi missile. China has been helping Pakistan in the effort and has also supplied its M–11 missiles to the Moslem country.

''You are free and welcome to locate the factory,'' the spokesman said rejecting as ''totally baseless'' a U.S. Time magazine report last month that spy satellites of the American Central Intelligence Agency had spotted the layout of a new missile factory in the suburbs of Rawalpindi, adjacent to Islamabad.

In the past, American intelligence agencies reports about the existence of secret nuclear facilities near Rawalpindi have neither been admitted nor proved independently.

[From Nucleonics Week, July 3, 1997]

U.S. BELIEVES KHUSHAB STILL COLD, NO HEAVY WATER SOLD BY CHINA

(By Mark Hibbs)

BONN.—U.S. officials last week categorically denied a report from Pakistan which claimed that an unsafeguarded reactor near

Khushab has started operating. One official monitoring nuclear developments in Pakistan told Nucleonics Week instead that ''all the data at hand indicates that the reactor is still cold.''

Two weeks ago, the Pakistani English-language newspaper Dawn asserted that the reactor is finished and has started up, but cannot produce electricity or reach full power because of a shortage of heavy water (NW, 19 June, 15).

Western officials conjectured that the Pakistani claim may have been triggered by a construction milestone at the reactor site or planted in response to recent reports that India has deployed the Prithvi ballistic missile.

In 1994, Western officials told Nucleonics Week that Pakistan was building a plutonium production reactor, rated at between 50 and 70 megawatts thermal, at a site near Khushab. These sources later added that intelligence pointed to construction of a fuel fabrication or reprocessing center near the reactor (NW, 22 Feb. '96, 6). As late as this April, however, a member of the Pakistan Atomic Energy Commission denied flatly that the reactor existed.

According to one U.S. official this week, however, the Khushab reactor ''is definitely out there'' but not scheduled to be finished ''until later this year or sometime in 1998.'' Another official said that, under the most optimistic schedule, completion of the reactor ''is several months away.'' Sources indicated that the reactor had not yet undergone cold testing, let alone become critical.

The Pakistani report suggested that the reactor would be used for electricity production as well as for isotope production. Recent surveillance photographs of the site, however, do not indicate that Pakistan is building power grid infrastructure, such as turbine generator equipment, for electricity generation. Moreover, Western officials said, it is not believed the reactor's chief purpose is isotope or silica production, as stated in the Pakistani account. Pakistan has a technical cooperation program with the IAEA for these activities, ''but none of this has got anything to do with Khushab,'' one Vienna official said, and the IAEA ''has not been informed'' by Pakistan that the reactor is under construction or that Pakistan plans to incorporate the unit into its existing technical cooperation program.

Sources said that, because Pakistan is facing a massive financial crisis, the U.S. and other creditor countries supporting the International Monetary Fund are trying to leverage Islamabad to keep the reactor from operating outside of IAEA safeguards. Zia Mian, a research fellow at the Union of Concerned Scientists in Cambridge, Mass., observed, ''If Pakistan were to start operating the reactor now, it would be taking a very major foreign policy step,'' demonstrating to the world that its unsafeguarded program is going forward regardless of U.S. opposition, and escalating military nuclear activities to include significant plutonium production.

INDIAN REPORT ALSO UNCONFIRMED

U.S. officials last week confirmed the assertion by Dawn that a critical factor which may indefinitely delay full-power operation of Khushab is shortage of heavy water. But they did not confirm recurring Indian reports that China, which the U.S. believes to have supported construction of Khushab, also provided heavy water for it. According to Western intelligence sources, a full inventory of heavy water for the unit would be about 15–20 metric tons (MT), though it could go critical with a smaller amount.

Indian sources said that, in 1996, China sold Pakistan 40 MT for Khushab, U.S. officials said the Indian government had told Washington this recently, but U.S. government agencies ''could not confirm'' the Indian assertion. A U.S. official said last week that, when New Delhi made the allegations to Washington, the U.S. ''went back to the Chinese on this'' and received assurances from Beijing that Chinese entities did to sell heavy water to Pakistan for Khushab.

U.S. officials said Indian allegations of Chinese heavy water trading with Pakistan were first made during the 1970s, and the most recent claims were initially taken seriously because there is evidence of past Chinese heavy water sales to both India and Pakistan.

Last year, the Department of State, now negotiating a resumption of nuclear commerce with China, asserted to the U.S. Congress that as of May 1996, China was not assisting any unsafeguarded foreign nuclear programs. Despite the Indian claims, U.S. officials last week continued to back China's nonproliferation credentials. ''That means nothing has gone to Khushab,'' since mid-1996, ''and no heavy water,'' one U.S. official involved said June 26.

According to the Pakistani report, administrative difficulties in Pakistan had prevented heavy water from being allocated for the Khushab reactor. Sources told Nucleonics Week that, in fact, most of Pakistan's scarce heavy water resources have, over the last two years, been allocated for the Kanupp PHWR, which generates electricity under IAEA safeguards. That allocation, sources said, reflected a general policy by Pakistan under former prime minister Benazir Bhutto not to take any steps, such as producing high-enriched uranium (HEU) at the Kahuta centrifuge enrichment plant, which would be seen by Washington as provocative and escalating regional nuclear tension. One source said, ''Keeping heavy water at Kanupp and away from Khushab should be seen by Washington as going hand-in-hand with not enriching uranium to HEU.''

Mr. TORRICELLI. Mr. President, I rise today in strong support of the Harkin amendment which restores OPIC, IMET, Trade and Development Assistance [TDA], and democracy-building institutions in Pakistan.

This amendment provides us with a unique opportunity to strengthen and solidify our relationship with Pakistan. Pakistan is a friendly country and vitally important to the United States. By restoring these programs, we can influence the course that Pakistan's economic and political reforms take and improve the continuity of its democratic government.

Pakistan has made great strides in these areas, and Prime Minister Sharif's election signals a turning point in Pakistani politics. As he moves to improve the quality of his country's government, the United States should provide the support necessary. Prime Minister Sharif has sponsored changes in the Pakistani constitution to end the President's power to dismiss the elected government. In the economic sphere, his government has embarked on an ambitious reform program intended to stabilize the economy. These are positive developments, but we need to encourage Pakistan to go even further. Our own Secretary of State has met with the Pakistani Foreign Minister to discuss options for more extensive reforms.

It is in the United States' best interests to train Pakistani officials in how to conduct legislative procedure and build lasting democratic institutions. It is also in our best economic interests to resume OPIC support for investment in Pakistan. Prominent U.S. business leaders have expressed their support for such an initiative, and I believe this option can benefit U.S. industry. The United States will be in a prime position to support economic reform in Pakistan, as well as compete for investment and trade opportunities there. We cannot, and should not, penalize U.S. companies looking to expand into this area of the world.

Neither should we jeopardize our stated goal of promoting nuclear nonproliferation. We have worked to prevent the nuclear arms race in South Asia, and future cooperation with Pakistan is now at stake. Restoring IMET in Pakistan is perhaps the best means we have of ensuring that nonproliferation becomes a reality. The Pakistani military controls the country's nuclear programs, but an entire generation of military officers has been denied access to training in the United States. By prohibiting IMET, we have succeeded in reducing our contacts within the leadership and limiting their exposure to U.S. values and institutions. If we allow IMET to resume, we will strengthen our position on nonproliferation by encouraging a Pakistani military that is as pro-United States as possible. Improved relations with Pakistan can only help our future nonproliferation efforts.

Mr. President, I am pleased to be a co-sponsor of this amendment, and I look forward to a close relationship with Pakistan in the future.

Mr. MCCONNELL. I am not aware of any opposition to the amendment on our side.

Mr. LEAHY. None here.

We are ready to move forward, Mr. President.

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

The amendment (No. 899) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

The PRESIDING OFFICER. Without objection, the motion to reconsider is laid on the table.

The motion to lay on the table was agreed to.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 890

(Purpose: To state the sense of the Senate that most-favored-nation trade status for China should be revoked)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 890.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that further 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:

''It is the sense of the Senate that the nondiscriminatory treatment extended to the People's Republic of China on May 29, 1997, pursuant to section 402(c) of the Trade Act of 1974 should be withdrawn.''

Mr. HUTCHINSON. Mr. President, I offer amendment No. 890 to the foreign operations appropriations bill. This amendment which is a sense of the Senate, would disapprove the MFN status, most-favored-nation status, to the nation of China. I have opposed the renewal of MFN to China. On June 3 of this year I became an original cosponsor of Senate Joint Resolution 31, the legislation disapproving the extension of MFN.

Unfortunately, because of the joint resolution of disapproval in the House, which failed to pass the House of Representatives on June 24, as in past years or at least recent years, the Senate has not considered and has not had the opportunity to weigh in on and to voice its concern about the conditions in China, and particularly to cast a vote on the MFN status for China.

Today we will have that opportunity with this sense of the Senate. It has been almost 4 years, Mr. President, since the United States formally delinked the issues of trade and human rights with regard to China. Four years ago when we delinked, when we embarked upon our policy of constructive engagement, the logic was that greater trade, greater economic expansion within China itself, would result in political freedom, greater political freedom, less repression, more opportunity for the people of China.

The fact is, by every measure, the record of the Chinese Government on human rights has worsened since the time that we embarked upon this policy delinking trade and human rights. Whether you look at the crackdown on people of faith within China, whether you look at the practice of forced abortions, forced sterilization of the mentally handicapped, the near extinction of the expression of any opinion that would be contrary to the established line of the Communist Government in Beijing, by any measure, conditions are worse, freedoms are less, oppression is greater than it was 4 years ago when we started this policy of constructive engagement.

In fact, according to the 1996 country report issued by our own State Department, the U.S. State Department said that the Chinese Communist leaders have succeeded in silencing every known political dissident. Mr. President, that is every dissident, every free voice, every voice of dissent, every contrary opinion to the party line has now been extinguished in Communist China either through exile, through death, or through imprisonment.

So, Mr. President, I feel very strongly that our current policy of continuing normal trade relations without regard to human rights conditions has been ineffective in stemming this very alarming trend in China by turning a blind eye to the atrocities or abdicating our responsibility as a great and a free nation.

As we have continued to extend China's MFN status, insufficient progress has been made in opening the vast Chinese market to the American companies. The argument has been free trade, increased economic expansion. While our imports from China have increased dramatically during the last 4 years, the amount of goods we export to China has grown at a much, much smaller rate.

Moreover, Mr. President, China utilizes a vast prison system manned with slave labor to produce many products which are exported to the West. It is unfair to ask American laborers, American workers, to compete with the slave labor of Communist China. I believe in free trade. This is not free trade that we have currently. Soldiers of the People's Liberation Army stand guard atop the towers of the slave labor camps, known as Laogai. The PLA controls, either directly or indirectly, a significant portion of the Chinese industry. In fact, according to our CIA, thousands of industries that we are trading with on a routine basis are controlled by the People's Liberation Army. That is not free trade. It is not fair trade. It is not right.

Mr. President, it is believed that many of these industries are involved in the proliferation of weapons of mass destruction, arms smuggling, economic espionage, use of forced labor, piracy of intellectual property, and misinformation of sensitive military technology.

Mr. President, I know some of my colleagues, perhaps many of my colleagues, feel that this amendment is something they would rather not vote on. This sense of the Senate is something they would rather not have to go on the record on. I think that we are dealing with foreign operations. Section 524 of this bill bars indirect assistance to many countries, including China. So it is relevant. It is germane. It is important that the U.S. Senate have an opportunity to voice our concerns. It is a sense of Senate. It is not binding. It is important we send that signal.

We may not be able this year—we cannot, obviously, because of the House action—we may not be able to deny MFN status, but we can send a signal, and we should.

To my colleagues I say there are people watching. The Chinese Government is watching what this Chamber does. The Chinese people are watching. We can send a message that we do not condone the practices, the oppressive totalitarian practices of this government. We can, at the same time, to the tens of thousands, yes, the tens of millions of Chinese who are facing that oppression today, we can say to them there are those in America who stand with them and who will support them in their fight for freedom.

I know, Mr. President, that there are many bills that have been introduced to deal with China, and I hope that we will deal with that. I hope we will take those bills, whether Senator BROWNBACK's, Senator ABRAHAM's, or whoever may have introduced legislation to address the China question, and we will put that into some kind of omnibus bill in future weeks to send an even stronger message. Until then, this is our opportunity. This is our chance to, once again, give a voice to American foreign policy. This is our opportunity to say to the world and to say to the Chinese Government, America still stands for something, that we do not have a foreign policy void of value, that those values we espouse, which are embodied in our founding documents and in our very Constitution, live on, today, in the policy that we advocate toward China.

I know there were many who breathed a sigh of relief in the U.S. Senate when MFN went down in the House of Representatives. There was a sense of ''we're off the hook.'' I say to all of those of my colleagues who have decried the conditions in China today, I say to all of my colleagues who in one form or another have said it is wrong what they are doing over there, to remember that while we may have been off the hook, there are tens of thousands of Chinese people in prison camps today who are still on the hook, this is our chance to give them the voice that their government has denied them.

I ask my colleagues to look deep within their soul, to look at their conscience, and I ask them to vote in favor of this sense-of-the-Senate resolution disapproving of most-favored-nation status for China.

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.

Mr. MCCONNELL. Mr. President, let me say in response to the amendment of my colleague from Arkansas, I and a number of other Members of the Senate were in Hong Kong a couple of weeks ago. I raise Hong Kong—even though I know the sense-of-the-Senate amendment deals with China—I raise Hong Kong because I think Hong Kong is the best hope for China. Hong Kong is going to lead the way to a new China, and a new China is already developing, which is not to say that any of us are entirely happy about everything going on in the People's Republic of China, but a lot of good things are happening, particularly on the economic side. No one in Hong Kong, not even Martin Lee and all of the democratic reformers that many of us know, is in favor of terminating MFN for China. You cannot find anybody in Hong Kong who thinks terminating MFN for China is a way to promote a better, more democratic, more open China.

So with all due respect to my friend and colleague from Arkansas, I think we have worked our way through this MFN debate. The President of the United States, as we all know, in 1992, when he ran, thought that MFN for China ought to be linked to human rights and democracy evolving in China, and as soon as the election was over, he took a closer look at it and he changed his mind. I must say I give him credit for changing his mind because I don't think this will bring about the kind of positive reform in terms of human rights and democracy in China that we would all hope.

What is changing China—unquestionably what is changing China—is economic reform. So I hope we will not support the amendment of the Senator from Arkansas. I think it would be a step in the wrong direction. I know there are other colleagues who share my view.

I see Senator FEINSTEIN on her feet now. I yield the floor.

Mrs. FEINSTEIN. I thank the distinguished Senator from Kentucky, and I thank you, Mr. President, for this opportunity.

I didn't come to the floor prepared to speak on this amendment. I came to speak on a another amendment. Having said that, I must say I am sorry this sense-of-the-Senate amendment has been raised. I think it would be a big mistake to pass this sense of the Senate that would essentially say to the People's Republic of China, ''we are going to isolate you from the rest of the world.'' Make no mistake about it, that is what this amendment says.

Anyone that has had a look at China knows that, historically, China has never wanted to interrelate with the rest of the world. Those of us who were in Hong Kong for the handover heard many comments about the British occupation of Hong Kong as a kind of bounty from the opium wars where Britain forced on China the opium trade, and the whole British control of Hong Kong as a colony developed from that time.

Having said that, the question is, really, is anything productive solved by forcing China into a position of isolationism, strengthening the hard-liners in China, providing a setback to the development of the rule of law and, most importantly, providing a setback to the economic democracy that is now developing all throughout the eastern seaports of the People's Republic of China? My answer to that is no. My answer to that is it signals to China that, effectively, Senate policy at the very least would be to try to contain China, isolate China, and not allow China to be a normal trading party with the United States of America. Internationally, that signals catastrophe.

Now, what does it mean for the United States? For the United States, and as a Californian, in my State, with one-third of our economy now dependent on Asia—not necessarily on China, but Asia—it means a loss of jobs. For the rest of the United States, it means a loss of jobs. The Senator from Kentucky just alluded to what it would mean for Hong Kong. He alluded to the fact that we heard no democratic leader say MFN should be denied China. Exactly the opposite. We heard democratic leaders in Hong Kong saying to deny China MFN would negatively impact the people of Hong Kong.

They estimate it would take economic growth and cut it by half, from 5 percent to 2½ percent. They say that it would cost up to 86,000 jobs in Hong Kong, and that even a partial cancellation, even a 6-month extension, would create a kind of uncertainty that would disturb the market in Hong Kong.

I think it is misguided to think you can deny a nation as large as China, the largest nation in the world, normal trading relations—not special trading relations, nothing special about it, but normal trading relations—and do anything other than shoot ourselves in the foot, because a whole ripple effect would be felt throughout the United States. And the flip side in China would be the growing isolation, the hard-liners being able to say, ''I told you so.''

Right now in China it is widely speculated that the next premier will be a man whose name is Zhu Rongji. He was at one time the mayor of Shanghai. I know him. He also is the author of the marketplace economy for China. He supported Shanghai as the first independent economic zone, which really was the first of these dynamic economic zones, and then, second, he has supervised an amazing transformation of the marketplace.

Today, only 50 percent of the companies in China are wholly owned by the central government. It used to be 100 percent of the companies were owned by the central government; 25 percent of these are in private hands today. They are becoming more competitive, more efficient. Sure, it is difficult because the big employers of China are the centrally owned companies. So it takes time.

In direct response to the distinguished Senator's concern about human rights—because I share these concerns very, very much—I have been trying for 6 years now, almost twice a year, to get the Chinese Government just to sit down with the Dalai Lama, just to try to come to terms with him with respect to cultural and economic preservation of Tibetans within Tibet. So far, I have not been successful. I don't expect to stop trying.

But during the 6-year period, what I have noticed has been interesting within the rest of China. What I have noticed is a growth in the rule of law. What I have noticed is that the Chinese are now eager to modernize their commercial codes, their criminal codes. The next step needs to be an independent judiciary; by this, I mean independent from party control, a judiciary that is paid well, that is seen to be independent. Qiao Shi, head of the National People's Congress, proposed a limitation of administrative detention today in China—picking up an individual, and holding them in custody cannot be done for more than 30 days. That is a step forward.

China has lived for 5,000 years under the rule of man; the rule of law is going to take some time. I commend the distinguished Senator for his commitment to this issue. If he had visited China in the late sixties or the early seventies, when Richard Nixon went to China and negotiated the Shanghai communique in 1972, it was a very much more constricted China. No one would have talked to the distinguished Senator. Everybody dressed alike. Everybody marched to the sound of the same drummer. The red books of the Cultural Revolution were still evident on the streets. The music still blared every morning. The controls were evident.

It is a very different China today. None of that is true today. People will talk. They will say what they think. There is a freer lifestyle. There is an improved standard of living. I believe that if you have an economic democracy, a social democracy will follow one day, just as sure as the sun comes up every morning, because the more people see the economic marketplace, the freedom that trade gives them, the increased educational levels, the benefit it produces, they then enter into the dialog and they learn about other cultures.

So I believe that from the days of the 1960's, of the Cultural Revolution and its aftermath, really lasting up to 1979, 1980, in the ensuing 17 years after 1980, there have been major changes within China. What we need to do is engage China, send working teams over on a regular basis, sit down with Chinese leaders, enable them to understand how our Government works and what our concerns are and what our national interests are and, I think, bring China into the mainstream of world leadership, not isolate it. Nothing sends a message of isolationism and containment for China more strongly than denying normal trading relations.

Mr. President, I believe this amendment should be defeated. It will not bring about a positive result for the ends that both the distinguished Senator and I would like to see.

I thank the Chair and yield the floor.

Mr. HUTCHINSON. Mr. President, I will briefly respond to my distinguished colleagues from Kentucky and California. I feel compelled, as I listen to the arguments that have been raised over and over again, and particularly the phrase that ''it is a different China today.''

Well, it is not my opinion that I am citing today. It is our own State Department's 1996 country report on the conditions in China. So I remind my colleagues on the floor right now that our State Department, in looking at China, said, yes, it is a different China;

the difference is that 8 years after the Tiananmen Square massacre, after those brave students stood in front of those tanks, there is not one remaining independent free voice in China today. That is our State Department. Every dissident has either been killed or imprisoned or exiled. There are none of those independent voices. That is the China that exists today. That is what our State Department has said.

Now, the State Department had a new report they were going to issue. It was supposed to have been out months ago. It was delayed. It was supposed to have been out in June, and it has been further delayed until after the MFN votes were over. I wish the administration had ordered that latest State Department report to be issued so that the Members of the Senate could see what the latest evaluation of the conditions in China really are. The latest we have, in the 1996 country report, is that there are no free voices in China today.

Now, they say we will isolate China. The same ones who say we are going to isolate China will say we can't deny MFN because they will send all of those goods to Europe, they will find markets for their products in Europe. Let me assure my colleagues, you will not isolate one-fifth of the world's population. And it is a self-contradictory argument to say we dare not isolate them or we will deny our American citizens these goods.

Now, my dear colleague and distinguished friend from Kentucky said Mr. Clinton had changed his mind when he got elected. Indeed, he did. He commended him for his change of mind. Well, I criticize him for his change of mind. I think he was right when he was a candidate. He then said that it was intolerable that we, as a people of conviction and values, should stand by and close our eyes to what is going on in China. So I regret that he made that change, as he has made changes in many other policies.

Well, then they say, ''It just takes time, just give them time,'' and if we will give them time, my colleagues say, we will see political freedom, an increase in their economic opportunities and, as sure as day follows night, political freedom will come. Mr. President, I have been waiting for 4 years. I have been waiting for 4 years for one scintilla of evidence to support that notion. If I could have found just the slightest indication that things were getting better in China, I would have voted for MFN to encourage those positive changes. But by every measure, it has gotten worse, and every objective observer, from Amnesty International, to Family Research Council, to our own State Department, has said it's worse.

So how can we continue to say, well, business as usual, and if we keep on giving them time, it will get better, when, so far, every time they have thumbed their nose at what we have done. Then we hear that no one calls for it if you go to Hong Kong. I don't know about that, but I do know that if you were in mainland China today, you could not call for it because, if you dared, you would be imprisoned and you would risk your very life and the lives of your loved ones. There are no dissidents left.

So to my colleagues I say, the vote on this amendment is very simple: to embrace the policy of profits and appeasement, or to embrace the policy of principle and principled challenge to those who would abuse and persecute and execute their own citizens.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I rise to discuss the amendment introduced by the Senator from Arkansas regarding MFN status for China. This issue is of immense importance to Washington State and the Nation.

As a member of the Foreign Operations Subcommittee, I must state for the record that I believe that this is not the appropriate forum for this amendment. The Senator from Arkansas has chosen to spring upon the Senate—with little notice—his amendment to fundamentally alter our relationship with the world's most populous nation.

I am sure the Senator knows that the House of Representatives recently followed the process established by the Jackson-Vanik amendment to overturn the President's decision to renew most-favored nation status for the People's Republic of China. The House of Representatives in strong bipartisan fashion rejected the effort to overturn the President of the United States. I applaud the House for taking this action. The House vote in favor of MFN followed extensive hearings, much thoughtful debate, and considerable input from our constituents, the business community, and the Clinton administration.

While this is not a new issue to many in the Senate, the Senator from Arkansas now asks the U.S. Senate go on record on this important strategic issue on the wrong bill without the benefits of adequate debate and thorough consideration. I don't believe this is the way to make good policy, and particularly on the United States-China relationship which is perhaps the most important, most difficult and most challenging relationship for United States policy makers to manage.

I applaud Senator HUTCHISON's interest in the United States-China relationship. In fact, I share many of the concerns that he in his arguments has outlined. But I differ in his prescription for addressing the problems in the United States-China relationship. I don't believe ending MFN or normal trade ties with China will advance United States interests. Rather, I believe the approach prescribed by opponents of MFN would for all intensive purposes end our relationship with China. For my State, this would be disastrous.

Chinese students—some of whom will become future government leaders in China—will likely discontinue their studies at universities in this country including at the Henry Jackson School of International Affairs at the University of Washington.

As many as 400 Washington State families might lose the ability to adopt a young Chinese girl in the coming year as a result of this amendment.

The Reverend Ned Graham and his East Gates Mininstries based in Sumner, WA, could see its mission in China curtailed or possibly ended altogether. East Gates Ministries has distributed nearly 2 million Bibles printed in Chinese dialects throughout China. Other Washington State faith-based ministries are active in China and could see their activities halted if the Senate agrees to this amendment.

I recently traveled to Hong Kong and China to discuss candidly the issues like MFN, the World Trade Organization, Hong Kong's reversion to Chinese sovereignty, the trade imbalance between the United States and China, my personal concerns on human rights, and numerous other issues.

In Hong Kong, I met with officials from the U.S. Consulate, the American Chamber of Commerce, the Hong Kong Government, and others. On the street and in official meetings, I sought to determine the mood of the people of the former British Colony prior to the reversion to Chinese sovereignty. Again and again, I was encouraged to convey to the Congress the importance of MFN to Hong Kong. Virtually every leader from Hong Kong has communicated to Congress the devastating impact that MFN revocation would have on the island recently named the freest economy in the world.

In my view, it is important for all who want to influence change in China to recognize that Hong Kong's transition may be our best opportunity to further influence the mainland in such important areas as the rule of law, respect for individual rights, and the many democratic principles that we cherish in the United States.

In Beijing, I met with China's Vice Premier, Chinese Trade Ministry officials, and Chinese leaders involved in financial services, transportation, agriculture, electronics, and aviation. I also spent a significant amount of time with U.S. Ambassador Jim Sasser, our former Senate colleague. Ambassador Sasser, who was a China critic as a member of this body, now adamantly supports the renewal of MFN status for China.

In my meeting with Vice Premier Li Lanqing, I focused on the trade imbalance between the United States and China, my concerns and those of my constituents on human rights, and the importance of China abiding by its commitments to Hong Kong.

I also discussed the Chinese counterparts many other issues important to us, including the growth of the Internet in China, the competitive advantage of Washington State's ports and transportation infrastructure, the

future energy needs of China, food security issues, including China's ability to feed its own people, problems associated with large, unproductive state-owned enterprises and growth patterns in coastal and rural parts of China.

My point in discussing my trip to China tonight is quite simple: If the Senate adopts the Hutchinson amendment, it will have disastrous consequences on the United States-China relationship. I believe it will threaten our very ability to dialog with the Chinese on all of the issues I have just outlined.

If the opponents of MFN truly believe the Senate must go on record on this issue, so be it. Let's do it in a responsible fashion with the proper consideration that an issue of this importance merits.

I strongly encourage my colleagues to vote against the Hutchinson amendment. I believe it is unwise and irresponsible for the Senate to address this issue in this fashion.

Mr. DODD. Mr. President, pursuant to a request by the distinguished Senator from Kentucky, the chairman of the committee and manager of the bill, I ask unanimous consent that the amendment by the distinguished Senator from Arkansas be temporarily laid aside.

The PRESIDING OFFICER (Mr. FAIRCLOTH). Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 900

(Purpose: To suspend temporarily the certification procedures under section 490(b) of the Foreign Assistance Act of 1961 in order to foster greater multilateral cooperation in international counternarcotics programs.)

Mr. DODD. Mr. President, I send an 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 Connecticut [Mr. DODD], for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. LUGAR, Mr. DOMENICI, Mr. KERREY, Mrs. HUTCHISON, Mr. COCHRAN, Mr. HAGEL, Mr. WARNER, and Mr. INOUYE, proposes an amendment numbered 900.

Mr. DODD. 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:

On page 102, between lines 9 and 10, insert the following:

TEMPORARY SUSPENSION OF DRUG CERTIFICATION PROCEDURES

SEC. 575. (a) FINDINGS.—Congress makes the following findings:

(1) The international drug trade poses a direct threat to the United States and to international efforts to promote democracy, economic stability, human rights, and the rule of law.

(2) The United States has a vital national interest in combating the financial and other resources of the multinational drug cartels, which resources threaten the integrity of political and financial institutions both in the United States and abroad.

(3) Approximately 12,800,000 Americans use illegal drugs, including 1,500,000 cocaine users, 600,000 heroin addicts, and 9,800,000 marijuana users.

(4) Illegal drug use occurs among members of every ethnic and socioeconomic group in the United States.

(5) Drug-related illness, death, and crime cost the United States approximately $67,000,000,000 in 1996, including costs for lost productivity, premature death, and incarceration.

(6) Worldwide drug trafficking generates revenues estimated at $400,000,000,000 annually.

(7) The United States has spent more than $25,000,000,000 for drug interdiction and source country counternarcotics programs since 1981, and despite impressive seizures at the border, on the high seas, and in other countries, illegal drugs from foreign sources are cheaper and more readily available in the United States today than 20 years ago.

(8) The 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances form the legal framework for international drug control cooperation.

(9) The United Nations International Drug Control Program, the International Narcotics Control Board, and the Organization of American States can play important roles in facilitating the development and implementation of more effective multilateral programs to combat both domestic and international drug trafficking and consumption.

(10) The annual certification process required by section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), which has been in effect since 1986, has failed to foster bilateral or multilateral cooperation with United States counternarcotics programs because its provisions are vague and inconsistently applied and fail to acknowledge that United States narcotics programs have not been fully effective in combating consumption or trafficking in illegal drugs, and related crimes, in the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) existing United States domestic and international counternarcotics program have not reduced the supply of illegal drugs or significantly reduced domestic consumption of such drugs;

(2) the President should appoint a high level task force of foreign policy experts, law enforcement officials, and drug specialists to develop a comprehensive program for addressing domestic and international drug trafficking and drug consumption and related crimes, with particular attention to fashioning a multilateral framework for improving international cooperation in combating illegal drug trafficking, and should designate the Director of the Office of National Drug Policy to chair the task force;

(3) the President should call upon the heads of state of major illicit drug producing countries, major drug transit countries, and major money laundering countries to establish similar high level task forces to work in coordination with the United States; and

(4) not later than one year after the date of enactment of this Act, the President should call for the convening of an international summit of all interested governments to be hosted by the Organization of American States or another international organization mutually agreed to by the parties, for the purpose of reviewing the findings and recommendations of the task forces referred to in paragraphs (1) and (2) and adopting a counternarcotics plan of action for each country.

(c) SUSPENSION OF DRUG CERTIFICATION PROCESS.—(1) Section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), relating to annual certification procedures for assistance for certain drug-producing and drug-transit countries, shall not apply in 1998 and 1999.

(2) The President may waive the applicability of that section in 2000 if the President determines that the waiver would facilitate the enhancement of United States international narcotics control programs.

Mr. DODD. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 901 TO AMENDMENT NO. 900

(Purpose: To perfect the pending amendment)

Mr. DODD. Mr. President, I send an 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 Connecticut [Mr. DODD] proposes an amendment numbered 901 to Amendment No. 900.

Mr. DODD. 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:

Strike all after the first word in the pending amendment and add in lieu thereof the following:

SEC. . SUSPENSION OF DRUG CERTIFICATION PROCEDURES.

SEC. 575. (a) FINDINGS.—Congress makes the following findings:

(1) The international drug trade poses a direct threat to the United States and to international efforts to promote democracy, economic stability, human rights, and the rule of law.

(2) The United States has a vital national interest in combating the financial and other resources of the multinational drug cartels, which resources threaten the integrity of political and financial institutions both in the United States and abroad.

(3) Approximately 12,800,000 Americans use illegal drugs, including 1,500,000 cocaine users, 600,000 heroin addicts, and 9,800,000 marijuana users.

(4) Illegal drug use occurs among members of every ethnic and socioeconomic group in the United States.

(5) Drug-related illness, death, and crime cost the United States approximately $67,000,000,000 in 1996, including costs for lost productivity, premature death, and incarceration.

(6) Worldwide drug trafficking generates revenues estimated at $400,000,000,000 annually.

(7) The United States has spent more than $25,000,000,000 for drug interdiction and source country counternarcotics programs since 1981, and despite impressive seizures at the border, on the high seas, and in other countries, illegal drugs from foreign sources are cheaper and more readily available in the United States today than 20 years ago.

(8) The 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances form the legal framework for international drug control cooperation.

(9) The United Nations International Drug Control Program, the International Narcotics Control Board, and the Organization of American States can play important roles in facilitating the development and implementation of more effective multilateral programs to combat both domestic and international drug trafficking and consumption.

(10) The annual certification process required by section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), which has been in effect since 1986, has failed to foster bilateral or multilateral cooperation with United States counternarcotics programs because its provisions are vague and inconsistently applied and fail to acknowledge that United States narcotics programs have not been fully effective in combating consumption or trafficking in illegal drugs, and related crimes, in the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) existing United States domestic and international counternarcotics program have not reduced the supply of illegal drugs or significantly reduced domestic consumption of such drugs;

(2) the President should appoint a high level task force of foreign policy experts, law enforcement officials, and drug specialists to develop a comprehensive program for addressing domestic and international drug trafficking and drug consumption and related crimes, with particular attention to fashioning a multilateral framework for improving international cooperation in combating illegal drug trafficking, and should designate the Director of the Office of National Drug Policy to chair the task force;

(3) the President should call upon the heads of state of major illicit drug producing countries, major drug transit countries, and major money laundering countries to establish similar high level task forces to work in coordination with the United States; and

(4) not later than one year after the date of enactment of this Act, the President should call for the convening of an international summit of all interested governments to be hosted by the Organization of American States or another international organization mutually agreed to by the parties, for the purpose of reviewing the findings and recommendations of the task forces referred to in paragraphs (1) and (2) and adopting a counternarcotics plan of action for each country.

(c) SUSPENSION OF DRUG CERTIFICATION PROCESS.—(1) Section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), relating to annual certification procedures for assistance for certain drug-producing and drug-transit countries, shall not apply in 1998 and 1999.

(2) The President may waive the applicability of that section in 2000 if the President determines prior to Dec. 31, 1999 that the waiver would facilitate the enhancement of United States international narcotics control programs.

Mr. DODD. Mr. President, I offered the second-degree amendment and it doesn't substantially change the original amendment, but it is so that we can have an up-or-down vote on the substance of the amendment I offered on behalf of myself, my colleague from Arizona, Senator MCCAIN, Senator DASCHLE, Senator LUGAR, Senator DOMENICI, Senator COCHRAN, Senator KERREY of Nebraska, Senator HUTCHISON, Senator HAGEL, Senator WARNER, and Senator INOUYE.

Mr. President, we believe that the approach contained in this amendment will lead to a far more cooperative and effective effort to meet the international threat posed by the international drug trafficking that is occurring in our country and elsewhere around the globe.

The pending amendment calls upon the President of the United States to establish a high-level interdisciplinary task force, under the direction of General Barry McCaffrey, Director of the Office of National Drug Control Policy, to develop a comprehensive strategy for dealing with the supply and demand side of the drug problem.

This amendment also urges the President of the United States to encourage other drug-producing, and transit countries to undertake similar efforts. Within a year's time, it calls for an international summit to be held, at which time the efforts of all of the parties would be merged into a multilateral battle plan to engage the illegal drug trade on every front.

In order to create the kind of international cooperation and mutual respect that must be present if this effort is to produce the results all of us desire, our amendment would also temporarily suspend, for 2 years, the annual drug certification procedure while efforts are ongoing to develop and implement a new strategy. It does not repeal the certification process, but suspends it for 2 years in order to try this new dynamic. Barry McCaffrey, Director of the Office of National Drug Control Policy, supports this amendment, as does the administration.

As you know, the issue of how best to construct and implement an effective counternarcotics policy has been the subject of much debate in this Chamber and, I add, much disagreement over the years. Our intention in offering this amendment today is to try and see if there isn't some way to end what has become a stale annual event, an event that has not brought us one step closer to mounting a credible effort to eliminate or even contain the international drug Mafia.

We all can agree that drugs are a huge problem and a growing problem. Illegal drugs aren't some theoretical abstraction that only concerns Members of Congress. Most American families know —many firsthand, unfortunately—the dangers inherent in the drug trade. They worry about their children, their schools, their streets, and their communities. They know only too well the impact that unfettered drug gangs can have on them, their families, and the towns in which they live.

We can all agree here, Mr. President, that there is an important international component to the drug menace. Drug kingpins have no respect for international borders. They ply their trade clandestinely wherever the opportunities may arise. The international drug trade poses a direct threat, I argue, to the United States as a government here at home, and to international efforts to promote democracy, economic stability, human rights, and the rule of law throughout the globe; but most especially, I think, here in our own hemisphere.

Mr. President, I have concerns about the international implications of the drug trade. Of even greater concern to me personally are the effects it is having here in the United States. Today, approximately 12.8 million Americans use illegal drugs, including 1.5 million cocaine users, 600,000 heroin addicts, and 9.8 million people who have used marijuana.

This menace isn't just confined to our inner cities or the poor. Illegal drug use occurs among members of every ethnic and socioeconomic group in this country. The human and economic costs are enormous and staggering. Drug-related illness, death, and crime cost our Government and the taxpayers of this Nation approximately $67 billion in 1996, including costs for lost productivity, premature death, and incarceration.

The drug trade is an enormously lucrative business. Drug trafficking generates estimated revenues of $400 billion annually. Although often left unstated, it is United States' demands for these illegal drugs which has been a driving force making drug trafficking the incredibly lucrative enterprise it has become. The principal focus of the U.S. international counternarcotics efforts has been to endeavor to go to the source, to penetrate the narcotrafficking organizations that control the production and distribution of drugs, and to dismantle them. An important component of that international effort since 1986 has also included as its centerpiece the so called ''annual certification process.''

Mr. President, I commend those who authored the certification process. Their intent, as is the intent of us who offer this amendment, is the same; that is, to try and figure out a way to slow down this traffic that pours into our country. Mr. President, I respectfully suggest that, after 10 years, the certification process has not helped. Therefore, we are trying, through this amendment, a new process by which we might, hopefully, change the dynamic and reverse the present trends that continue upward. The United States has spent more than $25 billion since 1981 for foreign interdictions and source country counternarcotics projects, and has been issuing an annual certification report card since 1986.

Yet, despite these efforts, seizures at the borders, from the high seas, and other countries, foreign drugs are cheaper and more readily available in the United States today than they were two decades ago. Drugs have continued to flood our neighborhoods and wreak havoc on our families and our communities. I believe, as do my cosponsors of this amendment, that it is time to be honest and to admit that our international drug strategy isn't working, and that means the entire certification process.

Let's look at what some leading editorial pages have recently said about certification; what the Nation's editorial pages say about drug ''certification.''

The Washington Post:

Congress put the United States into the business of grading other nations on their

performance in the war against drugs, and punishing those found to fall short, back in 1986. ''Certification'' then seemed an idea worth testing. It has now been tested. It's a flop.

The Miami Herald, I quote:

Not surprisingly, both certified allies and decertified pariah states have taken umbrage at this unilateral finger-pointing by the world's largest consumer of illegal narcotics * * * With certification on hold, the administration should have time to craft a better policy.

San Francisco Chronicle:

Often obscured in the complexities of international relations is the utter hypocrisy of the certification process, in which the United States—the world's leading consumer of illegal drugs—passes judgment on countries that do not live up to our lofty standards of narcotics control * * * If the United States, with all its power and riches, cannot control or even diminish the demand for drugs within its own borders, it is absurd to demand that much poorer nations save us from ourselves * * * Congress should rethink the world certification process and deal with international problems on a country-by-country basis as the need arises * * *

The Christian Science Monitor:

The U.S. and Mexico have every reason to be close partners and friends—able to offer warranted criticism. The yearly drug certification process is a very awkward, lopsided way of delivering it.

Newsday:

The real issue now is whether the rationale for certification has become so specious that the process has become irrelevant. At the very least, the entire drug-certification process needs to be reviewed.

The Boston Globe:

Certification is hypocritical and ineffective as a tool against drugs. It should be abandoned * * * Certification is largely blind to the contribution Americans themselves have made to an international problem. Frustrations over how to deal with that problem are not justification for pursuing poor policies—and certification is doing more harm than good.

Last, the New York Times:

The politicization of the debate is only one example of what is wrong with the whole certification process. It began in 1986 as a way to pressure supplier countries to fight drugs. It has not been successful and should be abolished * * * Latin Americans' resentment of the certification process makes it counterproductive * * * The process does not capture the ambiguities of cooperation * * * Certification is ultimately dangerous because it contributes to the myth that America's drug problem can best be fought overseas * * * Instead of international certification, Washington should examine how well its policies at home combat drugs.

Mr. President, I ask unanimous consent that the full text of these editorials be printed in the RECORD.

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

[From the Chicago Tribune, June 16, 1997]

RETHINKING DRUG CERTIFICATION

The United States' annual rating of other countries' sincerity and success in fighting the drug war has become a case of good intentions gone awry. The tit-for-tat sanctions of this blunt policy tool oversimplify complex issues and fail to weigh policy nuances or competing national interests.

Legislation introduced last week by Sens. Christopher Dodd (D–Conn.) and John McCain (R–Arizona), and slated for a vote in the Senate later this week, would suspend the certification process for two years to allow the development of more workable alternatives. It ought to be approved.

Last February's go-around over Mexico's certification demonstrated just how problematic the process has become.

Mexico, which was in the middle of an epic drug-related scandal, was certified. But Colombia, which had lost many more lives and scored significant victories fighting the drug cartels, was decertified.

It would have been absurd indeed for the U.S. to decertify and impose economic sanctions on Mexico, with which we had signed a free-trade agreement just three years before and which was recovering—thanks to a multibillion-dollar U.S. loan guarantee—from a deep economic crisis.

President Clinton, quite properly, gave greater weight to these economic realities and the totality of our relationship with Mexico than to the certification law's demand for sanctions. But not before relations between the two countries reached the lowest point in recent memory. And the way Mexican certification was rationalized fed popular cynicism in this country about the seriousness of the certification exercise.

Sadly, the bottom line on the usefulness of the certification strategy is that drugs today are far cheaper and more easily available in the U.S. than when Congress created the process 11 years ago.

There shouldn't be any doubt that fighting drugs must remain a top foreign and domestic policy priority and that an annual review properly focuses national attention on it.

But as the Dodd-McCain initiative suggests, the effort should be a more comprehensive and flexible exercise that, for instance, considers both foreign supply and domestic demand. A new approach also should emphasize multilateral, cooperative strategies as a strategy of first resort.

When that doesn't work, economic sanctions, diplomatic pressure, law-enforcement measures, economic aid and other measures should all be at the disposal of the president to ensure cooperation. The war on drugs is a long, arduous campaign that is more likely to be won through ingenuity and tenacity than annual grandstanding and empty threats.

[From Newsday, July 16, 1997]

FIND BETTER WAYS TO STEM THE FLOW OF ILLICIT DRUGS

An eminently sensible bill in Congress would begin to do away with the ineffective practice of certifying other nations' efforts to control production and shipment of illegal drugs and punishing those that don't meet U.S. standards. A two-year moratorium on certification is included in legislation, introduced by Sens. Christopher Dodd (D-Conn.) and John McCain (R-Ariz.), which calls for a presidential commission to come up with a coordinated strategy for drug control in consultation with other countries.

The drug-certification law was enacted in 1986 by a Congress intent on showing it could do something about drugs, but it has proved to have little impact. Worse, it has backfired more than once in the conduct of U.S. foreign policy. In practice, it has been applied with bald-faced hypocrisy: How else to explain the decertification last year of Colombia, which has done its best to cooperate, and the recertification of Mexico, whose government is riddled with narco-corruption? Simple: Mexico is economically and politically important to Washington; Colombia is not.

But there is a deeper hypocrisy in condemning other nations' efforts to stem drug supplies when the United States' own government has had so little success in suppressing domestic demand for drugs. Until America can address the demand problem more credibly than it has, it would be wise for Washington to cooperate with other nations affected by drug trafficking in devising new strategies, rather than browbeating them with meaningless report cards.

[From the Christian Science Monitor, June 16, 1997]

A GOOD STEP ON DRUGS

Since drug trafficking is an international problem, international cooperation to combat it has always made sense. But Washington's approach to such cooperation has for the last decade included a tool for bludgeoning others into antidrug partnership—the decertification process, by which other nations face economic sanctions by the US if they are deemed noncooperative. The result in the most important arena, Latin America, has been recurrent friction rather than tighter cooperation.

This year's certification of Mexico and decertification of Colombia made it more obvious than ever that this particular antinarcotics tool should be junked. Politics and US economic interests, rather than objective consideration of the antidrug records of both countries, dictated the final decision.

A new bill sponsored by Sen. Christopher Dodd (D) of Connecticut and Sen. John McCain (R) of Arizona would suspend the decertification process for the next two years. It also urges the formation of a high-level task force under the direction of the government's chief drug-control official, Barry McCaffrey, to reassess policy responses to both the supply and demand sides of the narcotics problem. The president would encourage other countries to form similar task forces, and in two years an international summit would be held to forge a joint antidrug strategy.

Some may argue that this sounds like a megastudy of a problem that has already been studied to death. But the plan has three elements that strongly recommend it:

For at least two years, and maybe more, it gets rid of the divisive, counterproductive decertification club.

Inherent in it is a closer examination of the demand problem within the US, and the possibility of productively shifting resources to such needs as drug treatment. This aids cooperation as well, since Latin Americans have long charged that the US underplays its demand problem.

It holds out the possibility of an international antidrug partnership based on shared interests and ideas, rather than one forced together by US threats.

The Dodd-McCain bill should be promptly enacted.

[From the Washington Post, July 14, 1997]

DRUGS: INTERDICTING THE FLOW . . .

Congress put the United States into the business of grading other nations on their performance in the war against drugs, and punishing those found to fall short, back in 1986. ''Certification'' then seemed an idea worth testing. It now has been tested. It's a flop. By provoking local nationalism, this sort of unilateral American intervention has, in Mexico, Colombia and elsewhere, strained the anti-drug cooperation it was meant to strengthen. It has centered the American fight against drugs more on foreign supply than on consumption at home—an emphasis that, for all the successful drug seizures, has seen the international drug flow pick up over the years and force prices on the American street steadily down.

Now comes a move in Congress to look at certification with a beady eye. Sens. Christopher Dodd and John McCain are leading a bipartisan, ideologically neutral effort that draws reasonable and necessary conclusions from the experience of the past decade. They would suspend for two years the process of unilateral American certification and enlist the drug-producing and transit countries to join the United States in an international program to contend with both trafficking and consumption. In a word that Americans will have to get used to in dealing with these ''global'' issues, the United States would ''multilateralize'' the war against drugs. Cooperation would become the key.

International problems exist for which one-sided applications of American power—in this instance control of international credit—are a remedy. Drugs is not one of them. While other countries are the principal source of the supply, the United States is the dominant source of the demand. It is laughable to pretend that just one side of this equation can and need be dealt with. Then, a concentration on foreign supply ignores that Americans have done no better cleaning up trafficking networks in this country than others, including Latins, have done with the networks abroad. The certification policy, imperiously penalizing foreigners not just for their lapses but for the United States' own, ignores this evident fact.

Mexico provides a particular reason to review American drug policy. Its corruption is unquestionably responsible for some part of the flow of illegal drugs. But Mexico is also a country now making an immense effort to undo the political distortions that lie behind much of the corruption. By looking for cooperative ways on drugs, the United States tackles a hemispheric menace and encourages Mexican democracy at the same time.

[From the Miami Herald, July 7, 1997]

NOW, THAT'S A RESOLUTION

Sometimes, even if rarely, legislation makes such eminent good sense that you wonder why it wasn't proposed sooner. On point is a U.S. Senate resolution with a most reasonable response to the scourge of illicit drugs. The resolution not only suggests that the United States attack domestic demand as well as supply, but that it work with other nations to draft a cooperative ''battle plan'' to defeat the illegal-drugs trade on every front.

This commendable proposal was introduced the other day by Sens. Christopher Dodd, D-Conn., and John McCain, R-Ariz. The only shame was that, coming in the midst of furious budget wrangling and just before the Fourth of July holiday there was no time for its discussion and passage.

The resolution would suspend for two years the cumbersome certification process that Congress foisted on the president in the first place. By law the White House is required each year to pass judgment on the drug-curbing efforts of nations that serve as major narcotics producers or transit points. Countries that do not pass muster are decertified, obliging the United States to cut certain aid and oppose international loans. Other, more-drastic sanctions also are authorized.

Not surprisingly, both certified allies and decertified pariah states have taken umbrage at this unilateral finger-pointing by the world's largest consumer of illegal narcotics. What right has the pot to call the kettle black? The whole certification sham even blew up on itself in March after President Clinton decertified Colombia, which had recently stepped up anti-narcotics efforts, while certifying Mexico, through which are thought to come as much as 80 percent of the illegal drugs entering the United States. This after Mexico's chief anti-drug official was arrested for allegedly aiding the head of his country's biggest, most ruthless drug cartel.

With certification on hold, the administration should have time to craft a better policy. The bipartisan resolution encourages the president to foster international anti-drug cooperation, culminating in a summit where strategies could be mutually agreed upon. That global approach, it suggests, would work in sync with a comprehensive domestic plan, addressing both supply and demand problems, developed by Gen. Barry McCaffrey, director of the Office of National Drug Control Policy, and other experts.

''We need to reach out to other governments who share our concerns about the threat that drugs pose to the very fabric of their societies and our own. It is arrogant to assume we are the only nation that cares about such matters,'' said Sen. Dodd. ''Together, working collectively, we can defeat the traffickers. But if we expend our energies playing the blame game, we are certainly not going effectively to address this threat.''

Well said, Senator, and well proposed.

Mr. DODD. Mr. President, let me just emphasize, if I can, that I don't necessarily agree with all of the conclusions in these editorials. Some have suggested repeal. There is a part of me that finds that appealing. But I am not sure what we are going to offer over the next 2 years is necessarily going to work either. I don't have any absolute certainty of guarantees that what we offer as an alternative will work. But I think all of us can agree that suspension for a couple of years, as General McCaffrey has suggested, to try the cover the dynamic here is worth the effort and worth a try.

This doesn't mean you are less strong or less outraged or less concerned about what is happening to narcotics trafficking. Quite the contrary. I think those who support this recognize that we are trying to get a better handle on this to see if we can't have better answers because the current process is not working. We need a better idea. Hopefully people of good intention, good will, and putting their shoulders to the wheel in this country and elsewhere can come up with some better ideas over the next 2 years and really begin to make some headway in this effort.

Mr. President, I urge the adoption of this amendment.

Mr. MCCAIN. Mr. President, will the Senator yield for a question?

Mr. DODD. I gladly yield to my colleague from Arizona.

Mr. MCCAIN. Does the Senator from Connecticut believe that in the past 5 years that we have been winning the war on drugs? Does it indicate to him that perhaps the price of drugs in the streets of Hartford, CT, and Phoenix, AZ, is lower than it was 5 years ago? Has the Senator from Connecticut seen any meaningful gain in the war on drugs as a result of this recertification policy?

I have several other questions that I would like to ask.

Mr. DODD. Mr. President, in response to my colleague's questions, I would say, First, the price of drugs is lower today, the lowest they have been in two decades. We just came from a hearing chaired by our colleague from Georgia, which my colleague from Massachusetts, who is on the floor, attended. We heard at that hearing that the problem is getting worse—not better. In the countries that we have decertified, I say to my colleague from Arizona, over the last couple of years the problem gets worse—not better. We are getting less cooperation in many places. There is a sense of antagonism about how we approach this issue.

So while I applaud the intentions of those who authored this process—and I understand the rationale for it back in 1986—from time to time I think we have to step back and ask ourselves blunt questions as to what we have tried to do, no matter how well intended. Is it working? If it is not, and if the problem is getting worse, then I would say to my colleague from Arizona, in response to his question, that maybe we ought to think anew. That is what this amendment does, without repealing the certification process but merely suspending it for a couple of years to see if we can't come up with a better idea.

Mr. MCCAIN. If the Senator from Connecticut will yield for a further question, isn't there an enormous inconsistency, and, in fact, a lack of credibility in this decertification process when we are faced with a situation where the President of the United States in the one case of Colombia decertifies Colombia as not being cooperative in the war on drugs—which is a country, as we all know, with incredible chaos and an anarchy that exists in that country—and at the same time certificates Mexico largely on the grounds not that you could make the argument that Mexico has been cooperative in the case of drugs, but there are certain economic interests and other interests that we have in Mexico which almost compel the President of the United States to not decertify Mexico under the same criteria that basically the President used to decertify Colombia, thereby revealing a significant flaw in this entire process and revealing a lack of credibility as far as adherence to the criteria that was supposed to be set up under the conditions for certification or decertification?

Mr. DODD. In response to my colleague's questions, I would agree with him. That is one of the problems with this. It is so uneven in its application, and as such one might argue that the effectiveness of it is thereby debilitating—that, if we are going to certify some, and waive others where the problem arguably is the same, although one might make a case that there are various efforts in certain countries, I think you end up with the kind of situation we are in today where the desire for cooperation and the efforts of cooperation have been severely curtailed as a result of it.

So even if you are trying to send a message here, it gets lost in the process. I note in the case of Colombia—

which is certainly a major source country problem without any question whatsoever—but I pointed out, as I know my colleague from Arizona has from time to time, that this has paralyzed the country of Colombia. Many may recall that a number of years ago the entire supreme court of that country was assassinated. One attorney general after the other, the chief prosecutor, all of these people have been assassinated. Presidential candidates get assassinated. One might argue that they are paying an awful price in that nation.

If we decertify, we lose any kind of cooperation in terms of what we ought to be trying to seek there. In the case of Mexico, as my colleague has pointed out—he certainly knows Mexico as well as any Member of this body—there are serious problems there and well documented. Yet, both of us are aware of the fact that there are serious economic implications. So we send a signal of waiving and apply a different standard, and that message is not just heard in both Colombia and Mexico, it resonates throughout this hemisphere. Again, my colleague from Arizona spends a great deal of time on hemispheric issues. He has heard what I have heard over and over again; this is not helping at all. There are other countries involved. We have laundering, transit countries, other countries producing, and, frankly, this effort of cooperation is just collapsing in our midst.

So this has not worked.

Mr. MCCAIN. If the Senator will yield for a further question which his response led to, isn't it true that there was a question that the administration had asked itself in this process: What would be the effect in Mexico of a decertification of Mexico, a country that is uncertain if not fragile and in transition to democracy? There is always a certain latent anti-Americanism in Mexico. I will not waste the time of the Senate or my knowledgeable friend's time in depicting the causes for that. And one of the greatest challenges that we face, I ask my friend from Connecticut, is getting the cooperation of the Mexicans. And, yet, isn't it also true that General McCaffrey would testify that despite all of the problems that are there, despite the corruption, there has been an attempt on the part of the Mexicans to arrest their drug czar, General McCaffrey's counterpart in Mexico, and other actions that have been taken by the Mexicans because of their recognition of the threat that drugs pose to their very national existence; and, that, if we had decertified Mexico in the last decisionmaking process that the President took, there is the opinion in the view of many that would have harmed relations and the cooperation that we are receiving would have been lessened rather than increased thereby inhibiting our ability to win the war on drugs and a demotivated factor in helping getting them to cooperate with us?

Mr. DODD. I say, in my response to the questions, the Senator is absolutely correct. He stated it very well. And that certainly was the evidence offered by General McCaffrey and others whose business it is on a daily basis to monitor these events—and he suggested to us that, if cooperation is what we are seeking, the vehicle we have been using is not having the desired effect despite again the good intentions of those who sought this process.

I say to my colleague from Arizona, in response to his question, that the genesis of the certification process dates back to a time when I think there was bipartisan frustration over whether or not there was enough attention being paid at the executive branch level in terms of the drug-related issue. So a certification process was put in place.

I think most would argue today that however true those feelings may have been over a decade ago that over the last number of years there has been a heightened degree of involvement on the part of the executive branch—witness, of course, General McCaffrey, whom we all respect—doing the best they can. It is their conclusion, as well as my colleague from Arizona, as he pointed out, that this is counterproductive.

I might point out, that the elections that recently took place in Mexico were historic. I think my colleague and I would agree on this. It looks as close to a democratic and corruption-free election as probably has been held in Mexico. You have new members of the national legislature, and hopefully a new beginning in many ways here. It seems to me that our efforts here might do a lot to get that kind of cooperation out of new members of the Mexican Government—the legislative branch, along with President Zedillo, who, I think all of us would agree, has certainly been most cooperative in this effort.

So I agree with my colleague.

Mr. MCCAIN. If the Senator will yield for a further question, isn't it also true that we will hear objections to this amendment? And some of those objections will be based on the lack of cooperation that we have received from Mexico in fighting the war on drugs, something I believe the Senator from Connecticut and I would be the first to acknowledge—along with the fact that the resolution of the Senator from Connecticut a few days ago put the Senate on record in praising the Mexican Government, by a unanimous recorded vote here in the Senate, for their efforts of transition to a free and democratic form of government for the first time since the revolution.

I ask the Senator from Connecticut if he would not believe at this time whether it would not be most inappropriate for the United States to be on record as condemning Mexico, at a time when we are seeing the progress that we have been urging for, in fact, all of our adult lives, the Senator from Connecticut and I.

And I also want to ask, in addition, is the Senator from Connecticut aware of the White House letter dated July 16, signed by Samuel Berger, Assistant to the President for National Security Affairs:

> I am writing to express the support of the administration for the amendment that you and Senator DODD are proposing. We believe your amendment would allow the administration to develop and implement a new multilateral strategy to stem the flow of illegal narcotics. We believe the passage of this amendment will lead to a more effective multilateral effort in the war against drugs.

And also, is the Senator from Connecticut, who I know shares my profound respect and appreciation for General McCaffrey and the job he is doing and the responsibilities, enormous responsibilities, we have placed on General McCaffrey and the universal respect and admiration in which he is held, aware of a letter he wrote also on July 16, in which he says:

> Wanted to confirm that the Administration supports the Dodd-McCain legislation on international drug cooperation. Believe your thinking supports U.S. drug policy by recommending a mechanism that would allow us to make fundamental improvements in the way we cooperate with major drug producing and transit countries. At a minimum, your bill promises to remove a major cause of foreign policy friction especially with Latin American and Caribbean countries. Timing for consideration of new ideas is fortunate because of the upcoming Summit of the Americas and heightened interest in multilateral counter-drug cooperation following the President's travel to Mexico and Central America.
>
> ONDCP is prepared to lead an interagency task force to develop a new strategy.

By the way, I ask my friend, is it not true that we need a new strategy? That is the whole point here of this legislation. I do not know how anyone could argue that the present strategy has succeeded.

> Although we would want to explore a number of options, elements of a new strategy might involve increased use of multilateral mechanisms and international organizations such as the OAS. We might also consider expansion of ad hoc arrangements for in-depth bilateral counter-drug cooperation with countries of particular interest such as Mexico. The Department of State and ONDCP are already formulating plans for a fall conference to develop new thinking along the lines of your proposal.
>
> Respectfully, Barry R. McCaffrey.

I ask the Senator from Connecticut, would it not be appropriate that we should view the opinions of the President's national security adviser and the drug czar very seriously when we take into consideration this legislation?

Mr. DODD. Mr. President, it would. I urge my colleague at the appropriate time to ask unanimous consent that these letters be a part of the RECORD. I thank General McCaffrey for his letter and Sandy Berger for his letter.

Again, they state it very well. My colleague from Arizona has stated it well. We offer this suspension—and,

again, I want to emphasize ''suspension,'' Mr. President—for 2 years of the present law, not a repeal. There are some who would like to repeal it, and I might be counted among those, but I respect the fact that a suspension is the best way to go at this point.

But our colleague from Arizona states it well. The present system is broken. It is not working. We need some new, fresh efforts here. And with the commitment of General McCaffrey here saying to us, look, my office is prepared to lead an interagency task force to develop a new strategy. His letter to us today, I think it says it all. What better way to get started, if you will, than to have a clean slate for a couple of years to allow General McCaffrey and his team to go forward and try to do that without repealing the law of certification but merely suspending it.

You are going to get a lot more cooperation, it seems to me, with a suspension for 2 years and trying to bring these countries in than there will be if we gather as we do annually and go through this process, as our colleague from Arizona pointed out here, again on the certification. We are out here debating 11th-hour negotiations on waivers, all efforts to try to avoid a catastrophe, and once again find ourselves in a mess with certification practices and no advance strategy to deal with this issue. I am grateful to the Senator from Arizona, the administration and General McCaffrey for this effort.

I think this is a good, bipartisan effort, Mr. President, to come up with a new dynamic, and I thank again my colleague for his support and leadership on this effort.

Mrs. FEINSTEIN addressed the Chair.

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

Mrs. FEINSTEIN. I thank the Chair.

I rise in strong opposition, and I hope it will be robust opposition, to the Dodd-McCain amendment, which would gut the narcotics certification process and replace it with absolutely nothing.

Mr. President, I just heard the distinguished Senator say ''trust General McCaffrey.'' With all due respect to General McCaffrey, this is such a volatile and unpredictable area that it is impossible to know what to believe. It is understandable that General McCaffrey could stand before the world and say, ''I trust General Gutierrez Rebollo. He is an honest man.''

Whoops. The next thing we know, he is on the take. My goodness, how can you gut a process and replace it with nothing except trust when we have already found that trust to be wanting.

Now, let me say for a moment, I want to divide my remarks into three parts. The first is foreign assistance and who should get foreign assistance as a product of this amendment. The second is a certification process and what it has actually done in Colombia. The third is Mexico postsummit and what has not happened.

This debate is really about whether we should give foreign aid and support development loans to other nations with no strings attached even if we know that the leaders and government of the country do nothing to assist in stopping the flow of drugs to the United States.

I think we need to clear up a major misconception about the debate here today on the drug certification process. This is not a debate about whether drug certification is a process that hurts our relations with our allies in the hemisphere because we sit and pass judgment on other nations. This is a debate about foreign assistance and under what circumstances the United States should offer assistance to other nations. With the exception of humanitarian assistance, the United States provides foreign assistance not only because America has a great and good tradition of assisting other states, but because we want to encourage certain types of behavior—because we want cooperation on political, security, or economic policy.

The distinguished manager of the bill, Senator MCCONNELL, has said it very well today again and again. He said, ''Foreign aid is not an entitlement program. Just because you received it last year does not mean you should receive it this year. You have to earn it.''

A nation that does not fully cooperate with our efforts to keep drugs from reaching our schools and our children has not earned the right to receive foreign assistance from the United States. We are not obligated to provide assistance. We provide this assistance because it is in our interest to do so, because it encourages behavior and policies which we support. Before we provide money, we have every right to expect that we will get cooperation from those nations to which we provide it. Indeed, we have a duty to our constituents not to send their tax dollars to a country if it is undermining our counternarcotics effort. That, in fact, is why we have the certification process as an instrument for cooperation—not because we want or enjoy the opportunity to sit in judgment on other nations. It is not a policy for faint hearts. I admit that. It is not about rating who we like or who we do not like. It is not about saying you are good and you are bad.

The current certification process may not be perfect, but it accomplishes something very important. Once a year it focuses the attention of our executive branch and of other nations whose cooperation we need on what is perhaps the most crucial national security issue this country faces.

If anyone had to ask me what is America's No. 1 national security threat, I would say drugs, drugs, drugs. There is no other. It is my firm belief that without the drug certification process, we would have no debate of this kind. So I am not sorry we have this process. I think it focuses our efforts, and, even when it bruises feelings of other nations, it ultimately produces more cooperation, not less.

Now, let us for a moment look at Colombia, a country which we did decertify 2 years ago. The evidence is clear. When we decertified Colombia, the reaction was initially very harsh, and then, very quickly, Colombian cooperation began to improve.

Colombian officials came to my office just a month or so ago, and here is what they told me: In the last year, Colombia has fumigated 20,000 hectares of cocoa, the most ever; destroyed 800 drug laboratories; began working with the United States to develop a radar system to allow the government to secure control of all Colombian airspace, an air control system that allowed them to force down approximately 50 small drug-runner planes—force down 50 small drug-runner planes—which would have otherwise evaded Colombian air traffic control.

They have begun working with the U.S. Coast Guard to develop strategies for intercepting narcotics traffickers at sea; they have passed tough new laws on asset forfeiture for narco-traffickers, and they are implementing them; they have arrested and convicted at least 5 politicians I know of, and incarcerated them for taking money into their campaign funds from narco-traffickers; they have passed tough new penalties increasing sentences by 4 and 10 times for drug-related offenses; and they have instituted aggressive new proceedings against the Cali and Medellin cartel leaders. The Medellin cartel leaders are all in prison. The cartel is no more. And the Cali cartel is in the process of disintegrating.

Does anyone honestly believe that Colombia would have taken these steps in this fashion if it had not been for the U.S. drug certification process? I think not. And as a matter of fact, I am of the view that if this continues, Colombia should be recertified, and we should say thank you for working on this problem in the way in which you have.

Before Colombia was decertified, the powers of the cocaine cartels grew. The number of hectares planted with coca grew. The corruption in the Colombian judicial and political systems grew. But when the United States said ''enough'' and decertified Colombia, all of a sudden the Colombian Government did an aboutface. I think that this example can affect other nations as well. Unfortunately, much of the trafficking and the transportation of drugs has moved to Mexico, and this is the next frontier of the battle.

Now, let's compare the situation in Colombia today with that in Mexico today post-summit, post-Presidential visit to Mexico. Still, not a single extradition of a Mexican national on drug charges. I say on drug charges. On other charges perhaps. Despite all of the debate last year, despite the economic summit, not a single extradition

of a Mexican national wanted in this country for drug charges has been carried out by the Mexican Government.

There are continued restrictions on the operations of United States drug enforcement agents in Mexico. Even when working in cooperation with their Mexican counterparts they still cannot protect themselves if they are working on the other side of the border. They still are not allowed to carry weapons. Coast Guard ships in pursuit of trafficking vessels on the sea still need to give Mexico 30 days' notice before putting into port to refuel. There are no air or maritime agreements to forge a joint approach for interdiction of narco-trafficking. There is still massive corruption at all levels of the government, law enforcement and the military, prosecutors killed, judges murdered, and, most recently, the plastic surgeon that did the surgery on Amado Carrillo-Fuentes has reportedly—I cannot verify it, but reportedly—disappeared.

Drug cartels are running rampant in Mexico. Corruption along the U.S. border—and I will speak for California—has never been worse, never been worse. The cartels are now controlling street gangs in Los Angeles, and this is where I stand up and say ''I have had enough.''

My distinguished colleague and friend from Connecticut read from a number of editorials. You know, I judge stories by the by-line. There is a reporter whom I respect very much. His name is Marcus Stern. He writes for the San Diego Union Tribune. This is a headline on the 12th of this month, ''Drugs still flown over the border, say agents.'' Let me quote from part of this article:

> But a dozen military and civilian officials directly involved with the counter-drug effort along the California-Mexico border said in interviews during recent weeks that the skies in San Diego and Imperial counties are largely out of control and are still being heavily used by drug traffickers.
>
> It's pretty much wide open * * *
>
> * * * * *
>
> But the antidrug officials interviewed in recent weeks said military observation posts deployed along the border are spotting a half-dozen planes a week flying into Imperial County alone. The planes are flying low at dusk with their lights out, the officials said.

This is happening every day on the border. It is the wrong time to do gut the certification process. The administration has agreed to give us a report on September 1 on progress made by Mexico. That is pursuant to our Senate-passed resolution. I, for one, am eagerly awaiting it, to see what progress has been made. At this stage, I know of no real progress that has been made.

The sponsors of this amendment argue that Mexico fails to cooperate because of the certification process. They argue that Mexican pride and nationalism make it difficult to appear to respond to American threats. That's nonsense. It is baloney.

President Zedillo, whom we all believe is committed to fighting the drug traffickers, has said repeatedly that drug trafficking is the No. 1 threat to Mexico's national security. Well, either it is or it isn't. If it's such a grave threat to Mexico's national security, they should cooperate with us in their own interests, not because we make demands. Extradite drug pushers, allow U.S. Coast Guard ships to refuel, allow DEA agents working the other side of the border to carry firearms to protect themselves. I believe we have every legitimate reason to make clear we will not accept anything less than full cooperation.

The whole issue is an issue right now, precisely, I believe, because the administration was not honest in the certification process in dealing with Mexico. As much as I, too, would like to see a more flexible certification process, the situation with Mexico, for me, underscores exactly why we need a certification process.

I come from a State that is perhaps the most impacted State in the Union with these drugs. Yes, cocaine prices have dropped on the streets of Los Angeles in the last 5 years. It is not because of a certification process. It is because we have not had the guts to do what we should have done and decertify Mexico. I believe that's the reason. To replace a policy which may come to some fruition this next year with nothing is wrong.

I agree with the idea of a commission. I am happy to have commissions. I learned when I was mayor, if you didn't know what to do, appoint a committee. Better still, appoint a commission.

But I know what to do. We have to stop those overflights. We have to see that the border is enforced. We have to press for cooperation. We have to have extradition for those for whom there is a bona fide American arrest subpoena or warrant who traffic in narcotics.

So, I am not prepared to vote for an amendment that leaves us with no plan but simply takes Mexico off the hook: No evaluation this fall, no ability to read the September 1 report presented by the administration and make a decision as to whether there has or has not been any progress, then wait 2 or 3 years for this undefined, ephemeral ''something.''

Respectfully, I can't turn around and just depend on trust when another nation's leading anti-drug official turns out to be on the take. What's wrong with our intelligence? How can that happen? We don't question it even. How can that happen? It did. And that, I believe, typifies our drug policy with Mexico. Frankly, it has been one of spin. I, for one, am not going to buy the spin. I want to see the results on the street.

When cocaine prices on the street corners of Los Angeles rise, I know something has happened. When I pick up this newspaper and, instead of seeing ''Drugs still flown over the border,'' I see ''Five Planes Downed, Pilot, Copilot Arrested, Two Tons of Cocaine Recovered,'' then I know we have something going on on the streets, as they say. So, that is what I am looking for. When I see Mexico say, ''Here are the cartel leaders, we are going to bring them to trial, we are going to bust the cartels,'' then I know we have something going.

So, until then, to do away with the certification process, I think, is to say to the people of the United States, ''We are going to do nothing for the next 3 years.'' I, for one, am not going to be party to that policy.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter signed by Senator GRASSLEY, Senator COVERDELL, Senator TORRICELLI, Senator JOHN KERRY, and myself, and I yield the floor.

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

U.S. SENATE,
Washington, DC, July 16, 1997.

Vote ''no'' on the Dodd-McCain amendment to end narcotic certification.

DEAR COLLEAGUE: We write to urge you to join us in opposing the Dodd-McCain amendment on narcotics certification. This amendment would dramatically weaken the United States' ability to gain cooperation from other nations in the war against international narcotics trafficking.

The Dodd-McCain amendment would effectively end the narcotics certification process and replace it with . . . nothing!

The Dodd-McCain amendment would tell other nations that we will provide them foreign assistance with no strings attached, even if they do nothing to assist stopping the flow of drugs to the United States.

The Dodd-McCain amendment would instantaneously deprive the United States of the leverage we have used successfully to gain greater anti-narcotics cooperation from many nations, including Colombia, following its decertification two years ago.

The Dodd-McCain amendment would send a signal to our friends and partners—and to the drug lords—that the United States is not serious about combating narcotics.

The Dodd-McCain amendment calls for a task force on international narcotics control and an international summit to develop a multilateral strategy—which are laudable goals—but it would unnecessarily gut one of the central tools in our current narcotics control strategy, without specifying what will replace it.

The influx of illegal narcotics is perhaps the gravest national security threat facing the United States today. In order to effectively combat this threat, the United States needs to work with our friends and partners in the Western Hemisphere to interdict this massive flow of drugs and to arrest and punish the drug lords.

But when we do not receive the full cooperation of other nations in these efforts, we must be able to act to let them know that they must do more. That is why we have the drug certification process. We urge you to oppose the Dodd-McCain amendment.

Sincerely,

DIANNE FEINSTEIN.
CHARLES E. GRASSLEY.
JOHN KERRY.
PAUL COVERDELL.
ROBERT G. TORICELLI.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Iowa.

Mr. GRASSLEY. I want to make it clear I disagree with the Dodd-McCain

amendment. We have been focusing in this debate on the necessity and the impact of the certification process on foreign countries as if the only purpose of this was to put pressure on foreign countries. That probably is the primary purpose and maybe the only one we talk about. But, as well, I would like to suggest that we have a situation where this process keeps our own Government decisionmakers responsible. In other words, through this certification process, we are causing them to make an annual judgment of whether or not our process of interdiction in other parts of the world on drugs is actually working and effective. I think that is a very important purpose of our process, to make our own elected and appointed government public officials take care to look at the process, look at whether the policies are working, to assess those policies, maybe to suggest changes in those policies—maybe even in basic law—but, also, to make a judgment of whether or not they are effectively carrying out the laws the way intended.

I find the assumptions upon which the Dodd-McCain amendment is based to be wrong. I believe what it represents is a moving away from a serious standard of dealing with the drug problem. I believe it gives other countries a bye on taking drugs seriously. I believe it lets the U.S. administration off the hook. So I urge my colleagues to join me in voting against this amendment. If anything, we should be discussing measures to strengthen the process. It is a process that has served us well.

We have had a letter by the present drug czar quoted on the floor of the Senate as supporting this amendment. I would like to suggest to you that I have had an opportunity to visit with another drug czar—former drug czar now—Bill Bennett. He was a very good drug czar. He was a drug czar when policies were working. He speaks very strongly in support of the present certification process and, consequently, would urge our vote against the suggestions of Senator DODD and Senator MCCAIN.

It is argued by the proponents that the certification process does not work. No evidence is offered for this view. It is simply asserted. But what does ''working'' look like? I would like to ask a question in a different context to make this very point. Just recently we passed legislation putting more teeth into the sanctions for countries that support international terrorism. Do we believe that passing such laws will end international terrorism forever? Or do we believe that we need to have measures in place to ensure appropriate means are available to us, means that will help us uphold U.S. interests and international standards of conduct? I do not think anyone here believes that our laws will necessarily end terrorism as we know it. That is not the intent. The intent is to set a standard that terrorism is wrong and that we are going to fight terrorism wherever we can.

We have passed legislation to hold countries responsible for violating intellectual property rights. Do we expect this legislation to end all pirating of books or CD's? Or do we expect to have the means available to us to respond to all counterfeiting, to send a message about what the standard is that we believe that we need to uphold? I think everyone knows the answer.

Why are we seeking to establish some sort of different standard for drugs? It seems to me in the case of terrorism we say terrorism is wrong, we pass laws against it, we fully expect to enforce them in every way we can in an effort to end terrorism. We may not actually end terrorism, but it is a standard. So the certification process is not about the ultimate end to drug production or trafficking. Our law will not end that any more than any of these other laws that I have mentioned will end the problems that they address. The intent is to establish needed standards, to set the terms of reference for what doing something meaningful looks like, and to take appropriate action when this does not happen.

Some, however, seem to want to hold drug certification to an impossible standard of judgment. The argument made is that certification does not work. In fact, certification is doing exactly what Congress intended. It forces the U.S. administration at least once a year to take international drug policy seriously. It also requires them to account for their actions to the Congress. I can appreciate that the administration may not like having to make all these very tough decisions. But we must hold this President and future Presidents, as we have held past Presidents, accountable for this process.

Certification also forces other countries to do the same thing. Now, what about those other countries? These are countries that are major drug producers or transiting countries for illegal drugs. A goodly percentage of those drugs are then smuggled into our country. These activities are illegal under international law and even under the laws of the countries from which the drugs come.

In any case, these same countries have bilateral agreements with the United States committing them to take steps to stop drug trafficking and production. In addition, many of these countries receive U.S. assistance, that is money and support, to combat illegal drug trafficking.

What does certification do then? It asks that these countries take serious steps to meet their obligations under international law, under local law, and under these bilateral agreements. It asks the administration to report to Congress on whether countries are doing this. It sets measures for determining what cooperation looks like. If, in the judgment of the administration, the country does not meet these standards, then it proposes limited sanctions. It also provides a means for Congress to exercise its foreign policy-making authorities to override the President if it does not accept his determination.

It is hardly outrageous, Mr. President, that we expect other countries to abide by laws and by commitments, international and otherwise, made by those countries. It is hardly unfair to expect an assessment of these efforts. It is not unrealistic to expect that we will take appropriate responses if minimal standards are not met, and we are perfectly within our right to decide not to continue our support. That support, after all, is not an entitlement, and it is not beyond the pale that we ask for an accounting.

Certification has been around for about 10 years. As with other cases, the longer the requirement has been on the books and the more Congress has insisted that it be taken seriously, the more used and useful the process has become. The process has gathered momentum. Last year, in fact, I asked the Congressional Research Service to review the merits of the certification process. That review, which is still available, makes clear how the certification process has matured and proved effective. In that review, a former senior State Department official and ambassador makes the point that the certification process works. Other countries take it seriously. He recommended keeping it.

Not only has the standard been applied with more rigor, it has also encouraged greater cooperation from certified countries. All in all, more countries now take as a given that drug control must be an important element in their thinking. This was not always the case. It is why Congress required certification in the first place. The need has not changed. If anything, the need is greater today.

I want to make one final point. Some have argued that we must not continue the certification process in regard to Mexico because it might damage the evolution of democracy there. While I agree that we must support democracy in Mexico, we must not end up supporting a narcodemocracy there. A recent New York Times piece by Tim Golden makes it clear just what the problems we and the Mexicans face from their drug traffickers because of their influence within the country of Mexico. Their strength and influence is all the more reason why we must not back away from certification.

Although it can be a painful process, it forces both countries and their governments to examine their situations. Sometimes the role of a friend is to deliver bad news. Nor do we become the friend of democracy in Mexico by shying away from our duty to the American people. As long as Mexico remains a major producing and transiting country, as long as Mexican authorities cannot or will not take adequate steps to control corruption, we cannot afford to ignore what happens in Mexico.

With these thoughts in mind, I ask you to vote against the Dodd-McCain

amendment. But in addition, we were told again, referring to a letter from General McCaffrey, the President's drug czar, about his support for this amendment.

I refer, in closing, to the March 1997 report from the U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs, the International Narcotics Control Strategy Report. This is an annual report, and on page 6, it speaks about the certification process. The last paragraph says: ''The process works.'' This is a document that has been approved by every Government agency that has something to do with the war on drugs. It says, after ''The process works'':

> The certification process has proved to be a remarkably effective diplomatic instrument for keeping all governments aware of the need to pull their weight in the international antidrug effort.

I ask unanimous consent that the rest of the paragraph be printed in the RECORD.

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

> By now, most governments are aware that US law requires the President to provide an annual assessment of counternarcotics performance. And most know that the outcome of that assessment depends heavily on their efforts throughout the year. The drug certification process holds them publicly responsible for their actions before their international peers. Though many governments understandably resent the process, most governments try to ensure that they receive full certification the following year. They know that the President of the United States would not make such a serious determination without sound, objective evidence. The purpose of the law is not to punish; it is to hold every country to a minimum acceptable standard of cooperation, either by meeting the goals and objectives of the 1988 UN Drug Convention or by their own efforts. We believe that openness is one of the best safeguards against corruption. Most governments also recognize that we are not asking any country to do the impossible. By regular and sustained collaboration throughout the year we work with most of the governments concerned to establish realistic goals for certification purposes. We know that some governments face greater obstacles than others and we take that into account.

Mr. GRASSLEY. Mr. President, in conclusion, when we are being read letters and saying how the administration supports this, remember that every agency within the Federal Government that had to review this process in March of this year said the process works. I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask my colleagues to step back carefully and to analyze, as closely as possible, the realities that surround this question of certification. Two of the more capable and knowledgeable Senators with respect to international affairs—and I respect both of them enormously—are bringing this amendment to the floor. On most issues, we agree. This is one where I am convinced of the bona fides of their intent, but where I am equally as convinced that the effect of what they are doing, the effect of this amendment will be to take a serious step backward in whatever level of war on drugs you want to determine exists.

I do not believe that that is anything but an inescapable conclusion based on a number of different realities: based on what countries are doing today because of the certification process, based on the choices available to the President within the certification process and, most important, based on what they are proposing, as opposed to the road that we have already traveled.

What do I mean by that? Mr. President, the Senator from Arizona and the Senator from Connecticut are proposing that we just chuck the certification process for a 2-year period, a suspension they call it, while we gather a task force and ultimately, hopefully, a summit. Who will attend the summit is totally up for grabs. Who will appoint a task force is totally up for grabs. But I ask every Senator here who has traveled the journey of drug fighting over the last years to ask themselves if what they need is another task force when, in fact, everything that we are asking other nations to do is part of an international convention today.

The certification process is not some American-dreamed up notion of taking an American standard and asking Mexico or some other country to live up to the American standard. We are asking countries to live up to the standard that they have signed, that they have agreed to live up to already, that they already got together on at a global summit under the United Nations and agreed would be the standard of their behavior. That is what this is all about.

If the Senate wants to come here today and vote to say that they can better the Vienna Convention, the United Nations Convention Against Illicit Traffic in Narcotics Drugs and Psychotropic Substances, then I would like to know how.

The countries that have already signed the international agreement are the very countries about whom today we are making a judgment about whether or not they are cooperating: Afghanistan, Antigua and Barbuda, Bahamas, Bolivia, Colombia, Ecuador, Haiti, Panama, Paraguay, Nigeria, Mexico, the Russian Federation, Syria—they are all signatories. They already came together. They already signed an agreement. They said they would behave by a different standard, and all we are doing in the certification process is saying we are going to make a judgment about whether or not the taxpayer dollars of U.S. citizens ought to go to a country that signed an international agreement, said it would do X, Y, and Z, but isn't doing it.

What are we being offered instead? Instead, we are being offered the notion that we are going to chuck the process of certification so we can take a couple of years to meet again and come to agreement again on the very thing we agreed on, presumably, a number of years ago. What are the things we agreed on in this convention that we have already signed?

Let me give you one example. Here is one called extradition. Each of the offenses to which this article applies shall be deemed to be included as an extraditable offense in any extradition treaty existing between the parties.

We have an extradition treaty with Mexico. It is an agreement as part of the 1990 accord. We already ratified it. We signed it. They signed it. But they don't do it. So what is the response? The response is to come to the floor and say, ''Oh, gosh, these countries get really upset because we try to hold them to the standard they said they would live by, so we better pull back because they don't like the fact that we want to hold them to their word, and we're going to go talk about what we might do in order to, once again, get them to do what they already said they would do.''

It is the most incredible thing I have ever heard. Of course, they don't like the certification process, because it works. This is not a stale annual event. It is anything but stale. It is working, and it is working, Mr. President, because we have taken it seriously.

Senator GRASSLEY just quoted the International Narcotics Control Strategy Report of the United States of America, this year, this March, 1997. This is what our State Department said only a few months ago:

> The certification process has proved to be a remarkably effective diplomatic instrument for keeping all governments aware of the need to pull their weight in the international antidrug effort. By now, most governments are aware that U.S. law requires the President to provide an annual assessment. . .

And so on.

''Proved to be remarkably effective.'' This is Mexico driven, because we had a difficult time, frankly, because many of us thought that the administration made the wrong decision. They could have certified Mexico with a waiver, and that would have permitted Mexico to continue to get its aid because, as a matter of national security interests, most of us thought it should, but we also knew there were problems in cooperation.

Mr. President, if my colleagues believe that the next step in the drug war is to come to the floor and take 2 years to go through some kind of task force effort to dream up some better way of holding these countries accountable, I would be amazed if there is any response from those other countries except continued delay, obfuscation. If they want our money and they are willing to do something to get our money, but we take away that whole requirement, what is going to leverage that cooperation? More talk? More good wishes? More signatures on a piece of paper that they have already signed?

Let me share with my colleagues some of the things that they have already said they would agree to do.

They would agree to promote cooperation among the parties so they may address more effectively the various aspects of illicit traffic in narcotic drugs.

They will carry out their obligations under this convention in a manner consistent with the principles of sovereign equality and territorial integrity.

Each party shall adopt measures as may be necessary to establish as criminal offenses the production, manufacture, and so forth.

There are still nations struggling to do that.

Each party is supposed to make the commission of the offense established in this treaty subject to imprisonment or other deprivation of liberty.

They are supposed to ensure that their courts will have jurisdiction. They are supposed to ensure that they trade evidence. They are supposed to extradite. They are supposed to provide mutual assistance and the transfer of evidence and people. They are supposed to enter mutual legal assistance treaties.

There are a whole bunch of things here that we already agreed we are going to do. And under the certification process, all we do is make a judgment as to whether or not they are doing it and as to whether or not we are going to give them continued American aid if they are not.

Mr. President, let me just share with you, our colleagues have come to the floor and they have said, ''Gee-whiz, people are complaining. And this doesn't work.'' But they have not shown you how it does not work. There is no showing that this does not work.

The fact that drugs still enter the United States is more a reflection of our unwillingness to commit adequate resources to drug treatment, to drug testing, to education, to alternatives for children, to police in the streets and all the things that would make more of a difference than it is to the certification process. But the fact is, that on the international front the certification process has worked.

Let me be very specific about it.

In the Bahamas, effective counternarcotics cooperation specifically intensified with the implementation of the certification process in 1987. The Bahamian Government's willingness to accept more of our assets, U.S. Government assets, and to provide additional resources of its own in the fight increased the moment they knew they were subject to certification.

In December of 1986, the Bahamas passed a new, tougher drug law. And more recently, in 1995 and 1996, the Bahamas passed money-laundering laws and implemented regulations based on U.S. Government certification related to demarches. The fact is, we had issued demarche after demarche to those countries, and they have responded to those because they knew there was a process in place that created accountability for the first time.

Another example. Jamaica. The Jamaican Government was particularly slow to pass money-laundering legislation or to even ratify the very treaty that I just talked about. But as a result of the demarches that we issued, and using the leverage that existed in the certification process, Jamaica specifically reversed that situation in 1995 and 1996.

Jamaica is now a party to the convention and has a new money-laundering law. In 1995, the President gave Peru a national defense certification because their record was mixed. They had successful interdiction but they had no reduction in the coca crops. Since that time, the Government of Peru has implemented a strong coca reduction, an alternative development program which has resulted in an 18 percent reduction in the total of Peruvian coca cultivation. So that worked as a result of the decertification process.

What about Colombia which we heard talk about? Colombia was decertified in 1996 and 1997. It received a national interest certification waiver in 1995. There is no question that the Colombians were very unhappy with the original decertification. Who would not be? But the fact of the matter is, that when they were faced with the ramifications of that decertification, the Colombian Government's law enforcement efforts have improved ever since then.

Key Cali syndicate leaders have been arrested, and there is the aerial eradication of coca and opium and poppy which has improved. In addition to that, the longstanding constitutional prohibition against the extradition of Colombian nationals has now been reopened in the form of legislation presented by the Colombian Government to the Colombian Congress. Let me emphasize that. Colombia took away one of the principal ingredients of the international convention. The international convention required people to be able to extradite. Colombia wrote that in at the insistence, Mr. President, of the cartel. How do we know that? We know that because subsequent raids uncovered documents that showed the cartel's own drafting of the constitutional amendment to do away with extradition.

So as a result of our decertification, we have been able now to move toward the process of changing the one thing that the cartel members fear the most, the possibility of being extradited to serve time in an American prison, not in one of their prisons of comfort and of personal convenience that they negotiate in Columbia. That is why they took it away. And now we are on the road to getting it back. Why? Because we had the certification process in place. That is why.

I talked to General McCaffrey today. And I understand how administrations work and the marching orders are, but I will tell you, I sensed no great overpowering conviction that this is the right step to take, notwithstanding the letter that he has written.

In addition to that, I believe that this process is being foisted on the Senate in a way that does not adequately permit for alternative possibilities. I am not suggesting the certification process is the only way to proceed. I am not suggesting that it is the best thing in the world. I am not suggesting that it cannot be refined.

What I am saying, Mr. President, is that rather than just suspend it altogether with some high hope that you are going to come back and somehow do what we have already done, we ought to at least leave it in place until we offer some concrete alternative or put together a task force that works while it is in place so we can continue this process, and then if there is a legitimate substitute, open our minds to substituting it. But what we are being offered is a suspension with a hope that some future photo opportunity or some future meeting will produce what meetings heretofore have not been able to produce.

I say to my colleagues, that even in Mexico—even in Mexico—the possibility that we might have decertified them actually produced last-minute steps in an effort to try to say, gee, we really are cooperating. And so they dismissed some 1,250 Federal law enforcement officers, they removed the drug czar for narcocorruption in February, they passed the organized crime bill and the criminalization of money laundering and chemical diversions, and they reorganized Mexico's whole antidrug structure. How can you say it is not even working in Mexico when the fact is, that those steps were taken precisely because the decertification process is in place?

I am not going to go through all of them now, but while my colleagues come here and talk about the discomfort that is created or talk about how uncomfortable it is for our relationship with these countries, you can look at every single other country, and you will see progress that is being made as a consequence of the existence of this bill. You can see it in Panama. You can see it in Bolivia. You can see it in Paraguay. And you can see it elsewhere, Mr. President.

So the point is, the certification process is not a substitute for a comprehensive strategy to deal with drugs, but it is an effective tool which the State Department only a few months ago was lauding as an effective tool.

And it seems to me that the hue and cry you hear from these countries, ''Gee, we don't like you holding us accountable,'' is in fact its best argument for the reality that this works. Is it a rough tool? Yes, I will admit, sure it is. It has its element of hardness in that sense. But Mr. President we have traveled this road for a long time—a long time.

We have written a number of drug bills in our country. We have put additional cops on the streets. We are trying to augment our own drug strategy at home. But the fact is, that the domestic side is only one piece of any strategy to deal with drugs. You need effective law enforcement at home, you need effective education at home, and you need effective treatment at home.

And we have been negligent with respect to a number of those. But that does not mean that you can turn around and throw away the other side of the coin, which is the interdiction and international cooperation which is also an important tool. And I respectfully suggest to my colleagues that the certification process deserves better than simply to be put into hanging suspension, with some promise of more talk that will only result in ratification ultimately of the very international agreement that it is based on.

I emphasize to my colleagues, this is not some ''Yankee from the North'' standard. That is how they effectively play those politics. They very effectively do that. And then they complain to our diplomats when they go to Mexico, and they say, ''Oh, boy, you guys are stirring up the politics of our country because you're sort of imposing this standard on us.''

Mr. President, it is not our standard. It is their standard. They signed the international treaty. And all we are doing is making a judgment of whether our tax dollars ought to be given to those countries that signed the agreement and then do nothing to live up to the standard. This is not our standard. It is the world's standard. They have signed on to it. They ought to live up to it. And we should not walk away from the one effective tool we have put in place that helps us hold on to that standard.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I will be brief. I know that the managers of the bill and everyone else wants to get votes and final passage on this issue. I think the issue has been pretty well ventilated.

I will just make a couple comments. One is that a comment was made earlier about General McCaffrey. I think it is important to point out that no matter where we are on this issue—which side—that General McCaffrey deserves our respect and our admiration and appreciation. There was some allegation about his judgment of the Mexican general, and I think we all make mistakes from time to time. But the fact is that General McCaffrey has, in the view of all objective observers, done an outstanding job.

The Senator from Massachusetts just made a reference to our tax dollars. The Senator from Massachusetts knows full well that no foreign aid goes to Mexico. The only money that goes to Mexico is strictly for the purposes of drug interdiction. That is the only money. In fact, the Mexicans pride themselves on not taking foreign aid from the United States of America. So I think it ought to be viewed in that context.

But finally, Mr. President, when we vote on this I think the fundamental questions are as follows: Has the present policy succeeded in helping us win the war on drugs? Has the present process of certification or decertification raised the price of drugs in Phoenix, AZ, and Detroit, MI, and New London, CT, and Boston, MA? Has the present policy been instrumental in getting the kind of cooperation and assistance that we need from the Mexican Government and their officials? Has the present policy of certification, decertification, had any beneficial impact on stopping the drug trafficking which goes across our border in large quantities as we speak?

Those are the questions that have to be asked. And if you believe that the present policy and certification has worked, and has proved a benefit and has been helpful or has been an ingredient in raising the price of drugs, winning the war on drugs, closing our border to the flow of drugs, increasing cooperation assistance on the part of the Mexicans, then I say vote against this pending amendment.

But I say that the President's national security adviser, the drug czar, and many other experts throughout the country have said, look, let us try something different. Let us come up with some new ways which can address this terrible scourge that is destroying the youth of America. Let us try a new way.

That is all this says. Let us try to be more effective. Let us try a way of suspending, simply suspending for 2 years, not abolishing, but suspending for 2 years the certification process in hopes that all of us together, the executive and legislative branch, working with the American people, can come up with a way of winning a war that it is sad to say, Mr. President, we are losing.

If those who oppose this amendment think that what we are doing now works, fine. They are entitled to that opinion. But I do not believe that those we place in positions of responsibility in the executive branch of Government share that view, nor do most experts. The Senator from Connecticut read off the editorial comment from literally every major newspaper in America in favor of this amendment. And I do not blindly follow the advice and recommendations of all of the experts, nor the leaders of our administration and those we entrust to conduct of our national security policy and our drug policy. But I say, we ignore that advice and recommendation at some risk.

So, Mr. President, I hope we can quickly dispense of further debate and vote on this.

I thank the chairman and floor manager for his indulgence as we have discussed this very important issue. I yield the floor.

Mr. MCCONNELL. Mr. President, we will be able to get a consent agreement to have a series of votes here shortly. I know Senator COVERDELL is here and wants to speak to the Dodd-McCain amendment. We will offer a unanimous consent request for some votes on or around 6 o'clock shortly.

Mr. KERRY. I know the Senator from Georgia wants to speak. I will take 2 quick minutes, if I may.

I answer the question the Senator from Arizona asked, which was the question about the effectiveness and price. The test of whether or not certification is effective is not just a reflection of what happens to the price of drugs or their availability. Everybody knows that interdiction is ultimately an impossible task. Drugs will come in. The question is, are you raising the cost of business sufficiently that the risks are great enough for those who engage in it that you have a legitimate effort to reduce it from scourge to nuisance? The truth is, Mr. President, there are a whole set of other questions you have to ask to really test that effectiveness.

For instance, do they extradite people? Do they have a law of extradition? Do they have asset seizure and forfeiture laws? Have they implemented the laws of asset seizure and forfeiture? What kind of sentencing structure do they have? Do people actually serve time? Do they trade evidence with you? Do they create a mutual legal assistance treaty? There are a whole series of judgments here where, I suggest respectfully to my colleagues, the vast majority of the evidence is on the side of those who say this certification process is working because it has produced results in every one of those other areas of measurement.

Now, the other point I make—I know that you have editorials. Sure you have editorials. I have read some of them. One comes from my own newspaper in Massachusetts. Most people that I have talked to about this process make the judgment that the reason they viscerally feel it is not a fair thing to do is they think we are implementing a standard that is just American, that we are sort of judging them and then, in a high-handed fashion, coming in and saying, ''Hey, you are not good enough for America.'' The point that I think needs to be reemphasized over and over that many are not aware of is, it is not an American standard, it is the internationally arrived at standard which they have agreed to live up to themselves. So we are really finding only one tool existed in the process.

The last point I make is that this does not have to be as difficult as it was made this year with respect to Mexico. Most people, I think, came to the conclusion ultimately that, while they wanted to avoid a politically sticky situation, Mexico was not, in fact, capable of cooperating fully, and there were plenty of ways to praise the democratic process, plenty of ways to praise President Zedillo, plenty of ways

to bolster those who wanted to make it happen and provide a waiver that allowed them to be certified, but on the basis of national interest.

Had that happened, there would have been no great fight in the U.S. Senate, and had that happened, we would not be here today putting to the test the one tool that has worked in helping us to hold the Vienna Treaty accountable.

Mr. COVERDELL. Mr. President, I will not be supporting the Dodd-McCain amendment, but I wanted to make several observations about the situation we are facing this evening.

First, I want to commend Senator DODD of Connecticut for his extended interest in this subject, for his cooperation and longstanding work on the matter. I am an admirer of his work. I believe, however, that this is not the way to close the circle on the long, extended debate on certification and that process.

As chairman of the Western Hemisphere Subcommittee, I promised to hold hearings on the issue. As Senator DODD knows, I have long said there are real questions about this process that need airing. I have to say I am somewhat disappointed by General McCaffrey and NSC Adviser Berger coming forward in this manner without a thorough discussion. I worked extensively, along with Senators DODD, KERRY, MCCAIN, HUTCHISON, and others, when this became so contentious before, and I think we ought to have had more notice with regard to their views on this than we have had.

I want to point out that the certification process has had successes, as Senator KERRY has pointed out, and it has created issues and problems, as Senator DODD has pointed out. There have been benefits and there have been problems. The idea of shutting the process down without a fix on where we are going to go bothers me. Senator DODD and I have talked about an alliance. Well, maybe that would be an appropriate new place to go. But to just stop what we are doing without knowing where that new place is and in this manner, I don't think is appropriate.

Mr. President, the certification process is not only about other governments. It has been a tool for the Congress to be at the table on these issues with our own executive branch. In fact, in the long debate over certification of Mexico, it did result in this letter from the President to myself and Senator FEINSTEIN, and it makes an extensive outline.

It says:

> I want to keep the Congress informed of the progress we are making toward achieving the objectives set forth in my 1997 national drug control strategy and the U.S.-Mexico alliance against drugs. Director McCaffrey will provide further details on these issues to Members of both Houses in the near future. My administration will also provide the Congress, by September 1, [that is this September] 1997, a report covering each of the issues contained in the Senate Resolution passed in March as elaborated in your recent letter and discussions with my administration.

In other words, through the discussions about the process, the administration has told the Congress it is going to come with a full report and present it to the Congress in just a month and a half. It strikes me that we ought to see the report, hold the hearing, and then see what it points us toward—not just suddenly come forward and end the process before we have had the report. I have to say, Mr. President, if it were not for the process, I doubt we would have ever gotten this letter.

The last point I make is, I just came from a hearing, a portion of which Senator DODD was able to attend, but he had to return to the floor. The discussions by the various witnesses were exceedingly alarming. They described, on our border, armed conflict. They described drug cartels operating in military fashion—not a bunch of hooligans—with the most sophisticated equipment, semiautomatic weapons, night goggles and sophisticated communication systems that allowed them to ambush our own agents. The testimony alluded to a growing number of occurrences, already 70 this year, of similar incidences—armed assault on U.S. Border Patrol, targeted agents, assassination threats.

Senator MCCAIN is correct, the status quo is not working. I believe the correct response is to hear from the administration as they promised, to hold our public hearings, to air the various ideas and concepts, and then come forward in an organized, methodical manner and hear where we go in the future. Senator DODD and I agree completely that the status quo is unacceptable. We are just not quite on the same time line as to where we go from here.

I yield the floor.

Mr. DOMENICI. Mr. President, I am pleased to cosponsor Senator DODD'S amendment. The drug certification process is fatally flawed.

Mexico was fully certified even though 7 percent of the cocaine and 50 percent of the marijuana sold in the United States comes in through Mexico.

Colombia wasn't certified, neither were other rogue states even though their contribution to the drug supply is not prominent. Under this process, our diplomatic friends get certified as ''fully cooperating,'' and rogue nations do not regardless of whether a country is a major contributor to the supply of drugs in the United States or not.

I view the determination of which countries are cooperating as a law enforcement function, yet the State Department has prominent role in advising the President.

This sense of the Senate amendment calls for the suspension of the drug certification procedures for two years. It calls for high-level task force to develop a comprehensive program for addressing domestic and international drug trafficking and fashioning a multilateral framework for improving international cooperation.

It would put the Director of the National Drug Policy in charge of the task force.

The amendment calls for the President to persuade other heads of state from drug producing countries and major drug transporting countries to establish similar task forces.

Not later than 1 year after the date of enactment, the amendment calls for the President to convene an international summit.

We need a better tool than the certification process.

The new strategy has to focus on bringing the known traffickers to justice.

Last year, I offered an amendment to withhold foreign aid to Mexico until Mexico either brought to trial themselves or extradited the ten most wanted drug lords living in Mexico.

Two of the top ten are no longer heading up the big drug cartels.

Juan Garcia Abrego was convicted in Houston and sentenced to 11 life sentences.

Amador Carillo Fuentes, considered the wealthiest and most powerful drug baron died earlier this month. He was known as the ''lord of the skies'' because he owned a fleet of 727's which allowed him to transport drugs from Colombia to Mexico.

His headquarters were in Juarez, a little more than an hour away from New Mexico.

He died earlier this month, but this will not be the end of this cartel's influence and drug dealing.

We have to do something more effective in this area.

The new policy has to be primarily a law enforcement function.

Enhanced extradition has to be an important part of the new policy.

Comprehensive money laundering laws must be passed in all countries and officials must be trained to identify money laundering schemes and to enforce the laws.

Young people need to be educated about the dangers of drugs.

We can't solve this drug problem alone. We need international cooperation.

This amendment provides a framework for a better, more aggressive policy.

Mr. BAUCUS. Mr. President, I rise in support of the Dodd-McCain amendment.

For the past 11 years, we have experimented with the policy of ''certifying'' foreign countries as cooperating or failing to cooperate with our efforts against the international narcotics trafficking. That is a fair test for any policy. And it appears to me that the certification policy simply isn't working.

Many countries we have decertified—Burma, for example, or Afghanistan—now produce significantly more narcotics than they did before. Cocaine, heroin, and marijuana are at least as easy to find on our streets today as they were in 1986. It is clear that, at best,

our decertification of these countries did nothing to stop them and their mafia organizations from producing narcotics.

So certification has been an ineffective policy. And the Dodd-McCain amendment takes a sensible approach—it does not abolish certification, but suspends it while we try to work out a more effective approach. If there is nothing better out there, certification will go back into effect.

Finally, in my view, annual debates over whether to certify various foreign countries has distracted us from the more fundamental problems we face here at home. That is, enforcing the laws. Putting drug dealers in jail. Rehabilitating drug users when possible. And stopping kids from trying drugs in the first place. If we can do those things, the actions of foreign countries will still be important, but they will be secondary issues.

So I think Senator DODD and Senator MCCAIN have a good idea. We should take a second look at a policy that doesn't work very well. We should try and find a better one if we can. And we should get back to basics and solve our problems here at home.

Mr. President, I have a full statement on the underlying bill and the importance of keeping up on our commitment to Israel and the Middle East. I ask unanimous consent that it be printed in the RECORD at this time.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Texas.

Mrs. HUTCHISON. Madam President, I rise to speak on the Dodd-McCain amendment that will put this charade of certification aside and try something new in the war on drugs. I think, Madam President, all of us want the same result; we want to stop the illegal drugs from coming into our country. Today, 13 million Americans use illegal drugs; 1.5 million use cocaine, 600,000 use heroin, and 10 million use marijuana.

Madam President, it is coming in through Mexico. Twenty percent of the heroin, 70 percent of the marijuana in this country, and 50 to 70 percent of the cocaine comes in through Mexico. This is under the process we have now—certification—which is insulting, which does not have any positive consequences and, I submit, really only has negative consequences.

Madam President, how is the best way for us to attack the issue of illegal drugs coming in from Mexico? Is it to insult our neighbor? Is it to berate them? What does that give us? It gives us a hostile neighbor. Is that going to help? I hear people on this floor talking about Mexico as if it is 2,000 miles from our border. Madam President, Mexico is our border. We share family ties, we share a trade relationship, we share problems for both of our countries in illegal drug transit. It is bad for Mexico, it is bad for the United States. And I submit that we share friendship. We know Mexico is not doing enough; they know it. I have met with President Zedillo on this issue. I am convinced that he is trying to do everything he can. He is attacking this issue. Berating his country is not going to help the situation.

So I urge my colleagues to vote for the Dodd-McCain amendment. Let us try something new. Let us look for positive results in a partnership, not an adversarial relationship that cannot help us. It will not solve our problem and it could make worse problems on our border than we could ever foresee. Let's do something different; let's give it a chance. Thank you.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas, [Mr. GRAMM], is recognized.

Mr. GRAMM. Madam President, since 1986, we have had a policy called ''certification,'' whereby we stand in judgment of our neighbors as to whether they are in fact making the best effort they can make in helping us keep drugs out of our country and helping themselves prevent drugs from corrupting their country.

In the case of Mexico, we have declared through a Presidential certification, since 1986, for 11 years, that Mexico is making a full-faith effort, and every year for 11 years we have suspected that it was not so. For the first 10 years of this process, I kept hoping things would get better, hoping for the best, voting to certify something that we suspected was not true but hoped that it would become true. This year, I decided that maybe we should try something different and deny certification. The President decided to move ahead with certification.

The point I want to make is very simple: It can never be good public policy to put ourselves in a position where, in order to continue to work with our neighbors to try to keep drugs from coming into our country, we have to certify something that is not true. I think that, after 11 years, it has become clear that this process is not working. It puts us continually in a position of choosing whether to certify things that are not true. It seems to me that as a matter of national policy, just as well as a matter of personal policy, that can never be a good thing to do.

I don't know whether certification was ever a good policy or not. But I think that after 11 years, we know it does not work. And I think setting the process aside for 2 years, giving us an opportunity to try to figure out what we are going to do in terms of a permanent policy, is the right thing to do.

I agree with my colleague from Texas. If you want your neighbors to work with you, the worst thing you can do is slap them in the face.

We are under a procedure now that does not work. I think it is time to change it. The proposal before us is simply to set it aside for 2 years to figure out what we are going to do permanently. I think it is a reasonable proposal. I hope my colleagues agree.

Mr. MCCONNELL. Madam President, I have a unanimous consent request——

Mr. DODD. Will my colleague yield for 2 minutes before he makes that request?

Mr. MCCONNELL. Madam President, I yield the floor.

Mr. DODD. I thank the Senator.

Madam President, I have been listening for the last hour and a half, roughly, to all the argument against this amendment, except for my 2 colleagues from Texas, to whom I am grateful for making their case. I want to make the case on behalf of Senator MCCAIN and myself, and Senators DOMENICI, COCHRAN, DASCHLE, KERREY, WARNER, INOUYE, HUTCHISON, and others who have supported this amendment, the cosponsors of the amendment. We have had 11 years. We didn't come up with this overnight. We have had 11 years. We have now 12.8 million people using illegal drugs in this country; 1.5 million cocaine addicts; 600,000 heroin addicts. What do we want to do, wait another year, another 2 years? Do you want that number to be 13 million drug addicts in the country? How about a million heroin addicts? When do we stop?

The present system isn't working. We have decertified about 7 countries over the last several years. If anything, we have had less cooperation—Afghanistan, Burma, Iran, Syria, Colombia—and what do we get back from it? If this is working so well, are these countries cooperating today? No, we are not getting cooperation. All we are getting is a deluge of drugs pouring into the country.

So I don't disagree that maybe the certification may be the only answer. But how about for 24 months we try something else, after 11 years, and if we get nothing but an increase in supply, lower costs, and the problem becomes worse and worse and worse, why don't we try something else? That is all Senator MCCAIN and I are suggesting—for 24 months, suspend the certification process. Listen to General McCaffrey; he supports what we are trying to do here. He doesn't have a silver bullet either. But maybe, just maybe, we might come up with a better idea and do so in a sense of cooperation with nations we are going to have to have cooperation from if we are going to succeed.

So, Madam President, with all due respect, when I hear that this is coming sort of unannounced—and I listened today, as I was at those hearings as well, to those witnesses and I heard them as well. The situation is worse today than 6 months ago, a year ago, or two years ago, and it is getting worse. So how about trying something else, which is something we don't do terribly frequently around here; we stick with provisions and say you can't change them.

We represent 5 percent of the world's population and we consume over 50 percent of the illegal drugs in the world. Before we start lecturing everybody else, we ought to look in our own backyard and decide what we can do here at home as well.

For those reasons, I urge our colleagues to give us a chance, with this modest proposal, to try something different. As General McCaffrey said in his letter, and Sandy Berger at the National Security Council, this deserves an opportunity to be tried. I urge my colleagues to do that.

I ask unanimous consent that a letter from Barry McCaffrey to Senator MCCAIN and a letter from Samuel Berger to me be printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY,
Washington, DC, July 16, 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Wanted to confirm that the Administration supports the Dodd-McCain legislation on international drug cooperation. Believe your thinking supports U.S. drug policy by recommending a mechanism that would allow us to make fundamental improvements in the way we cooperate with major drug producing and transit countries. At a minimum, your bill promises to remove a major cause of foreign policy friction, especially with Latin American and Caribbean countries. Timing for consideration of new ideas is fortunate because of the upcoming Summit of the Americas and heightened interest in multilateral counter-drug cooperation following the President's travel to Mexico, Central America and the Caribbean.

ONDCP is prepared to lead an interagency task force to develop a new strategy. We must build on our National Drug Control Strategy. We can accomplish the requirement to build a more effective concept for multi-national cooperation in the two years provided by your bill.

Although we would want to explore a number of options, elements of a new strategy might involve increased use of multilateral mechanisms and international organizations such as the OAS. We might also consider expansion of ad hoc arrangements for in-depth bilateral counter-drug cooperation with countries of particular interest such as Mexico. The Department of State and ONDCP are already formulating plans for a fall conference to develop new thinking along the lines of your proposal.

Thanks for your continued leadership on the drug issue.

Respectfully,

BARRY R. MCCAFFREY,
Director.

THE WHITE HOUSE,
Washington, DC, July 16, 1997.

Hon. CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: I am writing to express the support of the Administration for the amendment that you and Senator McCain are proposing to S. 955, the Foreign Operations, Export Financing and Related Operations Appropriations Bill for FY '98.

We believe your amendment would allow the Administration to develop and implement a new multilateral strategy to stem the flow of illegal narcotics. We believe the passage of this amendment will lead to a more effective multilateral effort in the war against drugs.

I, therefore, urge the Senate to pass your and Senator McCain's amendment.

Sincerely,

SAMUEL R. BERGER,
Assistant to the President for National Security Affairs.

UNANIMOUS-CONSENT AGREEMENT

Mr. MCCONNELL. Madam President, let me say, before propounding this unanimous-consent request, we can see the light at the end of the tunnel. This unanimous-consent request has been cleared on both sides. We will have three votes beginning in about 10 minutes from now and that leaves very little left to do before final passage. So we are almost through.

Madam President, I ask unanimous consent that I now be recognized for up to 8 minutes for an explanation of the amendment on Cambodia, which is at the desk, and further, following that debate, the Senate proceed to vote on or in relation to the McConnell amendment No. 886, the one I will describe shortly, to be immediately followed by a vote on or in relation to the McConnell amendment No. 887, also about Cambodia, which I anticipate will be voice-voted, to be immediately followed by a vote on or in relation to the Allard amendment No. 891, to be immediately followed by a vote on or in relation to the Dodd amendment No. 901. I further ask consent that there be 2 minutes of debate equally divided prior to the remaining votes in the sequence. I finally ask unanimous consent that all votes in the sequence following the first vote be limited to 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Madam President, before the Senator from Kentucky continues, I also ask unanimous consent that Greg May, a fellow in Senator FEINGOLD's office, be granted floor privileges for the remainder of the consideration of this bill.

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

Mr. LEAHY. Madam President, I join my friend from Kentucky and say that we do see light at the end of the tunnel. I urge Senators, if they really have something they feel is absolutely urgent for the good of the world and the Nation and their States and the Senate, and so forth, that they discuss it with the Senator from Kentucky and myself during these rollcall votes, so that we can wrap this bill up.

Mr. MCCONNELL. Madam President, I might say that, other than the Hutchinson amendment, I am not aware of any other votes that we will need before going to final passage.

When the subcommittee marked up this bill, the situation in Cambodia was grim. The Far Eastern Economic had labeled Phnom Penh, the Medellin on the Mekong. In a shocking series of stories, the Review described a nation's slide into corruption and the close collaboration between senior Cambodian officials and drug smugglers. Making matters worse, a senior officer said, ''Cambodia is now like Noriega in Panama. Nobody dares to speak out because they will be killed.''

Journalists who have called attention to the corruption and smuggling have been fined, jailed, and assassinated. Days after running a story detailing the criminal kingdom built up by a close associate of Hun Sen, the newspaper's editor was gunned down midday in downtown Phnom Penh.

However, this is not a situation which has just unraveled over the past month. This is a story which has unfolded over the past 2 years and unfortunately, U.S. Government officials and policy appear to have aided and abetted this sorry turn of events.

As the committee report notes, the evidence of corruption and political violence is not new. Democracy has been under attack for the past 2 years.

In testimony before the House International Relations Committee, the president of the International Republican Institute pointed out in 1995, tiring of his attacks on their corruption, Government officials engineered the ouster from the party and Parliament of Sam Rainsy. The testimony then went on to say the following:

> Building on their success in removing one vocal critic, the government has targeted up to six other parliamentary members for expulsion . . . the number of newspapers is declining by the month. Journalists are regularly harassed and beaten and several have been killed . . . The government has been largely successful in silencing all internal opposition and criticism.

Unfortunately, for the past 2 years as the problems mounted, the administration failed to use our assistance programs, strong ties, and close relationships to leverage reforms crucial to the country's survival.

A few short months ago, in testimony before the subcommittee, AID's administration compared Mongolia and Cambodia, citing both as democratic success stories. At the same time, the lives of opposition candidates were being threatened, Hen Sen was actively thwarting all efforts to appoint independent judges or create a commission to establish the framework for the planned 1998 elections.

When weeks of Mr. Atwood's testimony, 16 people were killed and another 120 wounded in a grenade attack on a public rally against corruption. Human rights organizations claimed this was a clear attempt to assassinate one of the Government's most vocal critics, Sam Rainsy.

As the political violence escalated, the administration continued to endorse Cambodia as a responsible candidate to join ASEAN. Evidence that narcotics traffickers were subsidizing the leadership was dismissed. In May, in the face of overwhelming evidence that drug related corruption tainted

the most senior leaders in government, Secretary Albright testified before the subcommittee, that ''we are very careful in the way we do the certification'' and expressed confidence that Cambodia deserved to be recognized as fully cooperating in our international counternarcotics efforts.

During his visit here this spring, Sam Rainsy, the critic who has been targeted by Hen Sen's henchmen, pleaded with the State Department to change course and move quickly to condition aid to his country—to take every step necessary to force Prince Ranariddh and Hen Sen back to the negotiation table—to make every effort to salvage what was left of his country's hope for democracy. He called attention to the increasingly public efforts both leaders were making to arm private militias—a sign, he warned of the civil conflict to come.

While the administration continued to talk of Cambodia's success, the committee listened to the Cambodians and international observers who urged action to stop the slide toward war. In response to the deteriorating situation, we reported out a bill which required the Secretary to certify that four conditions had been met prior to the release of any additional assistance. Specifically, she had to determine that the Government had taken steps to: First, end political violence and intimidation of opposition parties and members; second, establish an independent election commission; third, protect the rights of voters, candidates and election observers and participants by establishing laws which guaranteed freedom of speech and assembly; and fourth, eliminate all official corruption and collaboration with narcotics smugglers.

We had hoped that the Secretary would deliver a similar tough message during a planned June trip to Phnom Penh. Many of us held out the slim hope that she would be take on the important challenge of getting the two leaders to the table to work toward reconciliation and free and fair 1998 elections. I believe her planned visit represented the last window of opportunity to effect any change. Unfortunately, there were sufficient uncertainties about the outcome that prompted her advisors to recommend the visit be canceled—and with that, the window of opportunity slammed shut.

The rest, as they say, is history.

Since the coup, it is clear, the administration continues to be reluctant to challenge or confront Hun Sen. I think this is a serious mistake. It not only causes friends and allies to doubt our commitment to democracy, we risk further instability in a vital part of he world. If an interest in South East Asian stability does not persuade my colleagues of the merits of engagement, they might consider the need to see some good come out of the substantial bilateral and multilateral commitment we have supported which now exceeds $4 billion.

To address the changes which have occurred since the bill was reported from committee, I would now like to offer two amendments which modifies the two Cambodia-related sections in the bill. They are virtually identical but affect two different spending accounts. In each, I have added a new condition which prohibits aid to Cambodia unless there is a certification that the Government has not been installed by the use of force or a coup.

I understand that some of my colleagues believe there should be language linking aid to the restoration of a democratically elected government. In theory, I agree. However, given the fact that Hun Sen actually participated in the election, I believe the administration would continue on the wrong policy track and take advantage of such a provision and simply certify that an elected official was serving in office.

Prince Ranariddh must be restored to office and his party must be given the opportunity to actively and freely engage in the political process. But that will not happen unless the Administration takes the first basic step and acknowledges that he has been the victim of a bold, ruthless military coup. These amendments compel the administration to make that decision.

To address the changes which have occurred since the bill was reported, I have an amendment at the desk which adds a new condition banning aid until the Secretary certifies the government was not installed by force or coup.

AMENDMENTS NOS. 886 AND 887, AS MODIFIED

Mr. MCCONNELL. Madam President, I now send modifications to amendments 886 and 887, which are already at the desk, and ask that Senators KERREY of Nebraska and HAGEL be added as cosponsors.

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

The amendments will be so modified.

The amendments (Nos. 886 and 887), as modified, are as follows:

AMENDMENT NO. 886 AS MODIFIED

On page 11, line 14 strike all after the word ''Of'' through page 12, line 13, ending with the number ''1997.'' and insert in lieu thereof the following:

''None of the funds appropriated by this Act may be made available for activities or programs in Cambodia until the Secretary of State determines and reports to the Committees on Appropriations that the Government of Cambodia has: (1) not been established in office by the use of force or a coup d'etat; (2) discontinued all political violence and intimidation of journalists and members of opposition parties; (3) established an independent election commission; (4) protected the rights of voters, candidates, and election observers and participants by establishing laws and procedures guaranteeing freedom of speech and assembly; (5) eliminated corruption and collaboration with narcotics smugglers and; (6) been elected in a free and fair democratic election: Provided, That the previous proviso shall not apply to humanitarian programs or other activities administered by nongovernmental organizations: Provided further, That 30 days after enactment of this Act, the Secretary of State, in consultation with the Director of the Federal Bureau of Investigations, shall report to the Committees on Appropriations on the results of the FBI investigation into the bombing attack in Phnom Penh on March 30, 1997.''

AMENDMENT NO. 887 AS MODIFIED

On page 96, line 20 strike all after the word ''Cambodia'' through page 97, line 2, ending with the word ''smugglers.'' and insert in lie thereof the following: ''has: (1) not been established in office by the use of force or a coup d'etat; (2) discontinued all political violence and intimidation of journalists and members of opposition parties; (3) established an independent election commission; (4) protected the rights of voters, candidates, and election observers and participants by establishing laws and procedures guaranteeing freedom of speech and assembly; (5) eliminated corruption and collaboration with narcotics smugglers and; (6) been elected in a free and fair election.''

Mr. KERREY. Madam President, I am pleased to be a cosponsor along with Senator MCCONNELL and Senator LEAHY of amendments numbered 886 and 887 to S. 955, the foreign operations appropriations bill for fiscal year 1998. These amendments will prohibit the Government of Cambodia from receiving financial assistance from the United States until the political violence is ended, the human rights of Cambodians are respected, and either the former coalition government is restored or free and fair democratic elections take place. These amendments will also ensure that the United States will oppose aid offered by multilateral financial institutions to Cambodia until those same conditions are met.

The events of the past week in Cambodia have focused our attention again on a nation that has experienced tremendous suffering in the last 30 years. Twenty years ago, the murderous reign of Pol Pot and his Khmer Rouge began in Cambodia. The genocidal Khmer Rouge regime imprisoned thousands of its citizens and executed an estimated one million people or 20 to 30 percent of the populace. I had hoped that such horrors had ended for Cambodia. Unfortunately, last week political intimidation and violence again erupted in the capital of Phnom Penh, ending the rule of law and bringing chaos and uncertainty to the nation.

Recent press stories detailing the forced emigration and extrajudicial executions of opposition leaders highlight the gravity of the situation.

It would be easy to turn our backs to a nation with such a dark past. But the poor and terrifying history of Cambodia should not influence our decision on whether to stay involved in Cambodia. The nation and the people of Cambodia are important to our national interests. The United States must stay engaged and continue to work for democracy and the rule of law in Cambodia. In 1991 a significant agreement was signed in Paris between the political factions in Cambodia which brought the promise of elected government and democratic institutions. Under the auspices of the United Nations and observer nations, elections were held in Cambodia in 1993. The clear desire of the Cambodian people

for democracy was shown by the participation of ninety percent of the population in those elections. In the four years since those elections, the people of Cambodia have worked to preserve their fragile democracy and the rule of law. Cambodia may have suffered a setback in its efforts to build strong democratic institutions. But it is not without hope.

The United States should not abandon a people committed to the ideals of democracy and the rule of law. These amendments hold out the promise of renewed United States assistance to Cambodia once the political violence ends and an elected government takes power in Cambodia.

Until these conditions are met, this legislation allows humanitarian assistance to be sent to Cambodia, but only if it is administered through non-governmental organizations and not the Government of Cambodia.

It is my hope that the situation in Cambodia improves and our two nations can again work together to build a democratic Cambodia. If the coalition government is restored, these amendments permit the resumption of assistance to the Government of Cambodia. If elections are held in 1998 as planned, the United States may again provide assistance to a democratically elected government in Cambodia.

While we can play a major role, the United States alone cannot help bring democracy and the rule of law in Cambodia. I fully expect the Administration to continue to work with the Association of Southeast Asian Nations [ASEAN], the United Nations, and donor nations to improve the situation in Cambodia. Other nations such as Thailand and Japan have played a major role in promoting democratic ideals in that nation. The United States needs to work with these nations to return a democratically-elected government to Cambodia and promote the institutional reforms that will bring peace and prosperity to a people who so desperately need it.

AMENDMENT NO. 886, AS MODIFIED

Mr. McCONNELL. I ask for the yeas and nays on the MCCONNELL amendment No. 886.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Madam President, will the Senator yield a minute of his time?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. McCONNELL. Yes. I yield such time as he may desire.

Mr. LEAHY. Madam President, I strongly support what the Senator from Kentucky wants to accomplish with his amendment on Cambodia. There has been a violent coup, if the press reports are accurate, and we have no reason to believe they are not. Members of the opposition have been assassinated. Leaders in the opposition have been murdered. This is a violent coup.

The amendment makes clear that assistance for nongovernmental organizations would be allowed to continue.

I want to make sure we don't inadvertently prevent aid from resuming if the democratically elected government is restored. But I have no doubt, in that kind of situation, that the Senator from Kentucky would want to make clear—or, if that occurred, would want to join with some of us to make clear—that such aid would continue. But this has been a very violent coup. Opposition people are being silenced or killed. And I support the intent of the amendment by the Senator from Kentucky.

Mr. McCONNELL. I thank my friend from Vermont.

Madam President, if I have any time, I yield it back.

The PRESIDING OFFICER. All time is yielded.

The question now occurs on amendment No. 886, as modified, offered by the Senator from Kentucky [Mr. MCCONNELL]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana [Mr. BURNS] is necessarily absent.

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

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—99

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Gregg	Nickles
Brownback	Hagel	Reed
Bryan	Harkin	Reid
Bumpers	Hatch	Robb
Byrd	Helms	Roberts
Campbell	Hollings	Rockefeller
Chafee	Hutchinson	Roth
Cleland	Hutchison	Santorum
Coats	Inhofe	Sarbanes
Cochran	Inouye	Sessions
Collins	Jeffords	Shelby
Conrad	Johnson	Smith (NH)
Coverdell	Kempthorne	Smith (OR)
Craig	Kennedy	Snowe
D'Amato	Kerrey	Specter
Daschle	Kerry	Stevens
DeWine	Kohl	Thomas
Dodd	Kyl	Thompson
Domenici	Landrieu	Thurmond
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Warner
Enzi	Levin	Wellstone
Faircloth	Lieberman	Wyden

NOT VOTING—1

Burns

The amendment (No. 886), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 887, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for debate on amendment 887, as modified, offered by the Senator from Kentucky.

Mr. BYRD. Madam President, may we have order in the Senate? I cannot even see the Presiding Officer.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. I hope that Senators will listen to the Chair.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. I hope Senators will show respect to the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Madam President, this is an amendment previously discussed before the vote started. I am prepared to take a voice vote on it. It is noncontroversial and I think supported by my colleague.

Mr. LEAHY. I join with the distinguished Senator from Kentucky in that request.

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

The amendment (No. 887), as modified, was agreed to.

Mr. LEAHY. 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.

AMENDMENT NO. 891

The PRESIDING OFFICER. There now will be 2 minutes of debate on amendment No. 891 offered by the Senator from Colorado [Mr. ALLARD].

The Senator from Colorado is recognized.

Mr. ALLARD. Madam President, I thank you. In 1994, OPIC's lending authority for its insurance financing was last raised and has been frozen ever since. Since that time, the administration——

Mr. BYRD. Madam President, I do not know whether other Senators can hear or not. I cannot. May we have order.

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order. The Senate will be in order. Senators will please cease their conversations or take their conversations to the Cloakrooms.

Mr. BYRD. Madam President, I thank the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. I thank the Chair.

In 1994, OPIC's lending authority for its insurance and financing was last raised and has been frozen since then. On the administrative cost side, we have seen a growth during that period, when their authority was limited, from $20 million to about $32 million. This amendment just takes the administrative cost back to the 1994 level. It is a

reduction of $11 million in administration. I ask for a yea vote.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, this in many ways would cut off our nose to spite our face.

I oppose this amendment but I see the Senator from Nebraska, who had spoken earlier, and I will yield to him.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. I thank the Chair.

I again say what I said this afternoon regarding my good friend and real neighbor next to me. His amendment I think at best is shortsighted. I came to this body with the background of a small businessman, Madam President. I know a little something about OPIC. I have marketed companies, built companies, that have worked around the world. I understand the importance of what OPIC is. This is an organization that, in fact, sends money back to the Treasury each year. This is an organization that creates jobs. It has a tremendous ripple effect all across this country. And as we are able to export American technology and products abroad, the support for all of those products comes from American companies in each of our States. I respectfully request that my colleagues vote against this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announced that the Senator from Montana [Mr. BURNS] is necessarily absent.

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

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

The result was announced—yeas 35, nays 64, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—35

Allard	Feingold	Lott
Ashcroft	Gramm	McCain
Brownback	Grams	Nickles
Bryan	Gregg	Reid
Coats	Helms	Roberts
Collins	Hollings	Sessions
Coverdell	Hutchinson	Smith (NH)
Craig	Hutchison	Thomas
D'Amato	Inhofe	Thompson
DeWine	Kempthorne	Wellstone
Dorgan	Kohl	Wyden
Faircloth	Kyl	

NAYS—64

Abraham	Cochran	Hagel
Akaka	Conrad	Harkin
Baucus	Daschle	Hatch
Bennett	Dodd	Inouye
Biden	Domenici	Jeffords
Bingaman	Durbin	Johnson
Bond	Enzi	Kennedy
Boxer	Feinstein	Kerrey
Breaux	Ford	Kerry
Bumpers	Frist	Landrieu
Byrd	Glenn	Lautenberg
Campbell	Gorton	Leahy
Chafee	Graham	Levin
Cleland	Grassley	Lieberman
Lugar	Reed	Snowe
Mack	Robb	Specter
McConnell	Rockefeller	Stevens
Mikulski	Roth	Thurmond
Moseley-Braun	Santorum	Torricelli
Moynihan	Sarbanes	Warner
Murkowski	Shelby	
Murray	Smith (OR)	

NOT VOTING—1

Burns

The amendment (No. 891) was rejected.

Mr. LEAHY. Madam President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Madam President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order.

The Senator from Vermont.

Mr. LEAHY. I ask the Presiding Officer, what is the parliamentary situation?

AMENDMENT NO. 901

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for debate equally divided on the Dodd amendment No. 901. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I am going to yield 30 seconds to my colleague from Arizona.

This amendment, offered by myself, Senator MCCAIN and many others, suspends for 24 months the voting on the certification process. All the reports are collected, but this is an opportunity, as General McCaffrey says in his letter endorsing this amendment, this gives us time to try something different. After 11 years, the problem has gotten worse. We need to try a different dynamic. This will give us 24 months to try it. We urge the adoption of the amendment.

I yield to my colleague from Arizona.

Mr. McCONNELL. Madam President, I yield 1 minute in opposition to the amendment to Senator COVERDELL.

The PRESIDING OFFICER. I believe the Senator from Arizona was recognized for 30 seconds.

The Senator from Georgia is recognized for 1 minute.

Mr. COVERDELL. Madam President, the certification process is not perfect. The Foreign Relations Committee has committed to hearings on this. That is the appropriate venue to discuss it. We should not suspend the process without the new place to go or the new system being in order. We send the wrong message at the wrong time, and I urge my colleagues not to suspend and leave no system in place.

Mr. DODD. I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT REQUEST

Mr. LOTT. Madam President, I would like to see if we can get a unanimous consent agreement, and if we can, we can tell the Members we will not have any further votes tonight. I have discussed this with the distinguished Democratic leader. I do have one other amendment I have to put in the stack. We may work something out on it, but in case we cannot, we need to have the vote in the morning.

I ask unanimous consent that the vote occur on the Bingaman amendment No. 896 at 9:30 a.m.—let me modify that. Let's put that at 10 o'clock on Thursday—to be followed immediately by a vote on the HUTCHINSON amendment, to be followed immediately by third reading of the bill and final passage, all occurring without action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BINGAMAN. Madam President, I assume that we will have 2 minutes equally divided for debate on the amendment before voting?

Mr. LOTT. I amend the UC to make it clear to have, what has become customary, 2 minutes for a final explanation of what is in the amendment.

Mr. CHAFEE. Will these be 10-minute votes after the first one?

Mr. LOTT. Madam President, we intend to have 10-minute votes after the first vote.

The PRESIDING OFFICER. Is there objection?

Mr. TORRICELLI. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Madam President, the Bingaman amendment would be a change in policy toward Cuba and we would have only 2 minutes to discuss that relative to its merits.

Mr. LOTT. There will be debate on that issue further tonight. The question was, would there only be 2 minutes for debate on the Bingaman-Graham amendment. I believe there would be further discussion on that.

Mr. McCONNELL. As long as Senators would like to discuss it.

Mr. LOTT. Tonight.

Mr. TORRICELLI. Would it be possible to ask, given the interest of many on this and the impact this would have on American policy toward Cuba, that we might, in this instance, ask for 5 minutes on each side to make our positions clear to Members before they vote?

Mr. LOTT. Madam President, I amend the UC to ask consent that we have 10 minutes equally divided on both the Bingaman amendment and the Hutchinson amendment if that time is required, with the debate on those to begin shortly after we come in at 9:30, and then the vote to begin at 10 a.m.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, I understand Senator SPECTER has a problem, and we will hear from him in a few minutes. He is apparently on his way.

Mr. LOTT. I didn't hear any objection.

I think it is unfortunate we are not going to be able to get a unanimous-consent agreement now. By not doing so, we may have a proliferation of amendments, and we may have to go on later tonight. We have really been working very well across the aisle to avoid this sort of problem, but I don't think we can resolve it right now.

So, we can proceed with this vote and see if we can work out an understanding as to how we will proceed later on tonight or in the morning, and we can try the unanimous consent request again after the vote. We cannot assure Senators at this point that there will be no further votes tonight.

Mr. DASCHLE. If the leader will yield, in the interest of accommodating a lot of our Senators who have made plans, could we at least give them assurance that between now and 9:30 there will be no votes tonight?

Mr. LOTT. If I could, I appreciate the Democratic leader's efforts. His effort has been about like mine—not too good yet.

[Laughter.]

Let's have the vote and work on this during the vote and try to get a UC after the vote.

I believe we have the yeas and nays on this amendment.

VOTE ON AMENDMENT NO. 901

The PRESIDING OFFICER (Mr. SMITH of Oregon). The question is on agreeing to the Dodd amendment No. 901. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana [Mr. BURNS] is necessarily absent.

Mr. FORD. I announce that the Senator from Ohio [Mr. GLENN] is necessarily absent.

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—38

Akaka	Hagel	Levin
Allard	Harkin	Lieberman
Baucus	Hollings	Lugar
Bryan	Hutchison	McCain
Chafee	Inouye	Mikulski
Cleland	Jeffords	Moynihan
Cochran	Johnson	Murray
Daschle	Kennedy	Robb
DeWine	Kerrey	Sarbanes
Dodd	Kohl	Stevens
Domenici	Kyl	Thompson
Gorton	Landrieu	Warner
Gramm	Leahy	

NAYS—60

Abraham	Byrd	Enzi
Ashcroft	Campbell	Faircloth
Bennett	Coats	Feingold
Biden	Collins	Feinstein
Bingaman	Conrad	Ford
Bond	Coverdell	Frist
Boxer	Craig	Graham
Breaux	D'Amato	Grams
Brownback	Dorgan	Grassley
Bumpers	Durbin	Gregg
Hatch	Moseley-Braun	Shelby
Helms	Murkowski	Smith (NH)
Hutchinson	Nickles	Smith (OR)
Inhofe	Reed	Snowe
Kempthorne	Reid	Specter
Kerry	Roberts	Thomas
Lautenberg	Rockefeller	Thurmond
Lott	Roth	Torricelli
Mack	Santorum	Wellstone
McConnell	Sessions	Wyden

NOT VOTING—2

Burns	Glenn

The amendment (No. 901) was rejected.

Mr. LEAHY. 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.

UNANIMOUS-CONSENT AGREEMENTS

Mr. LOTT. Mr. President, I ask unanimous consent that the vote occur on or in relation to the Bingaman amendment No. 896 at 10 a.m. on Thursday, to be followed immediately by a vote on or in relation to the Hutchinson amendment No. 890, to be followed by third reading of the bill and final passage occur all without further debate or action.

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

Mr. LOTT. I further ask there be 10 minutes equally divided for debate relative to the Bingaman and Hutchinson amendments prior to each vote with respect to the amendments that are pending.

Mr. LEAHY. Reserving the right to object, does the leader also intend to ask unanimous consent to vitiate the yeas and nays that have been ordered on the underlying amendment, or ask to have it withdrawn?

AMENDMENT NO. 900, WITHDRAWN

Mr. LOTT. Mr. President, I ask unanimous consent that the Dodd amendment be withdrawn.

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

The amendment (No. 900) was withdrawn.

Mr. LOTT. I further ask that when the Senate receives the House companion bill, the Senate immediately proceed to its consideration and all after the enacting clause be stricken, the text of S. 955, as amended, be inserted in lieu thereof, the bill be read for a third time and passed and the Senate insist on its amendment, request a conference with the House on the disagreeing votes and the Chair be authorized to appoint conferees on the part of the Senate.

Mr. McCONNELL. Mr. President, reserving the right to object, as I understand this agreement, it does not prevent us from going ahead and facilitating the passage of some agreed-to amendments this evening. There are two Senators here with amendments.

Mr. LOTT. It does not in any way prevent that.

Mr. BYRD. Reserving the right to object, I don't expect to object, what is S. 955?

Mr. LOTT. The foreign ops bill.

Mr. BYRD. I have no objection.

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

Mr. LOTT. There will be no further votes this evening. The next votes will occur at 10 a.m. on Thursday.

I yield the floor.

AMENDMENT NO. 902

(Purpose: To express the sense of the Senate on the European Commission's handling of the Boeing McDonnell Douglas merger)

Mr. GORTON. Mr. President, I have an unprinted amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] for himself, Mrs. FEINSTEIN, Mrs. MURRAY, and Mrs. BOXER, proposes an amendment numbered 902.

Mr. GORTON. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

The Boeing Company and McDonnell Douglas have announced their merger; and

The Department of Defense has approved that merger as consistent with the national security of the United States; and

The Federal Trade Commission has found that merger not to violate the anti-trust laws of the United States; and

The European Commission has consistently criticized and threatened the merger before, during and after its consideration of the facts; and

The sole true reason for the European Commission's criticism and imminent disapproval of the merger is to gain an unfair competitive advantage for Airbus, a government owned aircraft manufacturer;

Now therefore, It is the Sense of the Senate that any such disapproval on the part of the European Commission would constitute an unwarranted and unprecedented interference in a United States business transaction that would threaten thousands of American aerospace jobs; and

The Senate suggests that the President take such actions as he deems appropriate to protect U.S. interests in connection therewith.

Mr. GORTON. I ask unanimous consent Senators MURRAY and BOXER be added as cosponsors of the amendment.

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

Mr. GORTON. Mr. President, this is a last-minute amendment and I greatly appreciate the indulgence of the managers, but it is of vital importance. It now is increasingly evident, overwhelmingly evident, that the European Commission is going to attempt to reject the Boeing-McDonnell Douglas mergers in spite of the fact that the Department of Defense feels this is a significant step forward for our national defense, in spite of the fact the Federal Trade Commission has not determined there are any trade violations in connection therewith.

That decision on the part of the European Commission seems to have been made in the absence of any evidence

and before any evidence was submitted to it and solely on behalf of creating a competitive advantage for Airbus. If it should hold, it will have a seriously adverse impact on employment in the United States, particularly with the Douglas portion of McDonnell Douglas, which could not survive unaided or unmerged.

This resolution simply states those facts and states that any such disapproval would be an unwarranted and unprecedented interference in a business decision appropriately made in the United States and suggests to the President he take such actions as he deems necessary under the circumstances.

I will make more extensive remarks on this issue sometime tomorrow, but I appreciate the support of my colleagues on a matter of great importance to employees in many States throughout the United States.

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

The amendment (No. 902) was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. MCCONNELL. I move to lay it on the table.

AMENDMENT NO. 898

Mr. SPECTER. Mr. President, I send an amendment numbered 898 to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr SPECTER] proposes an amendment numbered 898.

Mr. SPECTER. 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:

SEC. . RESTRICTION ON ASSISTANCE MADE TO THE PALESTINIAN AUTHORITY.

None of the funds appropriated or otherwise made available by this Act may be obligated or expended with respect to providing funds to the Palestinian Authority, unless the President certifies to Congress that:

(1) the Palestinian Authority is using its maximum efforts to combat terrorism, and, in accordance with the Oslo Accords, has ceased the use of violence, threat of violence, or incitement to violence as a tool of the Palestinian Authority's policy toward Israel;

(2) after a full investigation by the Department of Justice, the Executive branch of Government concludes that Chairman Arafat had no prior knowledge of the World Trade Center bombing; and

(3) after a full inquiry by the Department of State, the Executive branch of Government concludes that Chairman Arafat did not authorize and did not fail to use his authority to prevent the Tel Aviv cafe bombing of March 21, 1997.

Mr. SPECTER. Mr. President, this amendment provides that none of the funds appropriated or otherwise made available to the Palestinian Authority shall be paid over to the Palestinian Authority unless the President certifies to the Congress, first, that the Palestinian Authority is using its maximum efforts to combat terrorism in accordance with the Oslo accords, has ceased the violence or threat of violence or incitement of violence as a tool of the Palestinian Authority.

Second, after full investigation by the Department of Justice, the executive branch of Government concludes that Chairman Arafat had no prior knowledge of the World Trade Center bombing.

Third, after a full inquiry to the Department of State, the executive branch of Government concludes that Chairman Arafat did not authorize and did not fail to use his authority to prevent the Tel Aviv cafe bombing of March 21, 1997.

Mr. President, this amendment would not impact upon the expenditures of U.S. funds for projects like water authorities or other projects which go to the people who are now directed to receive these funds, but to articulate with precision, would only involve the moneys which would be paid to the Palestinian Authority.

It may well be that there is no intent to pay money now in the pipeline for the Palestinian Authority, but I must say, Mr. President, that after making substantial efforts to find out exactly what is going on in the administration, I have been unable to make that determination. But whether or not there is an intent by the administration not to pay money in the pipeline to the Palestinian Authority, it is my view that this amendment is necessary as a matter of policy.

With respect to the issue of Chairman Arafat's knowledge of the Trade Center bombing, a report has been made by Deputy Education Minister Moshe Peled of Israel that Arafat had prior knowledge of the bombing of the Trade Center in New York City in 1993.

I have asked the Department of Justice, Mr. President, to conduct an investigation to determine whether or not that is true.

I ask unanimous consent the correspondence be printed in the RECORD at the conclusion of my statement as if read in full.

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

(See exhibit 1.)

EXHIBIT 1

Mr. SPECTER. The essence of the matter is that this issue has been raised by a responsible Israeli official, and if Arafat in fact had prior knowledge of the bombing of the Trade Center, he may well be an accessory before the fact, or a coconspirator, and if that is so, he would be extraditable to the United States under provisions of our terrorist legislation passed in 1984 and 1986.

It is simply unsatisfactory and intolerable to have that issue outstanding and be providing funding for the Palestinian Authority.

The issue has also been raised on the bombing of the Tel Aviv cafe on March 21, 1997, as to whether Chairman Arafat and the PLO made a maximum effort to stop that kind of terrorism. Immediately after the bombing, Israeli Prime Minister Netanyahu said that Arafat gave a green light to that bombing. When Secretary of State Madeleine Albright appeared before the Foreign Operations Subcommittee in our hearing this spring, she responded that Arafat had not given a green light, but neither had he given a red light. Under the provisions of the amendment introduced by Senator SHELBY and myself, Arafat has an absolute obligation, along with the PLO, to make the maximum effort to fight terrorism.

I have written to Secretary Albright on this subject, and I ask unanimous consent that a copy of my letter be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

EXHIBIT 2

Mr. SPECTER. It is unsatisfactory, Mr. President, if Arafat did anything but put down a red light to stop the bombing of the Tel Aviv cafe which killed three Israelis and wounded dozens more, estimated to be approximately 40 other Israelis. There ought to be absolutely no doubt that if any funding is to come from the U.S. taxpayers to the Palestinian Authority, there be a certification by the President, based on evidence that Yasser Arafat was not a party to, did not know about, was not an accessory before the fact, or a coconspirator on the bombing of the Trade Center in 1993 and he, in fact, made the maximum effort which would require a red light on the bombing of the Tel Aviv restaurant.

It is my understanding, Mr. President, this amendment is acceptable to both managers of the bill.

EXHIBIT 1

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 29, 1997.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: This is in response to your letter to the Attorney General dated April 1, 1997. Your letter encloses a news article from The Jerusalem Post in which it is reported that Yasser Arafat may have had prior knowledge of the bombing of the World Trade Center building on February 26, 1993.

Aside from the news report enclosed with your letter, the Department of Justice is unaware of any information that Yasser Arafat either had prior knowledge of the bombing of the World Trade Center or was in any way involved in the conspiracy to bomb the building. We have queried the Israeli authorities about this information and they deny the accuracy of the statements attributed in the article to the Deputy Education Minister.

I hope this information is helpful. If we can be of further assistance with regard to this or any other matter, please do not hesitate to contact this office.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 14, 1997.

Hon. JANET RENO,
Attorney General,
Department of Justice,
Washington, DC.

DEAR ATTORNEY GENERAL RENO: By letter dated April 1, 1997, (copy enclosed) I wrote to you concerning Israeli Deputy Education Minister Moshe Peled's statement that Palestinian Authority Chairman Yasser Arafat had prior knowledge of the 1993 plot to bomb New York City's World Trade Center.

By letter dated April 29 (copy enclosed) Assistant Attorney General Andrew Fois responded with a very generalized statement about having ''queried the Israeli authorities.'' No mention was made whether the Department of Justice talked to Deputy Education Minister Moshe Peled or did any real pursuit on the matter.

Since I do not speak Hebrew, my assistant, David Brog, Esquire, talked to Mr. Peled. Mr. Peled said that he was not prepared to disclose any more information on Chairman Arafat's connection in the World Trade Center bombing beyond what he told the Jerusalem Post. Mr. Brog said that Mr. Peled was not flexible on this point and that he (Mr. Brog) had the impression that Mr. Peled had gotten into some trouble for his previous disclosure.

I am interested to know whether the Department of Justice talked to Mr. Peled before Mr. Fois's letter to me of April 29. If so, what he said. If not, why wasn't Mr. Peled questioned.

I considered this an extremely serious matter. As you know, Chairman Arafat could be extradited to the United States if there is evidence to support Mr. Peled's charge.

I formally request the Department of Justice to conduct a real investigation on this matter.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, April 1, 1997.

Hon. JANET RENO,
Attorney General,
Department of Justice,
Washington, DC.

DEAR ATTORNEY GENERAL RENO: Just yesterday I saw a news report that Israeli intelligence has evidence that Palestinian Authority Chairman Yasser Arafat had prior knowledge of the 1993 plot to bomb New York City's World Trade Center which killed six people.

That news report quoted Deputy Education Minister Moshe Peled stating:

''More than that, he [referring to Arafat] was part of the discussions on the operation.''

The news report further said that Arafat was privy to the conspiracy and met with Sudanese and Islamic terrorist leaders.

With this letter, I am enclosing for you a photostatic copy of the news report from the Jerusalem Post on March 26.

I would very much appreciate it if you would conduct the appropriate investigation to determine what evidence exists, if any, of Arafat's complicity in this matter.

It appears to me that, if true, Arafat would be prosecutable under U.S. criminal laws. I would appreciate your advice as to what indictments could be brought as to Chairman Arafat.

Thank you for your consideration of this request.

Sincerely,

ARLEN SPECTER.

EXHIBIT 2

U.S. SENATE,
Washington, DC, March 25, 1997.

Hon. MADELEINE ALBRIGHT,
Secretary of State,
Washington, DC.

DEAR SECRETARY ALBRIGHT: According to the weekend press reports, Israeli Prime Minister Benjamin Netanyahu has stated that Palestinian Chairman Yassir Arafat has indirectly given a green light to the terrorists resulting in the suicide bomb which killed and wounded many Israelis last Friday.

According to the news reports, Chairman Arafat and the Palestinian authority released Ibrahim Maqadmeh. Prime Minister Netanyahu further stated that Chairman Arafat and the Palestinian authority have failed to detain known terrorists and to confiscate weaponry.

In my judgment, it is very important for the State Department to make a factual determination as to whether Chairman Arafat and the Palestinian authority did give a green light indirectly to the terrorists and whether there was a failure to detain known terrorists and to confiscate weaponry.

I would appreciate your advice, as promptly as possible, on your Department's conclusion as to whether Chairman Arafat and the Palestinian authority gave an indirect green light to the terrorists.

As you know, an amendment offered by Senator Shelby and myself to the Middle East Peace Facilitation Act of 1995 conditions the $500 million in U.S. aid to the Palestinian authority on presidential certification that the Palestinian authority is complying with all of its commitments under its peace accords with Israel, including its commitment to prevent acts of terrorism and undertake ''legal measures against terrorists, including the arrest and prosecution of individuals suspected of perpetrating acts of violence and terror.''

The Senate Appropriations Subcommittee on Foreign Operations, on which I sit, will soon be considering this issue for fiscal year 1998 so I would appreciate your prompt response.

In addition, I would appreciate your advising me as to whether there is any U.S. aid in the pipeline which has not yet been turned over to the Palestinian authority. If so, I request that such payments be withheld until the determination as to whether the Palestinian authority is complying with the Specter-Shelby amendment.

Sincerely,

ARLEN SPECTER.

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

The amendment (No. 898) was agreed to.

Mr. SPECTER. I move to reconsider the vote.

Mr. BENNETT. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, we have passed, have we, the amendment of the distinguished Senator from Washington [Mr. GORTON]?

The PRESIDING OFFICER. We agreed to the amendment.

Mr. LEAHY. Did that show the other distinguished Senator from Washington as a cosponsor?

The PRESIDING OFFICER. That is correct.

EGYPT

Mr. WYDEN. Mr. President, the hour is late, and I know a number of our colleagues, Senator DEWINE in particular, has been very gracious or anxious to discuss some important issues.

I just rise for a few moments to discuss the role of Egypt in the Middle East process. I think we all understand the dream of peace in the Middle East is going to take courage, patience and commitment from all of the countries in the region. Unfortunately, Egypt, the second largest recipient of U.S. aid, has taken a number of actions of late which seem more likely to undermine the peace that grew out of Anwar Sadat's courageous decision to go to Israel.

I rise, therefore, with several other colleagues, questioning several of these actions by Egypt, a long-time recipient of substantial amounts of U.S. foreign assistance. These actions, in my view, raise serious questions, especially when they seem to contradict U.S. efforts to secure a lasting peace in the Middle East. Specifically, I am troubled by Egypt hosting an Arab League summit in Cairo earlier this year in which Egypt supported the renewal of the Arab League boycott of Israel. This represents a clear violation of the Israeli-Egyptian peace treaty. U.S. policy has long sought to end the boycott. Yet, in this situation there is a recipient of U.S. aid that supports it. I am also troubled that Egypt has emerged as Libyan Leader Qadhafi's most important advocate internationally.

Egyptian President Mubarak has publicly stated that Egypt does not produce chemical weapons, that Libya does not produce chemical weapons. He has advocated easing United States sanctions on Libya, and he has violated the U.N. ban on air travel by allowing Qadhafi to fly to the Arab summit in Cairo.

What is particularly of distress to this Senator is President Mubarak was the only leader to decline President Clinton's invitation to attend an October Middle East summit in Washington to revise the peace process and to end ongoing violence.

Most recently, Mr. President, and colleagues, we have seen some efforts by top Egyptian officials to take actions to reinvigorate the peace negotiations. I am very hopeful that those recent actions will be a signal that Egypt intends to play a more constructive role in the days ahead, in terms of producing a lasting peace. I have been especially pleased to see the strong, bipartisan support here in the Senate for the Middle East process, and for the good work begun in Oslo, and I am very hopeful that Egypt will see that there is strong concern right now in the United States Senate about a number of their actions of late and that the Congress will be monitoring those actions carefully.

Mr. President, I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

AMENDMENT NO. 903

(Purpose: To limit assistance for Haiti unless certain conditions are satisfied)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 903.

Mr. DEWINE. 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:

On page 10, line 4, strike ''Institute.'' and insert ''Institute: *Provided further,* That of the funds made available under this heading for Haiti, up to $250,000 may be made available to support a program to assist Haitian children in orphanages.''.

On page 18, line 2, before the period insert the following: '': *Provided further,* That of the amount appropriated under this heading, not less than $500,000 shall be available only for the Special Investigative Unit (SIU) of the Haitian National Police''.

On page 93, strike lines 7 through 24 and insert the following:

LIMITATION ON ASSISTANCE FOR HAITI

SEC. . (a) LIMITATION.—None of the funds appropriated or otherwise made available by this Act may be provided to the Government of Haiti unless the President reports to Congress that the Government of Haiti—

(1) is conducting thorough investigations of extrajudicial and political killings;

(2) is cooperating with United States authorities in the investigations of political and extrajudicial killings;

(3) has made demonstrable progress in privatizing major governmental parastatals, including demonstrable progress toward the material and legal transfer of ownership of such parastatals; and

(4) has taken action to remove from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights.

(b) EXCEPTIONS.—The limitation in subsection (a) does not apply to the provision of humanitarian, electoral, counter narcotics, or development assistance.

(c) WAIVER.—The President may waive the requirements of this section on a semiannual basis if the President determines and certifies to the appropriate committees of Congress that such waiver is in the national interest of the United States.

(d) PARASTATALS DEFINED.—As used in this section, the term ''parastatal'' means a government-owned enterprise.

Mr. DEWINE. Mr. President, my amendment is an attempt to strengthen our aid program to the troubled republic island of Haiti. It would help make sure that United States assistance is properly targeted, so it can be more readily effective in areas vital to United States interests.

Mr. President, my amendment does three things. No. 1, it provides up to $250,000 for a program to assist Haitian children currently in orphanages. Today, Mr. President, Catholic Relief Services [CRS], and the Adventist Development and Relief Agency [ADRA] support thousands of Haitian children. They basically administer AID Food. There are thousands of children who are receiving one meal a day because of AID assistance that is administered through both CRS and the ADRA. It is vitally important that this assistance continue.

Mr. President, my amendment does not deal directly with this food. What it does deal with is the bigger problem of the orphanages of Haiti. I have had the opportunity to visit at least 12 of these orphanages in Haiti over the last few months. There are at least 70 such orphanages just in the Port-au-Prince area alone, containing thousands of children. It is something to see and something to behold to see the work that is being done. These orphanages would break a person's heart, and does, when you see the children who are there. This amendment sets aside a relatively small amount of money to look at this problem from the long range.

Frankly, Mr. President, due to lack of resources the orphanages in Haiti cannot take in many of the needy children. This amendment would provide much-needed resources to help alleviate the demand on these orphanages, by helping take care of the children in other ways.

Clearly, what these children need, in the final analysis, is not just temporary shelter, but permanent placement in safe, stable homes where they can count on food and clothing. The funds provided by this amendment would help make that permanent home a reality for more of Haiti's children. It would do this by bringing about some coordination among the orphanages and coordination with respect to our AID mission.

Mr. President, the second part of our amendment would specify that no less than $500,000 be made available, and made available only for the Special Investigation Unit, the SIU, of the Haitian national police.

Mr. President, in my visits to Haiti I have talked with members of the SIU, and I talked with the American contract officer who is down there assisting the SIU unit. One of the things that we have observed and that this country has promoted in emerging democracies is the belief that if a country is to emerge as a democracy, whether it be Haiti, whether it be Bosnia, wherever in the world, that the country has to turn its back on its past and has to stop tolerating political murders, political killings, political crimes, whether they occur from the left or from the right. The SIU unit has a very specific task. Its task is to target these political murderers, to bring them to justice, and to see that they are successfully tried. By doing that, and only by doing that, Mr. President, can we effectively see justice in these emerging democracies. And only by doing this can the people of the country understand that democracy not only means free elections, but democracy also means justice, and these days of political killings must be over.

It is important, Mr. President, that support for the SIU investigations continue as investigators build compelling cases against those who have used brutal force to achieve, in the past, political goals.

Mr. President, over 80 extrajudicial and political killing cases have been assigned to the SIU by the Government of Haiti. The Government has requested that close to two dozen of those cases be investigated on a ''priority basis.'' However, sadly, not enough progress has been made on these high-profile political murder cases. In fact, to date, none of the cases have been successfully prosecuted.

Mr. President, the SIU is being integrated slowly into the newly formed judicial police and is receiving more and more political support, and support from the Haitian people. The people of Haiti want to turn the corner on their long history of political violence. Continued assistance and targeted assistance to the SIU would strengthen Haiti and strengthen United States-Haiti relations as well.

No. 3, and probably most important. This amendment would limit assistance to Haiti, unless four conditions are met:

Funds are made available if the President reports to Congress that the Government of Haiti, No. 1, is conducting thorough investigations of extrajudicial and political killings; No. 2, is cooperating with the United States authorities on this matter; No. 3, has made progress in privatizing major Government-owned enterprises, including progress toward the material and legal transfer of ownership of these enterprises; finally, No. 4, that the government is taking action to remove from the Haitian national police, and from related agencies, individuals who are alleged, credibly alleged, to have engaged in or conspired to conceal gross human rights violations.

Now, Mr. President, in essence, my amendment is designed to make clear that Congress does not intend United States assistance to Haiti to be viewed as unconditional. In fact, the first two conditions that I have just mentioned were already imposed by Congress in the form of an amendment sponsored by our distinguished colleague, former majority leader of the U.S. Senate, Senator Bob Dole. By adding the new third and fourth conditions, this amendment strengthens the Dole amendment that currently governs our policy toward Haiti.

Now, the limitations I propose will not apply to the provision of humanitarian, electoral, counternarcotics, or developmental assistance, and it does, as the Dole amendment does, contain a ''national interest'' presidential waiver.

Mr. President, the amendment currently in force which limits assistance to Haiti, the Dole amendment, has been waived four times over the last two years by this administration.

I believe the conclusion is clear. To make sure United States interests in Haiti are protected, that amendment

needs to be strengthened. That is the purpose of this amendment that I am offering today.

Mr. President, Haiti is now in the midst of a political crisis. The resignation of Prime Minister Rosny Smarth on June 9 has laid bare a very serious problem of leadership. For a number of reasons, which include the political prominence of former President Aristide, the current President, President Preval—despite some truly heroic efforts—has not yet been able to effectively promote economic reform.

Mr. President, if this crisis is not met successfully, it could pose a real threat to United States policy interests and to the overall investment the United States has made in Haiti since our deployment of troops beginning in September 1994. In my view, Mr. President, if President Preval is given the space to govern, there is no reason to believe he will not make the necessary reforms—as he did previously in promoting fiscal austerity over the last 16 months.

Mr. President, we want to help President Preval find that space to govern. That is one major purpose of the amendment that I am proposing.

In conclusion, Mr. President, we as a nation cannot afford to wash our hands of a country in which we have made such a sizable investment. The amendment I am proposing today would make our aid more effective and would help the forces in Haiti that are fighting the uphill battle for genuine reform.

Mr. President, I request a voice vote.

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

The amendment (No. 903) was agreed to.

Mr. MCCONNELL. Mr. President, 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.

FULL FUNDING FOR THE INTERNATIONAL DEVELOPMENT ASSOCIATION

Mr. JEFFORDS. Mr. President, today I voice my support for meeting U.S. commitments to the International Development Association [IDA] by fully funding replenishment to IDA–10 and IDA–11.

The International Development Association was established in 1960 to lend to the poorest and least creditworthy developing countries on confessional terms. Only countries with a per capita income below $905 with limited or no ability to borrow on market terms and a record of using IDA resources effectively are eligible. Currently, 79 counties meet IDA's loan criteria—55 percent of the world's population. Twenty countries have graduated from IDA. Very notably, three of these graduate countries—Botswana, Korea, and Turkey—are now IDA donors. This is a solid rate of success.

IDA provides development assistance to poor countries through loans, rather than grants. Loans must be repaid in full. IDA funds come largely from contributions of 35 donor countries negotiated in general replenishment. Increasingly, repayments of past IDA loans are supplementing IDA income. As a result, the U.S. share of contributions to IDA has decreased by 20 percent since it was established in 1960.

The administration's request of $1.035 billion for IDA is divided into two parts: $235 million to meet U.S. payments to IDA's 10th replenishment and $800 million for the first of two U.S. payments for IDA–11. The subcommittee recommends $950 million in funding for IDA for fiscal year 1998. This would fully fund the first U.S. payment for IDA–11 but not fully meet payment owned for IDA–10. I support increasing the appropriation for IDA by $84.5 million to fund both replenishments in full.

I appreciate the work that the subcommittee has done to address a major concern associated with IDA: Restrictions on U.S. procurement opportunities imposed by the Interim Trust Fund [ITF]. The ITF was created by donors who did not want to disrupt IDA's operations by leaving a 1-year gap in new funding when the U.S. budget situation precluded us from meeting commitments to both IDA–11 and IDA–10. At that time, controversy emerged over the terms of the ITF which limited decisionmaking and procurement to contributing countries only. As a result, U.S. officials and businesses were excluded from participating in projects financed by the $3.3 million fund. Last year, the Foreign Operations appropriations bill contained a provision that required the administration to work with other donors to modify procurement restrictions. The administration has negotiated an agreement with the ITF whereby $1 billion, or about one-third, of projects financed by the trust fund have not yet been completed. Full funding of IDA–10 and IDA–11 will allow U.S. firms to bid on these contracts. The Foreign Operations Subcommittee's efforts on the matter of U.S. procurement are commendable.

SECTION 569

Mr. GRAHAM. Mr. President, I would like to engage in a colloquy with the distinguished ranking member, Mr. LEAHY, regarding the meaning and intent of a provision in this bill, section 569. This involves a matter of great importance to my colleague Mr. LEAHY and myself—human rights. I commend my colleague for his leadership on this important issue.

I share your concern that U.S. foreign assistance funds not be used by perpetrators of gross violations of human rights. I also share your interest in ensuring that perpetrators of such crimes are brought to justice. To this end, section 569 of this act prevents funds made available under this act from being provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence to believe a member of such unit has committed gross violations of human rights. Would the Chairman agree that this provision only applies to units of the security forces of a foreign country that currently have members against whom we have credible evidence of gross violations of human rights.

Mr. LEAHY. That is correct.

Mr. GRAHAM. So that if a unit was believed to have had, at some time in the past, a person against whom we have credible evidence of human rights abuses, but that no such person currently is a member of such a unit, that unit would be eligible to receive assistance under this act?

Mr. LEAHY. That is correct.

Mr. GRAHAM. I thank my colleague, the Senator from Vermont, and I look forward to working with him on this matter in the future.

Ms. MIKULSKI. Mr. President, I would like to engage in a colloquy with the distinguished ranking member of the Foreign Operations Subcommittee.

It is my understanding that the foreign operations bill for fiscal year 1998, S. 955, includes an increase of $30 million to combat infectious diseases such as TB, malaria, dengue fever, and the ebola virus.

It has been brought to my attention that the Gorgas Memorial Institute is developing an innovative regional TB control initiative designed to address major issues in reducing the global TB epidemic through training and new approaches to disease control. I believe the work done at the institute would fit well with the priorities outlined by the committee.

Would the ranking member join me in urging the Agency for International Development to provide funding for this initiative?

Mr. LEAHY. This initiative sounds like the kind of initiative the committee wanted to consider supporting in providing these funds and I would encourage AID to give full and fair consideration of the Gorgas Institute's proposal.

NAGORNO KARABAGH

Ms. MIKULSKI Mr. President, I would like to engage the ranking member of the Foreign Operations Subcommittee in a colloquy regarding humanitarian assistance to Nagorno Karabagh.

The conflict in Nagorno Karabagh has cost over 15,000 lives and has created severe economic hardship and deprivation. In Nagorno Karabagh there are thousands of land mines directly threatening lives and stifling agricultural production. There is a severe shortage of medicines and vaccines. This shortage has made it difficult to treat and prevent intestinal and acute respiratory infectious diseases in children. The Azerbaijani and Turkish blockades have substantially worsened these problems.

The U.S. Agency for International Development and the United Nations provide humanitarian aid to Armenia and Azerbaijan—but this aid does not get to the people of Nagorno Karabagh.

Nongovernmental organizations do provide a small amount of humanitarian assistance to the people of Nagorno Karabagh, but these programs receive no funding from USAID.

I strongly believe that the United States should provide funds to nongovernmental organizations to provide aid to all areas of conflict in the Caucasus—including Nagorno Karabagh. Politically based discrimination against providing humanitarian assistance to particular categories of recipients is against our values—and is inconsistent with America's long-term foreign policy goals.

Mr. President, few people have done more to provide aid to people in need than the Senator from Vermont. I would like to ask him if he will continue to work with me to remove any constraints in providing humanitarian aid to the people of Nagorno Karabagh?

Mr. LEAHY. I appreciate the Senator's position. I strongly support the principle of delivering humanitarian aid to those in need in the Caucasus and will work with her in the conference to try to ensure that these needs are met.

Mr. DOMENICI. Mr. President, the Senate is now considering S. 955, the foreign operations and export financing appropriations bill for fiscal year 1998.

The Senate bill provides $16.8 billion in budget authority and $5.1 billion in new outlays to operate the programs of the Department of State, Export and Military Assistance, Bilateral and Multilateral Economic Assistance, and Related Agencies for fiscal year 1997.

When outlays from prior year budget authority and other completed actions are taken into account, the bill totals $16.8 billion in budget authority and $13.1 billion in outlays for fiscal year 1998.

The subcommittee is at its section 602(b) allocation for budget authority and outlays.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of this bill be inserted in the RECORD at this point.

I urge the adoption of the bill.

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

S. 955, FOREIGN OPERATIONS APPROPRIATIONS, 1998, SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 1998, in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority		16,721		44	16,765
Outlays		13,083		44	13,127
Senate 602(b) allocation:					
Budget authority		16,721		44	16,765
Outlays		13,083		44	13,127
President's request:					
Budget authority		16,844		44	16,888
Outlays		13,171		44	13,215
House-passed bill:					
Budget authority					
Outlays					
SENATE-REPORTED BILL COMPARED TO—					
Senate 602(b) allocation:					
Budget authority					
Outlays					
President's request:					
Budget authority		(123)			(123)
Outlays		(88)			(88)

S. 955, FOREIGN OPERATIONS APPROPRIATIONS, 1998, SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

[Fiscal year 1998, in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
House-passed bill:					
Budget authority		16,721		44	16,765
Outlays		13,083		44	13,127

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

SECTION 571

Mr. CHAFEE. Mr. President, I am pleased that this bill has come to the Senate floor, and commend the Senator from Kentucky and the Senator from Vermont for all of their hard work in authoring this important legislation. S. 955 provides increased funding for international affairs functions of our Government, a priority that has been neglected in recent years. I agree with Secretary of State Madeline Albright, who has argued that we can no longer conduct foreign policy on the cheap.

Section 571 of this bill is a briefly worded but very significant restriction on U.S. military assistance. Mr. President, Indonesia is an emerging power in South Asia that has a very considerable economic relationship with the United States. I have long believed that we should fully engage the developing world not only for our own economic interests, but also so that the citizens of these nations can enjoy economic prosperity. Such economic development is the best means of enhancing long-term peace and stability.

Unfortunately, though, Indonesia has yet to join the community of nations in respecting basic human rights and permitting political freedom. Indonesia's continuing repression of East Timor has dampened hope that this nation's tremendous economic success will be matched by progress on human rights and democracy. In just the past month, international human rights activists have cited the disappearance and possible torture of a number of East Timorese civilians. This news comes as the State Department has sharply criticized Indonesia's human rights record in its annual report issued in January.

These events are just the latest examples of the Indonesian Government's continuing denial of fundamental rights to the people of East Timor. This past May, Indonesia held an election which was widely discredited as undemocratic. This election, which returned the ruling party to power as has been done in every election since 1971, was marred by violence that killed 200 people. Clearly, Indonesia must end its behavior that has caused so much pain and suffering among its people.

Mr. President, section 571 would simply prevent United States military equipment sold or transferred to Indonesia from being used in East Timor, the site of the most egregious human rights violations committed by this government. The United States should have no part of this oppression, particularly through the provision of military equipment. I commend the managers of this bill for including this important restriction, and am hopeful that it will be enacted into law.

Mr. LEVIN. I am pleased that the bill managers were able to accept my amendment to prohibit Army Corps consideration of permits that would result in the diversion of ground water from the Great Lakes Basin.

As my Great Lakes colleagues know, the Army Corps recently stated its opinion that ground water is not covered by section 1109 of the Water Resources Development Act of 1986. This section states that, ''No water shall be diverted from any portion of the Great Lakes within the United States, or from any tributary within the United State of any of the Great Lakes, for use outside the Great Lakes Basin unless such diversion is approved by the Governor of each of the Great Lakes States . . .'' and places contraints on funds for any Federal agency study of the feasibility of such a diversion. As I have indicated to the Army Corps, a careful review of the act's legislative history, the Great Lakes Charter, the Boundary Waters Treaty of 1909, the Federal charter of the Great Lakes Commission and its predecessor, and subsequent congressional authorizations and appropriations referencing the waters of the Great Lakes Basin, shows that ground water recharging or discharging into the Great Lakes is clearly part of the Great Lakes Basin hydrologically speaking and is therefore not divertable without adherence to section 1109. In a nutshell, I disagree with the Corps' conclusion.

Mr. President, I look forward to working with my colleagues in the Great Lakes region and the conferees to keep this provision intact. This 1-year prohibition will provide time for the appropriate parties to get together and determine how best to proceed, including possible legislative clarification, to permanently prevent covert diversions of a very precious resource, ground water in the Great Lakes Basin.

Mrs. MURRAY. Mr President, as a member of the Foreign Operations Subcommittee, I want to commend both Chairman MCCONNELL and Senator LEAHY. Once again, the leadership of the subcommittee has produced a bill that I am sure will be widely and bipartisanly supported by the Senate.

I also want to take this opportunity to commend Secretary of State Madeleine Albright. The Secretary appeared before the subcommittee to explain and justify the administration's increased request for this bill. But she went further than this, further than her Democratic and Republican predecessors at the State Department. Secretary Albright has taken the case for foreign aid and the work of this subcommittee directly to the American people. She has done a remarkable job conveying to our constituents the benefits to the American people of our role in the world and the importance of continued U.S. leadership abroad.

The foreign operations, export financing, and related programs Appropriations bill provides monies to meet a great number of important policy initiatives. I want to use my time today to draw attention to just a few of the important initiatives.

Importantly and with my full support, this bill fully funds the Administration's assistance request for our democratic ally Israel. I visited Israel late last year with a delegation of my constituents. It was my first trip to the Middle East. The trip was a wonderful experience that has benefited me personally and professionally as I approach my work at the Foreign Operations Subcommittee. I met with Prime Minister Netanyahu, with the chief Palestinian negotiator, and with the Norweigian diplomats who negotiated the Oslo accords. I met with the Ambassador to Israel, toured important historic and cultural sites, and stood atop the Golan Heights. More than ever, I am convinced that the foreign assistance moneys provided by this legislation to Israel and in support of the peace process are warranted and of strategic importance to the United States.

This bill is also a key tool in our efforts to increase U.S. exports and to generate new jobs all across the country. The provisions of this bill providing moneys for the Export-Import Bank of the United States, the Overseas Private Investment Corporation and the Trade Development Agency are vitally important to my constituents. A recent 1997 study titled, ''Foreign Exports and the Washington State Economy,'' concluded that ''no state derives more economic benefit from the production of goods and services for the foreign markets that Washington State.'' Shortly after the turn of the century, one in three Washington State jobs will be reliant upon international trade. Jobs related to trade in my state also paid wages 46 percent higher than the State average. These trade promotion programs are priority issues for me and I am pleased that we've met the administration's request for these programs. In the case of the Ex-Im Bank, the subcommittee has exceeded the administration's request.

Another key component of this bill is our assistance program to Russia and the newly independent states. This assistance is as important as any granted by the United States. It is a small price to pay to ensure that the trillions of dollars spent on the cold war does not go to waste. Certainly there are problems on the ground in Russia and the NIS countries; religious persecution, political and economic corruption, weapons proliferation and environmental pollution to name just a few. The United States must be diligent in tackling these problems as they arise in our continuing efforts to promote and support democracy.

I am particularly interested in our efforts to increase and highlight the linkages between the Russian Far East and the west coast of the United States. Washington State is as involved in the Russian Far East as any State in the country. Chairman STEVENS is also personally very knowledgeable about the importance of this region as Alaska also maintains many direct ties to the Russian Far East.

The Committee bill also contains many important provisions to children. It contains funding for UNICEF and other child survival programs. Our bill provides moneys to educate young girls as well as provide microcredit loans to young families and women in the developing world. These funds make an enormous difference in the lives of millions of children and families in the world.

I have touched on just a few of the the provisions within this important bill. Again, I want to thank the manager's for bringing this legislation to the Senate today. And I encourage my colleagues to support the foreign operations legislation.

Mr. BYRD. Mr. President, I wish to commend the managers of the FY 1998 Foreign Operations Appropriations bill for their hard work in fashioning this measure, and for getting it to the floor in a timely manner. The bill appropriates some $13,244,208,000 for the programs in FY 1998, is within its 602(b) Allocations, and is below the amount requested by the Administration by about $116 million

The committee in its report indicates that the time is arriving for a review of our priorities and programs in this area, a bottom up review and a new scrutiny over programs and the extent to which they serve U.S. interests abroad. I am pleased that the Committee has focused on the progress we are making in supporting the growth of democracy and free market economies in Eastern Europe, the former states of the Soviet Union, and Russia and the Ukraine. Certainly the payoff for helping stabilize and nurture the growth of solid democratic institutions is far preferable to the extreme expense of maintaining arms races, such as we had to do during the course of over four decades of cold war.

I am pleased that the Committee has included a provision that I suggested to provide traditional incentives, through programs such as the EXIM Bank, OPIC, the Trade and Development Program and the Foreign Commercial Service, to American companies operating in the oil-rich new sovereign nation of Azerbaijan. The bill pays appropriately high attention to the Caucasus, including Georgia, and Armenia, as well as Azerbaijan, and I think it is appropriate. American companies need the unstinting support of our government so as to compete effectively in that region, in light of the fact that foreign nations provide heavy assistance to their firms in that region. We need to keep the playing field level so that our firms stand a fighting change of success in that region in the development of Caspian region oil.

I am pleased that the chairman of the subcommittee, Mr. MCCONNELL has offered an amendment to restore the earmark for Egypt in the bill. I believe that there should be a time in the not too distant future when the earmarks for Egypt and Israel should be reduced and finally eliminated. They are in effect entitlements which have accounted for a large percentage of our national program, and I do not think they should be regarded as permanent. They must be subject to review just as the rest of our programs are. Having said that, however, I believe that, so long as the earmark for Israel remains in the bill, that for Egypt must as well.

Egypt has been a pillar of strength and support for the United States across the board. It has served to pick up the flagging momentum of the peace process which resulted from the negative actions by the Israeli Prime Minister and his right wing constituency in initiating inflammatory new settler housing in disputed Arab territories throwing a cold bucket of water on the momentum of that process. The Egyptian government has acted with courage and constancy in bringing its good offices to bear as an intermediary between the Israeli government and the Palestinians as a time when the United States needed help in that role;. I did not agree with removing the earmark for Egypt, just at a time when I think Egyptian actions were serving as invaluable support for the United States in keeping the peace process moving against a difficult adverse current established by Israeli actions. So, encourage the President of Egypt, Mr. Mubarak, to continue his efforts to play the constructive role that he has been playing in the Middle East.

I would also point out, Mr. President, that Egypt and the United States have a special security relationship, a relationship that proved invaluable to the United States during the Gulf War against Kuwaiti aggression, is the basis for extensive exercises and joint operations day in and day out, together in the Middle East. Our two nations work closely together to counter terrorism, and extremism, to protect the secure flow of oil from that region, and the safe use of the vital air and sea routes in the region. It should be clear that Egypt's important strategic, geographical position, commanding the waterways linking the Gulf, Europe and the United States, makes her an indispensable strategic partner of the United States. This is a relationship that requires nurturing and regular dialogue and support.

Mr. BIDEN. Mr. President, I support the foreign operations appropriations bill now before the Senate, which will provide the necessary funds for foreign assistance programs of the United States in the coming fiscal year. Foreign aid is an important component of U.S. foreign policy. In addition to being a tangible demonstration of American leadership, it is a key instrument in encouraging and supporting

American values of democracy, respect for human rights, and free trade.

In recent years, foreign policy spending has suffered drastic cutbacks. According to a study of the Congressional Research Service, prepared earlier this year at my request, foreign policy spending for the current fiscal year is at its lowest level in 20 years.

Moreover, the steepest reductions in our foreign policy budget have come in foreign assistance, which at $11.5 billion last year, in fiscal year 1998 dollars, is lower, in real terms, than any year of the last twenty, and some 36 percent below the historical average of that period.

Mr. President, this year's foreign operations bill thankfully has started to reverse this precipitous decline. It provides $13.24 billion for foreign assistance and export financing programs. I commend the Appropriations Committee for its hard work and applaud the bipartisan effort its members have shown in enhancing the level of funding for our Nation's foreign assistance programs.

This legislation provides enhanced funding for critical foreign assistance programs, a few of which I will mention briefly.

The Appropriations Committee has recognized the importance of development assistance programs by providing $1.8 billion, $100 million over the President's request.

While the $485 million appropriated for the seed program for newly democratizing countries in Eastern Europe is regretfully below the President's request, the Committee's recommendation of $800 million for the nations of the former Soviet Union will allow our Nation to continue its efforts to bring democracy, stability, and prosperity to those former Communist States.

Mr. President, I am somewhat concerned about the considerable number of earmarks in this bill, and the number of ''subearmarks,'' that is, designation of funds for specific programs within specific countries in Eastern Europe and Eurasia.

I am not opposed to earmarks in principle; Congressional priorities often differ with those of the executive branch, and the Congress has every right to protect those priorities by specific earmarks.

But the proliferation of such provisions unduly limits the administration's flexibility in a region that is constantly in flux. So I hope the committee will consider reducing the number of earmarks in the conference with the House.

Mr. President, unfortunately it has become popular of late to assert that foreign aid is merely the foreign policy equivalent of welfare—a supposed massive giveaway that yields few benefits to American interests.

To the contrary, American contributions to these efforts are an important way in which we protect our interests abroad, a fact that the Appropriations Committee has recognized through its enhanced funding levels for foreign assistance programs.

I wish to congratulate Senator MCCONNELL and Senator LEAHY once again for their work on this important piece of legislation. I urge my colleagues to support it.

CHILD SURVIVAL AND DISEASE PROGRAMS

Mr. DEWINE. Mr. President, I express my strong support for the child survival and disease program fund. I understand that the House Committee on Appropriations, as a part of its foreign operations, export financing, and related programs bill, has recommended that $650 million be allocated to the fund's programs for fiscal year 1998. On the House side, the subcommittee Chairman CALLAHAN has taken the lead, as my colleague from Ohio, Congressman TONY HALL, has also in protecting these child survival programs. I commend him for his leadership on this issue.

The Clinton administration, however, has not specifically designated any direct funding for the child survival programs. Mr. President, in order to preserve the benefits of these important programs for children worldwide, I believe that the Senate should accept, when we go to conference, the House language that was agreed to in committee for this fund. It is, I believe, Mr. President, a tragedy, that millions of children die each year through disease, malnutrition, and other consequences of poverty that are both preventable and treatable. The programs in the child survival fund, which are intended to reduce infant mortality and improve the health and nutrition of children, address the various problems of young people struggling to survive in developing countries.

Mr. President, this fund places a priority on the needs of more than 100 million children worldwide who are displaced and/or who have become orphans. The fund includes initiatives to curb the resurgence of communicable diseases, such as malaria and tuberculosis, in the underdeveloped world, eradicating polio, as well as preventing and controlling the spread of HIV and AIDS.

Mr. President, aside from the addressing issues of health, the fund also supports basic education programs. Investment in education yields one of the highest social and economic rates of return because it gives children the necessary tools to become self-sufficient adults. Each additional year of primary and secondary education results in a 10-to-20 percent wage increase, and a 25-percent net increase in income.

Mr. President, the programs supported by the child survival fund are effective, and they are effective because they save three million lives each year through immunization, vitamin supplementation, oral rehydration therapy, and also through the treatment of childhood respiratory infections which are the second largest killer of children on Earth.

Mr. President, eliminating the symptoms and the causes of this problem is not only the humane thing to do. It is also a necessary prerequisite for global stability and for global prosperity.

In my view, Mr. President, Congress needs to maintain its support for these very valuable programs. It is my hope that the Senate Foreign Operations Subcommittee will, when we go to conference, accept the House language.

The child survival and disease programs are effective, they are important, and they should, Mr. President, be continued.

Mr. President, I see the distinguished chairman of the Senate Foreign Operations Subcommittee on the floor, and my colleague from the State of Kentucky. I wonder if he has any comment about this.

Mr. MCCONNELL. Mr. President, I have listened closely to the comments of my good friend from Ohio, and I would like to thank him for them and commend him for his tireless efforts in supporting the children's causes, not only here in the United States but throughout the world.

I would like to assure my good friend from Ohio that I will give every possible consideration to his request when we go to conference with the House on the bill.

Mr. DEWINE. I appreciate that very much.

Mr. President, if I could inquire of my colleague from Kentucky, I have a statement which I would like to give at some point this evening in regard to the vote we are going to have tomorrow. I can refrain from doing that if it works with the chairman's schedule, or I can do it now.

Mr. MCCONNELL. I have a block of amendments that have been cleared on both sides that I would like to offer. Senator BENNETT is also here.

Mr. DEWINE. I yield the floor at this time, Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENTS NUMBERED 904 TO 919, EN BLOC

Mr. MCCONNELL. Mr. President, I am going to submit all of the following to be considered en bloc. They have been approved by Senator LEAHY.

A Kyl amendment earmarking legal aid for Ukraine; a Kyl amendment adding ballistic missiles to Iran restrictions; a Baucus amendment relating to the P.R.C. environment programs; an Enzi amendment relating to climate change; a Hagel amendment authorizing OPIC; a Lautenberg-Kennedy amendment on Libya; a Leahy amendment on war crimes; a Domenici Law Enforcement Center amendment; a Dodd amendment on IMET in Latin American; an amendment by Senator TORRICELLI on terrorism in Sri Lanka; a Durbin amendment on Peru IMET; a Leahy-Lugar-Sarbanes amendment on bank authorization; a D'Amato-Helms-Faircloth amendment on the NAB; a Leahy amendment on demining; a Faircloth amendment on the Congo; and a Lott, et al, amendment on NATO expansion.

Mr. President, I send those amendments to the desk en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments numbered 904 through 919 en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments en bloc are as follows:

AMENDMENT NO. 904

(Purpose: To allocate funds for legal restructuring in Ukraine necessary to support a decentralized market-oriented economic system)

On page 23, line 17, insert after ''*Provided,*'' the following: ''That of the funds made available for Ukraine under this subsection, not less than $25,000,000 shall be available only for comprehensive legal restructuring necessary to support a decentralized market-oriented economic system, including the enactment of all necessary substantive commercial law and procedures, the implementation of reforms necessary to establish an independent judiciary and bar, the education of judges, attorneys, and law students in the comprehensive commercial law reforms, and public education designed to promote understanding of commercial law necessary to Ukraine's economic independence: *Provided further,*''.

AMENDMENT NO. 905

(Purpose: To prohibit assistance to Russia unless Russia terminates activities relating to ballistic missile or nuclear programs in Iran)

On page 25, line 24, insert after ''reactor'' the following: ''or ballistic missiles''

AMENDMENT NO. 906

(Purpose: To permit funds made available to the United States-Asia Environmental Partnership to be used for activities for the People's Republic of China)

On page 102, between lines 9 and 10, insert the following:

USE OF FUNDS FOR THE UNITED STATES-ASIA ENVIRONMENTAL PARTNERSHIP

SEC. . Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this or any other Act making appropriations pursuant to part I of the Foreign Assistance Act of 1961 that are made available for the United States-Asia Environmental Partnership may be made available for activities for the People's Republic of China.

Mr. BAUCUS. Mr. President, this is a short, simple amendment dealing with our China policy. It has the support of the State Department; business; and Chinese dissidents. I hope it will also get the support of Congress.

The amendment, very simply, allows the Asian Environmental Partnership to operate in China. It does not add any spending to the bill, and does not change the basics of the program in any way. So I hope this will not be controversial.

Let me begin with a review of what the Asian Environmental Partnership does. AEP is a small export promotion program created during the Bush Administration. It offers technical help with environmental policy, and brings foreign governments together with American producers of environmental services and technologies.

In several Southeast Asia countries, AEP has helped us achieve environmental goals and to boost American exports to a region where we suffer large trade deficits. But the Asian Environmental Partnership does not now operate in China. That is because it receives some funds from the Agency for International Development, which is barred from operating in China.

It is very clear, of course, that we do not need a foreign aid program for China. China has a lot of money and is quite capable of supporting itself.

But it is just as clear that we need a sound approach to environmental problems in China. Whether you look at water pollution, urban air, rural lakes and streams, or hazardous waste, China is one of the world's most polluted countries. That causes a great deal of suffering for Chinese people. And as China grows, it makes more and more contribution to global climate change, ocean pollution, and other phenomena which affect China's neighbors and even us here in the United States.

We in America can help ease these problems. We can provide some humanitarian relief from needless suffering caused by unsafe water, air and waste. We can help protect ourselves from future environmental threats.

And we can gain some benefit for ourselves in the process. We are among the world's most competitive producers of environmental goods and services, and with some effort we can create a large foreign market for our companies.

That brings me to the second reason we need this amendment. That is, we need an export promotion policy for China.

Last year, we exported about $14 billion worth of goods and services to China, while importing about $51 billion. So we had a $37 billion deficit. This year's figures look no better.

The main reason for this deficit is the massive set of tariffs, discriminatory inspection standards, quotas and other trade barriers erected by the Chinese government. But a second reason—one which we don't really like to admit to ourselves—is that we do very little export promotion to China.

Germans, Japanese, Southeast Asians and other competitors push exports as hard as they can. We don't match their efforts anywhere in the world, and we do worst of all in China, where agencies like AEP can't operate. There is no doubt that costs us.

This is basically common sense. It is good for everyone. For no additional money, this amendment will help us export and improve our trade balance. It will help us deal with some very difficult environmental problems. And it will, to some extent, supplement our human rights goals by making life in China a little better.

That is why this amendment has gotten very broad support. The State Department supports it. American environmental and business groups support it. And Chinese dissidents, support it. Let me quote from a letter I received from the China Strategic Institute, founded by former political prisoner Wang Juntao:

The China Strategic Institute is pleased to learn of your efforts to bring the US-Asia Environmental Partnership to the People's Republic of China. Not only can such a program assist China in combating the severe environmental degradation that plagues the Chinese population, but also . . . the development of civil society. I strongly hope that this amendment finds the support to become law.

To sum up, with this amendment we can do something good for everyone. By passing it, we can promote American exports. We can do something good for the Chinese people. We can promote the interest of both countries in a healthy environment. And we won't spend any more money. So I hope the Senate will support it.

Thank you, Mr. President.

AMENDMENT NO. 907

(Purpose: To ensure Congressional notification of the costs to the Federal Government of all federal programs associated with the proposed agreement to reduce greenhouse gas emissions pursuant to the Framework Convention on Climate Change (FCCC)

At the appropriate place in the bill, insert the new section as follows:

SEC. . REQUIREMENTS FOR THE REPORTING TO CONGRESS OF THE COSTS TO THE FEDERAL GOVERNMENT ASSOCIATED WITH THE PROPOSED AGREEMENT TO REDUCE GREENHOUSE GAS EMISSIONS.

(a) The President shall provide to the Congress a detailed account of all federal agency obligations and expenditures for climate change programs and activities, domestic and international, for FY 1997, planned obligations for such activities in FY 1998, and any plan for programs thereafter in the context of negotiations to amend the Framework Convention on Climate Change (FCCC) to be provided to the appropriate congressional committees no later than October 15, 1997.

Mr. MCCONNELL. Mr. President, let me commend the Senator from Wyoming for his efforts to fully disclose all the resources the Administration has allocated to the climate change issue. To my knowledge nobody has been able to determine how much or from what offices funds been spent on global climate change.

It is imperative that we have a clear understanding of the resources being expended from all federal agencies and offices for the purposes of education, lobbying and research.

AMENDMENT NO. 908

(Purpose: To amend the Foreign Assistance Act of 1961 with respect to the authority of the Overseas Private Investment Corporation to issue insurance and extend financing)

On page 102, between lines 9 and 10, insert the following:

SEC. . AUTHORITY TO ISSUE INSURANCE AND EXTEND FINANCING.

(a) IN GENERAL.—Sectin 235(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)) is amended—

(1) by striking paragraphs (1) and (2)(A) and inserting the following:

''(1) INSURANCE AND FINANCING.—(A) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 234(a), and the amount of financing issued under section 234(b) and (c), shall not exceed in the aggregate $29,000,000,000.'';

(2) by redesignating paragraph (3) as paragraph (2); and

(3) by amending paragraph (2) (as so redesignated) by striking ''1997'' and inserting ''1999''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 235(a) of that Act (22 U.S.C. 2195(a)) as redesignated by subsection (a), is further amended by striking ''(a) and (b)'' and inserting ''(a), (b), and (c)''.

AMENDMENT NO. 909

(Purpose: To withhold assistance to countries that are violating United Nations sanctions against Libya)

On page 102, between lines 9 and 10, insert the following:

WITHOLDING ASSISTANCE TO COUNTRIES VIOLATING UNITED NATIONS SANCTIONS AGAINST LIBYA

SEC. 575. (a) WITHHOLDING OF ASSISTANCE.—Except as provided in subsection (b), whenever the President determines and certifies to Congress that the government of any country is violating any sanction against Libya imposed pursuant to United Nations Security Council Resolution 731, 748, or 883, then not less than 5 percent of the funds allocated for the country under section 653(a) of the Foreign Assistance Act of 1961 out of appropriations in this Act shall be withheld from obligation and expenditure for that country.

(b)EXCEPTION.—The requirement to withhold funds under subsection(a) shall not apply to funds appropriated in this Act for allocation under section 653(a) of the Foreign Assistance Act of 1961 for development assistance or for humanitarian assistance.

Mr. LAUTENBERG. Mr. President, I am pleased that Senator KENNEDY is an original cosponsor of this amendment along with Senators MOYNIHAN, D'AMATO, and TORRICELLI.

This amendment would withhold 5 percent of funds made available in this bill to any country that the President determines violates United Nations sanctions against Libya. The amendment exempts development assistance and humanitarian assistance.

As my colleagues know, the United Nations imposed sanctions against Libya in 1992 in response to the Libyan Government's failure to extradite to the United States or Scotland two Libyan intelligence agents indicted for the 1988 bombing of Pan Am Flight 103. One hundred and eighty-nine Americans were killed in that terrorist bombing. The families of those innocent victims are still waiting for justice.

Among other things, the U.N. sanctions prohibit international flights into and out of Libya. They also prohibit supply to Libya of aircraft and aircraft components.

Nonetheless, some countries in the international community continue to help Libya's Khadaffi violate the sanctions.

For example, five countries have allowed Libyan airlines to land on their soil in violation of the sanctions. These countries include Niger, Nigeria, Saudi Arabia, Egypt, and Ghana.

The amendment we are offering today would force countries that help Libya violate U.N. sanctions to choose between 5 percent of their foreign assistance and their support of a terrorist state.

The amendment is forward looking. It does not penalize any country for past actions. Let me repeat that. It does not penalize any country for past actions. Nor does it single out any country.

Rather, it lays down a marker and sends a signal that in the future violating the international sanctions against Libya will have a financial cost.

I urge my colleagues to adopt this amendment.

Mr. KENNEDY. Mr. President, I'm honored to be a sponsor of Senator LAUTENBERG's amendment to withhold 5 percent of United States assistance from any country which, in the future, violates the United Nations sanctions against Libya.

It is nearly 9 years since December 1988, when Pan Am flight 103 was bombed out of the sky over Lockerbie, Scotland, killing 270 people, including 189 Americans. In 1991, after an extensive international investigation, two Libyans were indicted for that terrorist bombing, but they have never been brought to trial because the Government of Libya continues to defy the international community.

United Nations sanctions against Libya were first adopted in 1992. These sanctions prohibit international flights to and from Libya, the supply to Libya of aircraft, aircraft parts, military equipment and certain oil equipment. They also freeze funds of the Libyan Government and reduce the size of Libyan diplomatic missions abroad.

It is obvious that the current sanctions are too mild to bring about the surrender of the suspects by Libya. Senator LAUTENBERG and I, and many of our colleagues on both sides of the aisle, have repeatedly called for stronger sanctions, including an international oil embargo against Libya, because additional sanctions are clearly necessary to achieve their goal and see that justice is done. Regrettably, many of our European allies buy Libyan oil, and have been unwilling to take this step.

Even the current mild sanctions against Libya are not being enforced. According to the Department of State, numerous violations of the sanctions have occurred. But when the United States brings such cases to the attention of the sanctions committee at the United Nations, the committee refuses to investigate them.

Recently, for example, the United States provided evidence to the Security Council sanctions committee, involving attempts by Libya to import aircraft parts, via Belgrade, in violation of the U.N. sanctions. The sanctions committee refused to investigate this violation.

There have also been several instances in which other countries have permitted Libyan planes to land in their territory, despite the U.N. prohibition on such landings.

If there are no consequences for violating the U.N. sanctions then the sanctions are useless. If the United Nations is unwilling to enforce its own sanctions, the United States is left with no other choice but to impose unilateral measures.

In this unsatisfactory situation, the Lautenberg amendment is a modest but necessary step for the United States to take. Its provisions are not retroactive, but it puts other countries on notice for the future. If they violate the U.N. sanctions against Libya, their action will cost them part of the U.S. aid they receive.

I urge the Senate to approve the amendment, and to take this reasonable step to see that justice is done for the victims of the Pan Am flight 103 terrorist atrocity.

Mr. TORRICELLI. Mr. President, I am proud to be an original co-sponsor of the Kennedy-D'AMATO amendment, which would restrict aid to those countries which fail to comply with the United Nations sanctions against Libya. I rise today in strong support of its passage.

Earlier this month the U.N. Security Council renewed international sanctions against Libya, as they have every 120 days since they were first imposed in 1992. Unfortunately, Mr. President, despite the fact that Libya refuses to comply with the will of the international community and extradite to the United States or Great Britain two Libyan nationals indicted as suspects in the murders of 270 people, the sanctions renewal was challenged by several African states.

This challenge is just the latest episode in Libya's arrogant international campaign to avoid the justified opprobrium of the international community. Libya has gone so far as to intrude on the privacy of the victims of its criminality by writing directly to the American families of Pan Am 103 proposing their supposed ''compromise'' with international law directly to the families. Mr. President, I cannot overestimate how damaging it is to the interests of all democratic governments for Libya to be thrown a lifeline by the African members of the security council. Libya's U.N. Ambassador reportedly said after the Security Council vote, ''We can from now on behave as if these sanctions were not there.'' These sanctions are there, and they will remain.

There are several episodes over the past two years that highlight the need for this amendment. Earlier this year, a Libyan-registered aircraft flew from Libya to Niger and returned to Nigeria despite U.N. sanctions. Last July, Muammar Qaddafi left Tripoli to attend an Arab summit meeting in Cairo. He arrived in Egypt by plane and left by plane, a clear violation of the ban on air travel. In December, the CIA revealed that Ukraine agreed to three

different arms deals with Libya. The first involved the sale of $500 million worth of short-range ballistic missiles. A second deal called for Ukraine to provide maintenance services and spare parts valued at $10 million. The third agreement involved Iran's purchase of Ukrainian weapons with the intent of transferring them to Libya.

Today we have made clear our determination to bring to justice those who destroyed 270 lives and brought suffering on countless other loved ones. I am pleased to join my colleagues in sponsoring legislation to deny United States assistance to any countries that violate international sanctions against Libya. We will make it clear to Libya that this pariah regime cannot escape the consequences of its lawless behavior.

AMENDMENT NO. 910

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

SEC. . WAR CRIMES PROSECUTION.

(a) Section 2401 of Title 18, United States Code (Public Law 104–192; the War Crimes Act of 1996) is amended as follows:

(1) in subsection (a), by striking ''commits a grave breach of the Geneva Conventions'' and inserting in lieu thereof ''commits a war crime'';

(2) in subsection (b)—

(A) by striking ''the person committing such breach or the victims of such breach'' and inserting in lieu thereof ''the person committing such crime or the victim of such crime''; and

(B) by inserting before the period at the end of the subsection ''or that the person committing such crime is later found in the United States after such crime is committed'';

(3) in subsection (c)—

(A) by striking ''the term 'grave breach of the Geneva Conventions' means conduct defined as'' and inserting in lieu thereof ''the term 'war crime' means conduct (1) defined as''; and

(B) by inserting the following before the period at the end: ''; (2) prohibited by Articles 23, 25, 27, or 28 of the Annex to the Hague Convention IV, Respecting the Laws and Customs of War on Land, signed on October, 1907; (3) which constitutes a violation of common Article 3 of the international conventions signed at Geneva on August 1949; or (4) of a person who, in relation to an armed conflict and contrary to the provisions of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and Other Devices as amended at Geneva on 3 May 1996 (Protocol II as amended on 3 May 1996), when the United States is a party to such Protocol, willfully kills or causes serious injury to civilians'';

(4) by adding a new subsection (d) to read as follows:

''(d) NOTIFICATION.—No prosecution of any crime prohibited in this section shall be undertaken by the United States except upon the written notification to the Congress by the Attorney General or his designee that in his judgment a prosecution by the United States is in the national interest and necessary to secure substantial justice.''.

Mr. LEAHY. Mr. President, I am very pleased that my amendment to strengthen our ability to prosecute war criminals in the United States has been accepted by the Republican side.

This amendment, which builds on the War Crimes Act of 1996, closes some gaps in our Nation's implementation of the Geneva and Hague Conventions.

The War Crimes Act of 1996 only permits prosecution for war crimes in the United States if the person accused of committing the crime, or the victim of a war crime, is a national of the United States or a member of the U.S. Armed Forces. While noble in its intent, that act does not permit the United States to prosecute non-U.S. nationals who come within our jurisdiction. It leaves the United States open as a potential safe-haven for war criminals seeking to escape prosecution.

Currently, we have no extradition treaties with 75 nations including Somalia, Cambodia, Afghanistan, Lebanon, and Iran. If a war criminal from any of these countries takes refuge in the United States, we cannot extradite him. The alternative—deportation—is a long and complex process which becomes even more difficult when the accused is to be deported to a specific country. Even if deportation is successful, a war criminal may be returned to a country in which the judicial system is nonfunctional—Cambodia, for example—thus escaping prosecution altogether.

My amendment allows us to prosecute war criminals located in the United States, regardless of their nationality. The amendment in no way obligates the United States to prosecute war crimes, nor does it permit the extradition of non-U.S. nationals of the United States for prosecution if the victims of the crime are not United States nationals. Any case undertaken by our Government requires written notification to the Congress by the Attorney General, who must take into consideration U.S. national interests and the necessity of U.S. prosecution, to assure a just resolution in each case. The United States will not be drawn into international conflicts where we have no significant national interest.

The amendment expands the scope and offers a more specific definition of what constitutes a war crime that the 1996 act. The 1996 act only refers to grave breaches of the 1949 Geneva Conventions which are defined as willful killing, torture or inhuman treatment, including biological experiments, willfully causing great suffering or serious injury to body or health, and extensive destruction of property, not justified by military necessity and carried out unlawfully or wantonly.''

My proposed 1997 amendments also covers articles of the 1907 Hague Convention IV which clarify actions prohibited in war.

The inclusion of common article 3 of the Geneva Conventions is vital in that it expressly allows the United States to prosecute war crimes perpetrated in noninternational conflicts, such as Bosnia and Rwanda. In January 1997, there were a reported 35 such internal conflicts, from Algeria to Kasmir.

Finally, violations of the protocol on prohibitions or restrictions on the use of mines, booby-traps and other devices will constitute a war crime under this amendment, once the United States ratifies this important protocol.

The International Committee of the Red Cross, the American Red Cross, the State Department, the Department of Defense, and President Clinton all support the expansion of United States prosecutorial authority as it is contained in this amendment. With its adoption, we will be following in the footsteps of Great Britain, Canada, New Zealand, and Australia—each of which passed similar laws in the 1950's. It is time for us to join them.

AMENDMENT NO. 911

(Purpose: To Allocate Funds for a Western Hemisphere International Law Enforcement Academy (ILEA))

On page 28 line 19 after the word ''country'' insert the following:

''*Provided further.* That of this amount not to exceed $5 million shall be allocated to operate the Western Hemisphere International Law Enforcement Academy under the auspices of the Organization of American States with full oversight by the Department of State.''

Mr. DOMENICI. Mr. President, this amendment to the foreign operations appropriations bill asks that $5 million of the funding appropriated for international narcotics control be allocated out of existing funds for the establishment of an international law enforcement training academy [ILEA] for the Western Hemisphere.

The State Department set up the International Law Enforcement Academy in Budapest, Hungary, in 1995 and has since trained 300 law enforcement officials.

This amendment would establish a similar international law enforcement training academy but for the Western Hemisphere and for which the President requested in his 1998 budget.

Mr. President, the allocated funds would be for operations of such an academy and a facility would need to be found. I understand that the State Department has been trying to find such a facility for the past year, but we have not reached an agreement among Latin American countries.

My amendment would allow the academy to be established in consultation with the Organization of American States, representing our Central and Latin American neighbors.

Mr. President, I do not have to explain the terrorist and narcotic threats in this hemisphere. The ILEA is a way for the United States to establish law enforcement networks that lead to a more effective approach to fighting international organized crime and drug trafficking.

Such an academy would help us create closer working relationships and networks with foreign police that are needed to find fugitives and combat financial corruption.

I urge Senators to vote in support of a Western Hemisphere international law enforcement academy.

AMENDMENT NO. 912

(Purpose: To provide for the reform and annual review of United States sponsored training programs of Latin American military personnel at the School of the Americas and elsewhere to ensure that training is consistent with respect for human rights and civil control over the military)

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

REFORM AND REVIEW OF UNITED STATES SPONSORED TRAINING PROGRAMS

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

(1) United States training of members of Latin American military and security forces that occurred primarily at the Army School of the Americas between 1982 and 1991 has been severely criticized for promoting practices that have contributed to the violation of human rights and have otherwise been inconsistent with the appropriate role of the Armed Forces in a democratic society.

(2) Numerous members of Latin American military and security forces who have participated in United States sponsored training programs, have subsequently been identified as having masterminded, participated in, or sought to cover up some of the most heinous human rights abuses in the region.

(3) United States interests in Latin America would be better served if Latin American military personnel were exposed to training programs designed to promote—

(A) proper management of scarce national defense resources,

(B) improvements in national systems of justice in accordance with internationally recognized principles of human rights, and

(C) greater respect and understanding of the principle of civilian control of the military.

(4) In 1989, Congress mandated that the Department of Defense institute new training programs (commonly referred to as expanded IMET) with funds made available for international military and education programs in order to promote the interests described in paragraph (3). Congress also expanded the definition of eligibility for such training to include non-defense government personnel from countries in Latin America.

(5) Despite congressionally mandated emphasis on expanded IMET training programs, only 4 of the more than 50 courses offered annually at the United States Army School of the Americas qualify as expanded IMET.

(b) LIMITATION ON USE OF FUNDS.—Notwithstanding any other provision of law, none of the funds appropriated in this Act under the heading relating to international military education and training may be made available for training members of any Latin American military or security force until—

(1) the Secretary of Defense has advised the Secretary of State in writing that 30 percent of IMET funds appropriated for fiscal year 1998 for the cost of Latin American participants in IMET programs will be disbursed only for the purpose of supporting enrollment of such participants in expanded IMET courses; and

(2) the Secretary of State has identified sufficient numbers of qualified, non-military personnel from countries in Latin America to participate in IMET programs during fiscal year 1998 in consultation with the Secretary of Defense, and has instructed United States embassies in the hemisphere to approve their participation in such programs so that not less than 25 percent of the individuals from Latin American countries attending United States supported IMET programs are civilians.

(c) REPORT.—Not later than 1 year after the date of enactment of this act, the Secretary of State shall report in writing to the appropriate committees of Congress on the progress made to improve military training of Latin American participants in the areas of human rights and civilian control of the military. The Secretary shall include in the report plans for implementing additional expanded IMET programs for Latin America during the next 3 fiscal years.

Mr. DODD. Mr. President, I would like to rise to comment on the amendment that may be offered by the distinguished Senator from Illinois [Mr. DURBIN]. His amendment would seek to close, once and for all, the U.S. Army School of the Americas, presently located at Fort Benning, GA.

I am totally sympathetic with the intent of the Senator's amendment. Clearly the entire history of the School of the America's, and particularly the period from 1982–1991, is shameful. It has left a legacy that is an ugly blemish on our country's credibility as an advocate of full respect for human rights and the rule of law in a region where human rights violations have occurred with impunity.

Like Senator DURBIN, I believe that the United States has a special obligation to promote democracy throughout the world, and most especially in our own hemisphere.

Given the recent history of military rule in many countries in the region, it is particularly important that the United States strongly support the concept of civilian control over national military institutions.

It also means highlighting the importance of respecting the human rights of all the peoples of the hemisphere. And, in particular, the obligation of military and security forces throughout the region that they do so. Finally it means stressing the principle that national military and security forces are accountable for acts that fall short of acceptable international human rights standards and practices.

I would say to my colleague from Illinois, that if closing down the School of the Americas would remedy all of the evils that have been perpetrated by a number of individuals trained there over the years, I would strongly support his effort.

Unfortunately, even if we were to shut the doors at the School of the Americas tomorrow, that would not be the case. Moreover, the School of the Americas is not the only location where Latin American military personnel receive United States-supported training.

Equally important is acknowledgment that countries throughout the region have legitimate national security interests that necessitate the existence of national armed forces in these countries.

Shutting the School of the Americas doesn't obviate the need that regional militaries get the right kind of training for their personnel.

I have had the opportunity to review excepts from the manuals that were utilized in the training of Latin American personnel throughout the 1980's and into the early 1990's. Clearly these manuals espoused practices that can only be described as coercion, torture, and assassination.

I know that the Defense Department has looked into the background of these manuals, and has found, not once but twice, that mistakes were made—but that no one is really responsible.

Frankly, it defies credibility to accept one of the central conclusions of the 1997 Defense Department inspector general's review of this.

Among other things, the IG concluded that while,

> . . . five of the seven manuals contained language and statements in violation of legal, regulatory, or policy prohibitions, such as motivation by fear, payment of bounties for enemy dead, false imprisonment, and the use of truth serum . . . . Army personnel involved in the preparation and presentation of the intelligence courses did not recognize that the training materials contravened DOD policy and [there was] no evidence that a deliberate and orchestrated attempt was made to violate DOD or U.S. Army policies.

So much for any sensitivity with respect to human rights that United States troops are supposed to be indoctrinated in.

School of the Americas instructors tutored Latin American military personnel in how to use threats of force with prisoners, neutralize opponents, hold prisoners in clandestine jails, and infiltrate and spy on civilian organizations and opposition political parties for at least 10 years. Despite the fact that such training explicitly violates U.S. policy.

The IG does not deny that such training was a clear violation of U.S. policy, but attributes it to the equivalent of staff error. The IG found that—

> . . . from 1982 to 1991, many mistakes were made and repeated (with respect to use of these manuals) by numerous and continually changing personnel in several organizations from Panama to Georgia to Washington, DC. Lack of attention to the Department of Defense and U.S. Army policies and procedures by those personnel and organizations perpetrated the assumption that the materials in the Spanish language intelligence manuals were proper and doctrinally correct.

I don't know anything about the background of the current IG who came to this conclusion.

But I think it is safe to say that if he/she had bothered to review the extensive Congress debate that occurred during much of this same time period over United States policy with respect to Latin America—he would have found the often stated concern about the substantial human rights abuses that were being perpetrated by members of these military forces, particularly those in Central America.

Those of us who were here remember only too well that the Department of Defense was being queried on a weekly basis about all aspects of U.S. policy during that time period—including the training and other support the United States was providing to these military and security forces.

Many of us in this body who participated in those rancorous debates could

take up hours here today reliving that period.

But that isn't a good use of the Senate's time, nor does it do anything to address the underlying concerns with respect to the nature and content of United States-sponsored military training programs for the Latin American and Caribbean region.

The amendment that I will offer at the appropriate time would go to the heart of this. It would not close the School of the Americas. Rather, it would mandate that at least 36 percent of IMET-supported course curriculum be for, so-called expanded IMET courses—namely those devoted to training Latin American Armed Forces in skills that will better prepare them to serve their democratic countries as we enter the 21st century. It would also require that these courses be available to nonmilitary government officials with responsibilities for defense policies in their countries as well.

As many of my colleagues are aware, in 1989 Senator LEAHY first introduced the concept of this new, so-called expanded IMET. Simply put, to qualify as an expanded IMET course its purpose must be to educate Latin American military and civilian personnel in the proper management of their defense resources, in improving their systems of military justice in accordance with internationally recognized principles of human rights or in fostering greater respect for and understanding of the principle of civilian control of the military.

Despite the fact that Senator LEAHY first proposed the creation of expanded IMET more than 8 years ago, even today Latin American military students are afforded very few opportunities to avail themselves of such courses.

Only 4 of the more than 50 courses offered in the 1997 School of the America's curriculum quality as expanded IMET courses.

That is totally unacceptable and is additional evidence that the U.S. Army just doesn't get it when it comes to the importance that must be accorded to promoting respect for human rights throughout the hemisphere.

For that reason this amendment would specifically mandate that 30 percent of Latin American IMET funds be spent in support of preparing Latin American military and appropriate civilian and legislative defense personnel for their appropriate roles in democratic societies as we begin the next millennium.

I would hope that all of my colleagues would support this amendment.

AMENDMENT NO. 913

(Purpose: To recommend that the Liberation Tigers of Tamil Eelam be placed on the list of terrorist organizations by the Department of State)

At the appropriate place, insert the following:

SEC. . LIBERATION TIGERS OF TAMIL EELAM.

SENCE OF SENATE.—It is the sense of the Senate that the Department of State should list the Liberation Tigers of Tamil Eelam as a terrorist organization.

Mr. TORRICELLI. Mr. President, I would like to thank Chairman MCCONNELL and Senator LEAHY for accepting this amendment expressing the Sense of the Senate that the State Department should list the Liberation Tigers of Tamil Eelam [LTTE] as a terrorist organization. I believe that the LTTE meets the criteria approved during the 104th Congress to designate terrorist organizations, and I urge the State Department to carefully examine the evidence.

Section 302 of the Antiterrorism and Effective Death Penalty Act of 1996 defines a terrorist organization as one which is foreign, engages in terrorist activity, and threatens the security of the United States. There is no doubt that the LTTE is a foreign organization. Its main centers of activity are located in the United Kingdom and France, as well as Canada, Australia, and India.

The State Department's Report on Human Rights Practices for 1996 details LTTE abuses which are undoubtedly terrorist activities. The LTTE regularly commits extrajudicial killings, and is responsible for disappearances, arbitrary arrests, detentions and torture. An attack on the army base at Mullaitivu in July 1996, orchestrated by the LTTE, killed more than 1,500 government troops. In the aftermath, an equally important fact came to light. It is clear that the LTTE regularly recruits children into its military forces.

In the northern part of the island, the LTTE has expelled almost 46,000 Muslim inhabitants, almost the entire Muslim population, from their homes. These individuals have been threatened with death if they return. Lastly, the LTTE has been held responsible for the assassination of an Indian Prime Minister, a President of Sri Lanka, a Presidential candidate, and senior Sinhalese and Tamil political leaders.

It is clear that these activities are of a terrorist nature, and I believe that they threaten the national security of the United States. Section 302 defines national security as that pertaining to ''national defense, foreign relations, or economic interests of the United States''. In this sense, the promotion of democracy, free-market economies, and human rights throughout the world are fundamental to our interests. However, the LTTE does not follow the rules of democratic procedure. In fact, the LTTE espouses socialism and seeks to establish a socialist state in Sri Lanka. This stated ideology is far removed from the free-market policies that the United States promotes.

With these facts in mind, I am hopeful that the State Department will move to list the LTTE as a terrorist organization. The safety and security of the United States, and our friends in Sri Lanka, depend upon it.

AMENDMENT NO. 914

(Purpose: To limit international military education and training assistance for Peru)

At the appropriate place in the bill insert the following:

LIMITATION ON INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE FOR PERU

SEC. . None of the funds appropriated or otherwise made available by this Act may be provided to the Government of Peru for international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961, unless the President certifies to Congress that the Government of Peru is taking all necessary steps to ensure that United States citizens held in prisons in Peru are accorded timely, open, and fair legal proceedings in civilian courts.

Mr. LEAHY. Mr. President, I support Senator DURBIN's amendment to condition IMET for Peru on timely, open and fair legal proceedings in civilian courts for United States citizens being held in Peru.

The Government of Peru deserves credit for the progress in human rights it has made in recent years. The number of extrajudicial killings and disappearances has decreased dramatically. However, freedom of the press, executive interference in the judiciary, the existence of faceless military courts for civilians, lengthy pre-trial detention and abysmal prison conditions continue to be serious problems. This amendment conditions IMET assistance on speedy resolution of the cases of American citizens who are in Peruvian prisons awaiting a fair trial.

Jennifer Davis and Krista Barnes each have admitted their guilt on drug-trafficking charges and cooperated fully with the Peruvian police. They have been imprisoned for over 9 months, waiting to be tried and sentenced so they may be transferred to a U.S. prison under our prisoner exchange treaty. They are victims of Peru's excruciatingly slow legal process and life-threatening prison conditions.

Lori Berenson was tried, convicted and sentenced almost 2 years ago under a legal system set up to combat terrorism in Peru that violates international standards of due process. In late 1996, the Peruvian military's highest court upheld her life sentence. Ms. Berenson plans to appeal to the Supreme Court of Peru. In the meantime, Ms. Berenson is struggling through another winter in prison in the freezing mountains of Peru.

Mr. President, it is my hope that this amendment will encourage Peru not just to take action in the cases of these young women, but that it will spark a vigorous effort to improve the judicial process in Peru so that no one—no Peruvian or American or any other citizen—will have to endure lengthy pretrial detention, wretched prison conditions and a clogged legal docket that violate minimum international standards of due process and the treatment of prisoners.

AMENDMENT NO. 915

On page 43, line 3 after the word ''(IAEA).'' insert the following new section:

SEC. . AUTHORIZATION REQUIREMENT FOR INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) The Secretary of the Treasury may, fulfill commitments of the United States, (1) effect the United States participation in the first general capital increase of the European Bank for Reconstruction and Development, subscribe to and make payment for 100,000 additional shares of the capital stock of the Bank on behalf of the United States; and (2) contribute on behalf of the United States to the eleventh replenishment of the resources of the International Development Association, to the sixth replenishment of the resources of the Asian Development Fund, a special fund of the Asian Development Bank. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: (1) $285,772,500 for paid-in capital, and $984,327,500 for callable capital of the European Bank for Reconstruction and Development; (2) $1,600,000,000 for the International Development Association; (3) $400,000,000 for the Asian Development Fund; and (4) $76,832,001 for paid-in capital, and $4,511,156,729 for callable capital of the Inter-American Development Bank in connection with the eighth general increase in the resources of that Bank. Each such subscription or contribution shall be subject to obtaining the necessary appropriations.

(b) Section 17 of the Bretton Woods Agreement Act, as amended (22 U.S.C. 286e–2 *et seq.*) is amended as follows:

(1) Section 17(a) is amended by striking ''and February 24, 1983'' and inserting instead ''February 24, 1993, and January 27, 1997''; and by striking ''4,250,000,000'' and inserting instead ''6,712,000,000''.

(2) Section 17(b) is amended by striking ''4,250,000,000'' and inserting instead ''6,712,000,000''.

(3) Section 17(d) is amended by inserting ''or the Decision of January 27, 1997,'' after ''February 24, 1983,''; and by inserting ''or the New Arrangements to Borrow, as applicable'' before the period at the end.

(c) The authorizations under this section are subject to the Senate Foreign Relations Committee reporting out an * * *

AMENDMENT NO. 916

(Purpose: To make an amendment with respect to Congressional review of new arrangements for borrowing by the International Monetary Fund)

On page 42, line 4, insert after the period the following: ''Notwithstanding any other provision of law, none of the funds appropriated under this heading may be made available until the relevant Committees of Congress have reviewed the new arrangements for borrowing by the International Monetary Fund provided for under this heading and authorizing legislation for such borrowing has been enacted.''.

Mr. D'AMATO. Mr. President, I rise today to offer an amendment along with Senator HELMS and Senator FAIRCLOTH.

My amendment would provide that none of the funds appropriated for the new arrangements to borrow [NAB] by the International Monetary Fund could be made available until the relevant authorizing committees have reviewed these provisions and authorizing legislation has been enacted.

The Clinton administration and the International Monetary Fund have asked Congress to give the IMF $3.5 billion of the taxpayer's money to support the new arrangements to borrow. The NAB is an arrangement where 25 participating countries agree to lend funds to the IMF, in predetermined amounts, whenever the organization believes those funds are needed to forestall or cope with an impairment of the international monetary or to deal with an exceptional situation that poses a threat to the stability of that system.

This appropriations bill supports this request by including $3.5 billion for the NAB.

Unfortunately, Mr. President, the authorizing committees have not had an opportunity to review these new arrangements to borrow. We need to have hearings and fully review these provisions, which have significant consequences for the American taxpayer.

We simply can't give an international bureaucracy such as the IMF a blank check without a thorough review by the relevant congressional committees. My amendment would simply do this—give us the opportunity to fully examine this proposal.

AMENDMENT NO. 917

On page 30, line 9, after the word ''Act'' insert ''or the Foreign Assistance Act of 1961''.

AMENDMENT NO. 918

(Purpose: To limit aid to the Government of Congo until a Presidential certification)

None of the funds appropriated or otherwise made available by this Act may be provided to the Government of the Congo until such time as the President reports in writing to the Congress that the Government of Congo is cooperating fully with investigators from the United Nations or any other international relief organizations in accounting for human rights violations or atrocities committed in Congo or adjacent countries.

AMENDMENT NO. 919

On page 34, and the end of line 21 strike the period and insert: ''*Provided further*, That $60,000,000 of the funds appropriated or otherwise made available under this heading shall be made available for the purpose of facilitating the integration of Poland, Hungary, and the Czech Republic into the North Atlantic Treaty Organization: *Provided further*, That, to carry out funding the previous proviso, all or part of the $60,000,000 may be derived by transfer, notwithstanding any other provision of law, from titles I, II, III, and IV of this Act.''

Mr. LOTT. Mr. President, this is a very straightforward amendment. It requires a modest amount of funds be dedicated to supporting NATO integration costs for Poland, Hungary, and the Czech Republic.

Earlier this month at Madrid, the North Atlantic Treaty Organization made a historic decision: to invite three former members of the Warsaw Pact to join NATO. Poland, Hungary, and the Czech Republic have made tremendous progress since the fall of the Berlin Wall. Their economies are free, their militaries are under civilian control, their disputes with their neighbors have been resolved.

The invitation to join NATO is not a gift—it has been earned by the hard work and sacrifice in each of these three countries. Including them in NATO will change the course of history—no longer will they be at the mercy of stronger neighbors.

I led a delegation to Europe just before the Madrid summit. We met with NATO officials in Brussels and we went to Budapest, Hungary for a firsthand assessment of that country's progress. We all left convinced that Hungary—like Poland and the Czech Republic—has earned the invitation to become members of the most successful alliance in history.

In the coming months, the Senate will consider all the issues associated with NATO enlargement. One of the key issues will be the costs—the total cost of enlargement, the U.S. share of that cost, and how that overall cost will be shared with existing and prospective NATO members.

I believe the costs of enlarging NATO will be manageable. I believe there will be greater costs if we do not enlarge NATO. But the concern over the cost is legitimate. Much of the concern is based on a fear that NATO enlargement will drain a defense budget already under siege—already stretched too thin from humanitarian interventions that have little to do with U.S. national security.

I believe we should look at ways to finance NATO enlargement from nondefense sources. My amendment today helps pave the way for that approach by earmarking foreign aid funds for Poland, Hungary, and the Czech Republic.

There is a lot of money in this bill for programs that, in my view, are a lower priority than NATO enlargement. For example, the bill contains $950 million for the International Development Association to make concessional loans to countries like India and China. The bill contains $1.3 billion for development assistance, much of it going to countries where United States strategic interests are far less than in Central Europe.

My amendment is designed to give maximum leverage to the managers in conference to ensure adequate funds are made available for the three countries invited to join NATO—funds to finance language training, communications modernization, and equipment interoperability.

Much has been done by Poland, Hungary, and the Czech Republic to prepare their military forces for admission into NATO, but much more needs to be done. Meeting these needs will be a major share of the cost of NATO enlargement.

Chairman MCCONNELL has long been a leader in supporting enlargement of NATO to include new democracies in Central and Eastern Europe. His report points out the importance of keeping the NATO enlargement door open, and his bill takes a number of steps to provide reassurance to those not invited in the first wave of enlargement—especially for the Baltic States.

Adoption of this amendment—with the other provisions in the bill on NATO related issues—will send a

strong signal of Senate support financing a key element of enlargement preparation for the Poland, Hungary, and the Czech Republic. I thank the managers for their cooperation and I thank Senators LIEBERMAN, SMITH of Oregon, HOLLINGS, SHELBY, ROTH, BIDEN, DEWINE, COATS, HAGEL, and FRIST for cosponsoring the amendment. I urge support for the amendment.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Numbered 904 through 919) en bloc were agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

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, I ask unanimous consent that when the House companion measure is passed by the Senate pursuant to the previous order that the passage of S. 955 be vitiated, and that S. 955 be indefinitely postponed.

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

Mr. MCCONNELL. Mr. President, I believe that completes the evening for Senator LEAHY and myself. Senator DEWINE is here, and would like to speak. And I believe Senator BENNETT is here, and we may shortly take leave.

Mr. LEAHY. Mr. President, I say to the distinguished Senator from Kentucky that I enjoy working with him. But I know the Senate is in the able hands of the distinguished Senator from Utah. Now that I have somebody who actually looks a little bit like me on the floor, I, too, can leave.

The PRESIDING OFFICER. The Senator from Utah.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998

Mr. BENNETT. Mr. President, the Legislative Branch bill provides $1,537,827,000 in new obligational authority, exclusive of House items, for fiscal year 1998. This is $64,947,000 below the President's request and $51,600,000 above the fiscal year 1997 level.

The majority of the increases in the bill account for cost of living adjustments.

Mr. President, I wish to correct an impression that is being circulated throughout the press. There is no provision in this bill for a pay increase for Members of Congress. That is the issue that is taken care of in other bills.

The Senate items include provisions to reduce the appropriation for official mail from $10 million to $8 million in fiscal year 1998 and combine the franking allowance with the official personnel and office expense allowance—this will reduce paperwork and provide flexibility for offices to meet their needs.

The bill eliminates the disparity in staff salaries of Senate employees versus all other Federal employees (including those of the House.) This disparity was caused by the Senate employees not receiving the 2-percent COLA in 1996, which as provided to all other Federal employees.

Approximately 80 percent of the Architect's request for capital projects to ensure that certain repairs and maintenance are not delayed. If this maintenance is taken care of now, it should pay off in substantial cost savings in the future.

The GAO is provided $346.75 million, which conforms to the commitment to stabilize the GAO budget and staff level (3,500 employees) after a 2-year reduction of 25 percent. This recommendation provides sufficient funds for mandatory cost increases, including the COLA.

I want to take the opportunity now before presenting the bill to thank Senator DORGAN, the ranking member on the Legislative Branch Subcommittee, for his cooperation and his work on the bill. I have enjoyed my experience as the chairman of the subcommittee, and Senator DORGAN's cooperative spirit has been a large part of that enjoyment. I pay tribute to him and to his staff for the professional way in which they have handled this responsibility.

Mr. President, I believe this bill continues the legislative branch's contributions toward deficit reduction and the goal of the balanced budget by the year 2002.

Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 110, S. 1019, the Legislative Branch Appropriations bill, and, further, the managers' amendment, which is at the desk, be considered as read and agreed to.

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

AMENDMENT NO. 920

(Purpose: To provide funds for a pilot program of studies of scientific and technological issues to assist the Congress in anticipating, understanding and considering such issues in the course of determining public policy on existing and emerging national problems)

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. BINGAMAN, proposes an amendment numbered 920.

Mr. BENNETT. 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:

On page 38, line 2, insert before the period the following: ": *Provided further*, That $500,000 shall be available only for expenditure on studies and assessments, to be carried out by not-for-profit scientific, technological, or educational institutions, of the matters described in section 472(c) of title 2, United States Code: *Provided further*, That topics for studies and assessments under the previous proviso, and the institutions designated to carry out the studies and assessments, shall be selected by the voting members of the Technology Assessment Board under section 473 of title 2, United States Code, from among topics requested pursuant to paragraph (1) or (2) of section 472(d) of such title".

Mr. BINGAMAN. Mr. President, this amendment addresses an important need of the Congress created by the demise, two years ago, of the Office of Technology Assessment. That need is for authoritative and in-depth studies of scientific and technological issues that are at the root of many of the problems that we are called on to address through legislation.

Over the 23 years of its existence, from 1972 to 1995, the Office of Technology Assessment functioned as our in-house brain trust. It was a competent, timely, and impartial source of scientific and technical advice on a wide range of issues. In early 1995, the decision was made to end the existence of the Office of Technology Assessment by zeroing out its appropriation. The judgment of the Congress at that time was that it needed to demonstrate to the American people that it was willing to downsize its own operations. I miss the OTA, and I know that a lot of my colleagues in the Senate and in the House do too. I am not proposing today to reverse what we did 2 years ago by recreating new offices in the Congress or by hiring new permanent staff. I believe that there are other, more flexible ways for Congress to gain direct access to high-quality and timely advice and insight on cutting edge science and technology relevant to our legislative duties.

My amendment attempts to use the existing legislative authorities for oversight of the old OTA to oversee a new pilot experiment. Members should realize that while we terminated the OTA by ending its appropriation, the underlying authorities governing the OTA are still on the books. For example, there is continuing legislative authority in title 2 of the United States Code to have a Technology Assessment Board of 12 members: 6 from the House and 6 from the Senate, with each chamber's representation evenly divided between the parties and appointed by the respective leadership. This is an excellent group to decide on which topics should be studied using the funds that would be provided by my amendment. The old OTA authorities also provided that topics for OTA studies be suggested by chairs of committees, ranking members, or numerical majorities of committees, or by the Technology Assessment Board. That is a sound procedure for identifying potential study topics. My amendment uses both of these authorities, but contains a crucial difference in how the studies are executed. In place of a permanent, continuing organization to undertake studies, my amendment provides for selection of external scientific, technological, or educational institutions to carry out the studies that would be funded under my amendment. Think of it as a "virtual OTA" or, if you prefer,

an ''outsourced'' one. The contractual arrangements with these institutions would be handled by the GAO, which already has a wide network of similar contracting arrangements with accounting firms all over the country. Thus, there is no institutional mortgage associated with my amendment, and no new Congressional organization. I think that every member who reluctantly voted to terminate the OTA, because of the need to downsize our operations, can support my amendment with a clear conscience. We aren't bringing back a big bureaucracy. We are giving ourselves access, on topics that Members themselves determine are the most pressing to have authoritative scientific and technical insight, to the analytical capabilities of our best not-for-profit and educational institutions.

Let me reiterate the key points behind my amendment. I am proposing a way for Congress to acquire better scientific and technological advice without an institutional mortgage. My amendment puts 12 members, selected by the bipartisan leadership of the Senate and the House, directly in charge of deciding how the funds under this amendment will be spent and what will be studied. My amendment allows all Committees of Congress to nominate topics worthy of study and to propose which not-for-profit institution would be most suitable to engage in their study. Contracting would be handled through the General Accounting Office, which routinely contracts to external sources for expert advice and assistance in its own audits.

I am proposing an experiment of limited scope, only $500,000, which probably translates to somewhere between two and five studies. The offsetting funds of $500,000 come from the budget of the General Accounting Office, which is receiving over $354 million in appropriations in this Act. That is less than three-tenths of 1 percent of the GAO budget for this experiment. The contracting burden for GAO under my amendment is hardly crushing—an additional 2 to 5 contracts won't stretch their resources. I will also note that the Appropriations Committee's own report for this bill voices concern that GAO may have given priority to audits initiated under its own authority over those requested by committees and Members of Congress. My amendment represents a use of funds that is 100 percent directed to Member and Committee requests, and overseen by a bipartisan group appointed by the leadership.

I believe that this is a sensible request and I urge the adoption of my amendment.

The amendment (No. 920) was agreed to.

Mr. DORGAN. Mr. President, I rise in support of S. 1019, the fiscal year 1998 legislative branch appropriation bill, and applaud the chairman of the subcommittee, Senator BENNETT, for the work he has done in reporting this bill to the Senate. This bill, as recommended by the committee, provides $1,537,827,000 in budget authority, exclusive of House items. This total is $64,947,000 below the President's request and $51,600,000 above the fiscal year 1997 enacted level. As I indicated, these figures do not include spending by the House of Representatives, as each body normally defers to the other body to set its own budget. To date, the full House has not yet acted on the legislative branch appropriation bill for fiscal year 1998.

S. 1019 includes not only funding for the salaries and expenses for offices and committees of the Senate, but also includes the budgets of a number of outside agencies that provide important services to the Senate, including the General Accounting Office, the Government Printing Office, the Congressional Budget Office, the Library of Congress, the Capitol Police, and the Architect of the Capitol.

Mr. President, the subcommittee chairman has done an excellent job of highlighting the major provisions in this bill, so I will take just a minute to draw attention to what I believe to be an important issue.

For the General Accounting Office, the committee provides an appropriation that is an increase of $14 million over the fiscal year 1997 enacted level. This amount provides sufficient funding to stabilize the workforce of 3,500 employees and to pay for mandatory cost increases to support the men and women who work for GAO, in keeping with the agreement reached last Congress between GAO and appropriators to reduce GAO's budget by 25 percent over 2 years . As part of the commitment, appropriators committed to provide funding stability for the GAO once the 2-year, 25 percent reduction was achieved. I believe that it is important to note that the Senate has lived up to its commitment to the GAO and I, for one, will work diligently to keep a level of funding that is worked out in our conference with the House that is consistent with this commitment.

Mr. President, let me close by again commending the subcommittee chairman, Senator BENNETT. In his first year as chairman of the legislative branch subcommittee, he has proven himself to be a very capable leader, who has worked with me on a bipartisan basis. I also wish to express my thanks to the subcommittee staff—Jim English, Mary Dewald, and Christine Ciccone—for their fine work, and also to recognize the excellent support we had from Mary Hawkins, of my staff, and Chip Yost, of Senator BENNETT's staff.

Mr. BYRD. Mr. President, in February 1987 the Senate and House passed S. Con. Res. 18 (100th Congress) authorizing the printing as a Senate document of ''The Senate 1789–1989.'' A compilation of some 80 addresses that I had delivered during the 1980's on the history of the United States Senate, the book formed part of Congress' commemoration of its bicentennial. Between 1988 and 1993, the publication appeared in four volumes: two volumes of the addresses, together with a volume of classic Senate speeches and a statistical appendix. Printed in a large format with attractive historical illustrations, these books received favorable reviews. Volume I was awarded a prize by the Society for History in the Federal Government and commended by the American Library Association. Additional printing industry awards went to several of the Government Printing Office contractors involved in the books' manufacture.

Through the Government Printing Office, copies of these volumes were distributed to government depository libraries throughout the country. The printing resolution stipulated that ''in addition to the usual number of copies, there shall be printed with suitable binding 5,000 additional copies for use by the Secretary of the Senate.'' These copies have been and continue to be distributed to educational institutions and other appropriate recipients. In addition, the Superintendent of Documents purchased for sale 4,600 copies of Volume I; 2,300 of Volume II; and 1,000 each of Volumes III and IV. Reflecting the superior quality of the books, the Government Printing Office offered these volumes at an average price of $56.

In April of this year, my office inquired of the Government Printing Office, as we do periodically, how many of each volume had been sold and how many remained on hand. This time, we were astonished to learn that the number of volumes remaining was a total of 3,260 less than it should have been when we subtracted the number of copies sold since our last inquiry from the number that had remained at that time. When we asked GPO about the fate of these other copies, we were informed that there had been a ''stock reduction''—apparently meaning that 3,260 of these beautiful valuable volumes were disposed of.

On April 23, I wrote to Michael DiMario, the Public Printer, to request an explanation. On May 6, he responded that there had indeed been such a stock reduction in order to save storage costs and streamline sales operations. He further stated that, if additional copies of these volumes were ever needed, they could of course be reprinted. No one who has seen these beautifully crafted books could possibly believe that it would be cost effective to destroy more than 3,000 copies and reprint them later, rather than simply paying for lower-cost off-site storage until they should be needed. If such a reduction was in fact necessary, I cannot fathom the distorted thinking that would destroy books of such long-term value without at the very least informing the Office of the Secretary of the Senate, or my office, and giving us the opportunity to acquire these copies to make them available to various educational entities. When I expressed these further concerns to Mr. DiMario, I did at last receive an apology and an acknowledgement that it

had in fact been an error to dispose of the books without prior notification.

What of our nation's libraries? I have in mind those at the public and community college level that may lie outside the depository program. Would they not welcome surplus copies of selected government documents once thought worthy of being included in the Government Printing Office's sales program? Are we so distorted in our priorities that we prefer to shred such useful information rather than to disseminate it?

I continue to be gravely concerned about this unfortunate incident, which demonstrates a major flaw in the procedures of the Superintendent of Documents and the Government Printing Office. Perhaps this was simply an unfortunate exception. Or perhaps it reveals a pattern of inattention, carelessness, or even malfeasance. What other titles in the Superintendent of Documents' inventory may have received similar treatment in the name of "stock reduction?" I, for one, would like an answer.

Mr. President, I ask unanimous consent that a memorandum to me from the Senate Historian, Dr. Richard Baker, on this subject, dated April 23, 1997, together with an exchange of correspondence between myself and the Public Printer, Michael DiMario, be included in the record at this point. This correspondence includes my letters to Mr. DiMario dated April 23, 1997, and June 17, 1997, and his responses to me dated May 6, 1997, and July 11, 1997.

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

U.S. SENATE
OFFICE OF THE SECRETARY,
Washington, DC, April 23, 1997.

MEMORANDUM

To: Senator Robert C. Byrd.
From: Dick Baker.
Re: GPO sales copies of "The Senate, 1789–1989."

Yesterday, at your request, we asked GPO how many copies of each volume they had sold. When they supplied the information, we discovered some disturbing information. In early 1995, the Superintendent of Documents reported having on hand the following numbers of copies:

Volume I—1,618.
Volume II—1,260.
Volume III—963.
Volume IV—855.

After selling only a few hundred more copies of each, GPO reported yesterday that it had the following numbers of each on hand:

Volume I—299 (131 sold since 1995 should leave 1,489).

Volume II—271 (69 sold since 1995 should leave 1,191).

Volume III—137 (166 sold since 1995 should leave 797).

Volume IV—279 (84 sold since 1995 should leave 771).

These figures leave 3,260 volumes not accounted for:

Volume I—1,188.
Volume II—920.
Volume III—660.
Volume IV—492.

When we asked about the fate of these other copies, we were informed that there had been a "stock reduction." As far as we can determine, this means that 3,260 books were disposed of.

Attached is the draft of a possible letter you may wish to send to the Public Printer requesting and explanation of this decision.

APRIL 23 1997.

Mr. MICHAEL F. DIMARIO,
Public Printer, Government Printing Office, Washington, DC.

DEAR MR. DIMARIO: It has come to my attention that the sales inventory of all four volumes of "The Senate, 1789–1989" has been drastically reduced. Perhaps this action is in line with the Superintendent of Documents' standard policy, but I find it most distressing because these books were designed to have long-term value.

I would appreciate receiving an explanation of this decision.

With all good wishes, I am

Sincerely yours,

ROBERT C. BYRD.

U.S. GOVERNMENT PRINTING OFFICE,
OFFICE OF THE PUBLIC PRINTER,
Washington, DC, May 6, 1997.

Hon. ROBERT C. BYRD,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR BYRD: This is in response to your letter dated April 23, 1997, inquiring about the sales inventory of the four volumes of "The Senate, 1789–1989." Let me assure you that we recognize the historical value of this series and have designated all four volumes as titles which shall remain in print and available through our sales program indefinitely.

In September 1996, the Superintendent of Documents took a number of steps to reduce costs in the sales program and to provide more efficient service to the public. After conducting a study, it was determined that it was more cost-effective to maintain an adequate inventory of sales titles based on their projected life cycle and to reprint, if necessary.

This policy recognizes, however, that some publications such as The Senate will have a much longer life cycle than the ordinary book. Based on current projections, we have on hand an average supply of 9 years for the four volumes. The life cycle for most books is 18 months. The Superintendent of Documents' staff frequently reviews the sales history of each publication. Because of the importance of The Senate, we are prepared to reprint at any time. The sales program pays all costs when we go back to press.

As you know, our sales program must recover all expenses from revenues. The program has come under increasing financial pressure recently with some agencies withdrawing titles traditionally sold by the Government Printing Office (GPO) in favor of exclusive arrangements with the National Technical Information Service or other partners. This is causing needless duplication of effort, confusion to those who wish to purchase Government information products, and a substantial loss of revenue to the GPO sales program. In this difficult environment, it is our goal to streamline our operations, improve customer service, and keep prices as low as possible, while at the same time ensuring long-term availability of valuable publications such as The Senate.

Sincerely,

MICHAEL F. DIMARIO,
Public Printer.

JUNE 17, 1997.

Mr. MICHAEL F. DIMARIO,
Public Printer, Government Printing Office, Washington, DC.

DEAR MR. DIMARIO: Your response to my April 23, 1997, letter leaves several questions unanswered.

I understand the need to manage the inventory of publications that have a limited shelf life. Printing on demand makes a great deal of sense for bills, reports, and other routine documents. The wisdom of that policy is far less apparent for a "Level 1" publication such as "The Senate 1789–1989." I find it difficult to believe that off-site storage costs for this four-volume work would have been greater over a nine-year period than reprinting costs.

Your letter does not explain why the Government Printing Office did not contact my office, or the Office of the Secretary of the Senate, to offer to transfer copies deemed to be in excess of projected demand requirements. I am unable to comprehend this lack of communication in the light of the close working relationship this project has inspired over the past decade between the Senate and GPO.

When a commercial publisher or university press decides to unload an unwanted title, it is a matter of standard practice and common courtesy to give the author the opportunity to acquire copies. Had we been afforded that opportunity, it would have advanced our plans to make these works widely available to educational entities, both in this country and abroad, and would have quickly absorbed your "surplus." Had someone within the Superintendent of Documents' office bothered to make a single phone call, he or she could have aided a useful project and avoided a needless waste of resources.

Sincerely yours,

ROBERT C. BYRD.

U.S. GOVERNMENT PRINTING OFFICE,
OFFICE OF THE PUBLIC PRINTER,
Washington, DC, July 11, 1997.

Hon. ROBERT C. BYRD,
U.S. Senate, The Capitol, Washington, DC.

DEAR SENATOR BYRD: This letter is in response to your letter of June 17, 1997, concerning "The Senate 1789–1989."

I apologize both officially and personally for the unfortunate unilateral reduction of the Superintendent of Documents sales inventory of this publication. I was not aware of the reduction until I received your letter of April 23, 1997. Nevertheless, I recognize that full responsibility for this action rests with me and no one else.

My regrets are keenly felt since as Assistant Public Printer for Operations and Procurement at the time of the printing of Volume I, I had personal knowledge of your direct participation in the selection of appropriate paper, binding, and font style. Moreover, having family roots in West Virginia, as a history major at Davis and Elkins College, and as a member of its Board of Trustees, I have a keen awareness of and great admiration for your love of the Senate as well as your extraordinary scholarship and sense of the importance of history, both ancient and modern, and I understand how our unthinking actions must have hurt you deeply. I am truly sorry.

In fact, it is our policy to contact the publisher of a book when we are reducing inventory, and to offer publishers the excess copies at no charge. This policy was not followed with respect to "The Senate 1789–1989" during the major inventory reduction that occurred in the latter part of FY 1996, which was undertaken to reverse a trend of financial losses. The Superintendent of Documents instructed sales program staff to move quickly to restore the sales program to financial soundness by the beginning of FY 1997. Because of the short deadline and the large number of titles and copies involved, they did not follow standard policy to contact publishers. Both the management and staff of the sales program are deeply chagrined by this error, and the Superintendent

of Documents has assured me that steps have been taken to ensure our policy on notification of publishers will be strictly followed when making future inventory reductions.

As you say in your letter, the Senate and the Government Printing Office (GPO) have maintained a close working relationship during the past decade on ''The Senate 1789–1989.'' We have distributed all four volumes to the 1,380 Federal depository libraries throughout the Nation, and in June 1997 we provided 60 copies of each volume to the United States Information Agency for use in their libraries abroad.

Again, both personally and in my capacity as Public Printer, and on behalf of all the employees of GPO for whom you have been a greatly honored customer and friend, I apologize for the haste with which the inventory reduction was made and for our failure to inform your office. We have taken steps to ensure that this does not happen again, and I look forward to continuing to work with you in the future.

Sincerely,

MICHAEL F. DIMARIO,
Public Printer.

Mr. BYRD. Mr. President, I rise in support of S. 1019, the Fiscal Year 1998 Legislative Branch Appropriation bill. This is the first year that the distinguished Senator from Utah [Mr. BENNETT] and the very able Senator from North Dakota [Mr. DORGAN] have served as chairman and ranking member, respectively, and they are to be congratulated for the expeditious manner with which they have brought this prudent legislation to the floor. Both Senators are to be commended for the efforts that they have made to ensure that the Legislative Branch of the Government is funded in a fiscally sound and responsible way.

S. 1019, as recommended by the committee, provides $1,537,827,000 in budget authority, to fund salaries and expenses of the Senate and those agencies that provide important services to this institution, such as the General Accounting Office, the Government Printing Office, the Congressional Budget Office, the Library of Congress, the Capitol Police, and the Architect of the Capitol. In addition, S. 1019 is well within its 602(b) subcommittee allocation. This bill does not provide funding for House items, as the full House has not yet acted on the Legislative Branch Appropriation bill for fiscal year 1998 as it is customary that each body defers to the other body to set its own budget.

Mr. President, I again commend the chairman and ranking member of the Legislative Branch Subcommittee for their outstanding work. I also thank the committee staff who have worked hard on this bill: Jim English, Mary Dewald, and Christine Ciccone.

This is a good bill and deserves the support of the Senate. I yield the floor.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be considered as read a third time and passed, as amended, the motion to reconsider be laid upon the table with any statements related to the bill appear at the appropriate point in the RECORD.

The bill (S. 1019), as amended, was passed, as follows:

S. 1019

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 legislative branch for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; in all, $56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $77,254,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,612,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $371,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,388,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $1,221,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,061,000 for each such committee; in all, $2,122,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $409,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,077,500 for each such committee, in all, $2,155,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $260,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $13,306,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $33,037,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,165,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $19,208,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $3,605,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $966,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $75,600,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $370,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $1,511,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $64,400,000, of which $7,000,000 shall remain available until September 30, 1999.

MISCELLANEOUS ITEMS

For miscellaneous items, $7,905,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $228,600,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $8,500; in all, $13,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000, to remain available until September 30, 1999.

ADMINISTRATIVE PROVISIONS

SECTION 1. (a) For fiscal year 1998, and each fiscal year thereafter, the Secretary of the Senate is authorized to make advance payments under a contract or other agreement to provide a service or deliver an article for the United States Government without regard to the provisions of section 3324 of title 31, United States Code.

(b) An advance payment authorized by subsection (a) shall be made in accordance with regulations issued by the Committee on Rules and Administration of the Senate.

(c) The authority granted by subsection (a) shall not take effect until regulations are issued pursuant to subsection (b).

SEC. 2. (a) Upon the written request of the Majority or Minority Whip of the Senate, the Secretary of the Senate shall transfer during any fiscal year, from the appropriations account appropriated under the headings ''Salaries, Officers and Employees'' and ''Offices of the Majority and Minority Whips'', such amount as either whip shall specify to the appropriations account, within the contingent fund of the Senate, ''Miscellaneous Items''.

(b) The Majority and Minority Whips of the Senate are each authorized to incur such expenses as may be necessary or appropriate. Expenses incurred by either such whip shall be paid from the amount transferred pursuant to subsection (a) by such whip and upon vouchers approved by such whip.

(c) The Secretary of the Senate is authorized to advance such sums as may be necessary to defray expenses incurred in carrying out subsections (a) and (b).

SEC. 3. (a) Effective in the case of any fiscal year which begins on or after October 1, 1997, clause (iii) of paragraph (3)(A) of section 506(b) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)) is amended to read as follows:

''(iii) subject to subparagraph (B), in case the Senator represents Alabama, $182,567, Alaska, $251,901, Arizona, $197,079, Arkansas, $168,282, California, $468,724, Colorado, $186,350, Connecticut, $160,903, Delaware, $127,198, Florida, $299,746, Georgia, $210,214, Hawaii, $279,512, Idaho, $163,335, Illinois, $266,248, Indiana, $194,770, Iowa, $170,565, Kansas, $168,177, Kentucky, $177,338, Louisiana, $185,647, Maine, $147,746, Maryland, $173,020, Massachusetts, $195,799, Michigan, $236,459, Minnesota, $187,702, Mississippi, $168,103, Missouri, $197,941, Montana, $161,725, Nebraska, $160,361, Nevada, $171,096, New Hampshire, $142,394, New Jersey, $206,260, New Mexico, $166,140, New York, $327,955, North Carolina, $210,946, North Dakota, $149,824, Ohio, $259,452, Oklahoma, $181,761, Oregon, $189,345, Pennsylvania, $266,148, Rhode Island, $138,582, South Carolina, $170,451, South Dakota, $151,450, Tennessee, $191,954, Texas, $348,681, Utah, $168,632, Vermont, $135,925, Virginia, $193,467, Washington, $214,694, West Virginia, $147,772, Wisconsin, $191,569, Wyoming, $152,438, plus''.

(b) Subsection (a) of the first section of Public Law 100–137 (2 U.S.C. 58c) is amended by adding at the end the following:

''(6) Effective on and after October 1, 1997, the Senators' Account shall be available for the payment of franked mail expenses of Senators.''.

(c)(1) Section 12 of Public Law 101–520 is repealed.

(2) The amendment made by paragraph (1) shall be effective on and after October 1, 1997.

(d) Nothing in this section affects the authority of the Committee on Rules and Administration of the Senate to prescribe regulations relating to the frank by Senators and officers of the Senate.

SEC. 4. (a) The aggregate amount authorized by Senate Resolution 54, agreed to February 13, 1997, is increased—

(1) by $401,635 for the period March 1, 1997, through September 30, 1998, and

(2) by $994,150 for the period March 1, 1998, through February 28, 1999.

(b) This section is effective on and after October 1, 1997.

SEC. 5. Effective on and after October 1, 1997, each of the dollar amounts contained in the table under section 105(d)(1) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C 61–1) shall be deemed to be the dollar amounts in that table on December 31, 1995, increased by 2 percent on January 1, 1996, and by 2.3 percent on January 1, 1997.

SEC. 6. (a) The aggregate amount authorized by Senate Resolution 54, agreed to February 13, 1997, is increased—

(1) by $125,000 for the period March 1, 1997, through September 30, 1998; and

(2) by $175,000 for the period March 1, 1998, through February 28, 1999.

(b) Funds in the account, within the contingent fund of the Senate, available for the expenses of inquiries and investigations shall be available for franked mail expenses incurred by committees of the Senate the other expenses of which are paid from that account.

(c) This section is effective for fiscal years beginning on and after October 1, 1997.

SEC. 7. Section 1101 of Public Law 85–58 (2 U.S.C. 46a–1) is amended by adding at the end the following: ''Disbursements from the fund shall be made upon vouchers approved by the Secretary of the Senate, or his designee.''.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $2,750,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $807,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $5,724,000, to be disbursed by the Chief Administrative Officer of the House: *Provided*, That $100,000 of the funds in this Act shall not be available for expenditure except for staff designated to provide Members of Congress, not on the Tax Committees, assistance in securing revenue estimates for legislation with the assumptions used in determining the revenue estimate prepared by the Joint Committee for that Member of Congress.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Attending Physician's office; (3) an allowance of $500 per month to one assistant and $400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (4) $893,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,266,000, to be disbursed by the Chief Administrative Officer of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $73,935,000, of which $35,507,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and $38,428,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $5,401,000, to be disbursed by the Chief Administrative Officer of the House of Representatives: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1998 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISIONS

SEC. 101. Amounts appropriated for fiscal year 1998 for the Capitol Police Board for the Capitol Police may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'' upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading ''SALARIES'';

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading ''SALARIES''; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

SEC. 102. (a)(1) The Capitol Police Board shall establish and maintain unified schedules of rates of basic pay for members and civilian employees of the Capitol Police which shall apply to both Members and employees whose appointing authority is an officer of the Senate and Members and employees whose appointing authority is an officer of the House of Representatives.

(2) The Capitol Police Board may, from time to time, adjust any schedule established under paragraph (1) to the extent that the Board determines appropriate to reflect changes in the cost of living and to maintain pay comparability.

(3) A schedule established or revised under paragraph (1) or (2) shall take effect only upon approval by the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate.

(4) A schedule approved under paragraph (3) shall have the force and effect of law.

(b)(1) The Capitol Police Board shall prescribe, by regulation, a unified leave system for members and civilian employees of the Capitol Police which shall apply to both Members and employees whose appointing authority is an officer of the Senate and Members and employees whose appointing authority is an officer of the House of Representatives. The leave system shall include provisions for—

(A) annual leave, based on years of service;

(B) sick leave;

(C) administrative leave;

(D) leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

(E) leave without pay and leave with reduced pay, including provisions relating to contribution for benefits for any period of such leave;

(F) approval of all leave by the Chief or the designee of the Chief;

(G) the order in which categories of leave shall be used;

(H) use, accrual, and carryover rules and limitations, including rules and limitations for any period of active duty in the Armed Forces;

(I) advance of annual leave or sick leave after a member or civilian employee has used all such accrued leave;

(J) buy back of annual leave or sick leave used during an extended recovery period in the case of an injury in the performance of duty;

(K) the use of accrued leave before termination of the employment as a member or civilian employee of the Capitol Police, with provision for lump sum payment for unused annual leave; and

(L) a leave sharing program.

(2) The leave system under this section may not provide for the accrual of either annual or sick leave for any period of leave without pay or leave with reduced pay.

(3) All provisions of the leave system established under this subsection shall be subject to the approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate. All regulations approved under this subsection shall have the force and effect of law.

(c)(1) Upon the approval of the Capitol Police Board, a member or civilian employee of the Capitol Police who is separated from service, may be paid a lump sum payment for the accrued annual leave of the member or civilian employee.

(2) The lump sum payment under paragraph (1)—

(A) shall equal the pay the member or civilian employee would have received had such member or employee remained in the service until the expiration of the period of annual leave;

(B) shall be paid from amounts appropriated to the Capitol Police;

(C) shall be based on the rate of basic pay in effect with respect to the member or civilian employee on the last day of service of the member or civilian employee;

(D) shall not be calculated on the basis of extending the period of leave described under subparagraph (A) by any holiday occurring after the date of separation from service;

(E) shall be considered pay for taxation purposes only; and

(F) shall be paid only after the Chairman of the Capitol Police Board certifies the applicable period of leave to the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate.

(3) A member or civilian employee of the Capitol Police who enters active duty in the armed forces may—

(A) receive a lump sum payment for accrued annual leave in accordance with this subsection, in addition to any pay or allowance payable from the armed forces; or

(B) elect to have the leave remain to the credit of such member or civilian employee until such member or civilian employee returns from active duty.

(4) The Capitol Police Board may prescribe regulations to carry out this subsection. No lump sum payment may be paid under this subsection until such regulations are approved by the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives. All regulations approved under this subsection shall have the force and effect of law.

(d) Nothing in this section shall be construed to effect the appointing authority of any officer of the Senate or the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $1,991,000, to be disbursed by the Secretary of the Senate: *Provided*, That no part of such amount may be used to employ more than forty individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Fifth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,600,000.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not more than $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $24,995,000: *Provided*, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; including not more than $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; and not to exceed $20,000 for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $39,554,000, of which $7,500,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $6,203,000, of which $745,000 shall remain available until expended.

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $50,922,000, of which $13,200,000 shall remain available until expended: *Provided*, That appropriations under this heading for management personnel and miscellaneous restaurant expenses hereafter shall be transferred at the beginning of each fiscal year to the special deposit account in the United States Treasury established under Public Law 87–82, approved July 6, 1961, as amended (40 U.S.C. 174j–4), and effective October 1, 1997, all management personnel of the Senate Restaurant facilities shall be paid from the special deposit account. Management personnel transferred hereunder shall be paid at the same rates of pay applicable immediately prior to the date of transfer, and annual and sick leave balances shall be credited to leave accounts of such personnel in the Senate Restaurants.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex, Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $33,645,000, of which $1,650,000 shall remain available until expended: *Provided*, That not more than $4,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1998.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $65,134,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Oversight of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further*, That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44

U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $82,269,000: *Provided,* That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further,* That none of the funds appropriated or made available under this Act may be expended for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, unless such printing and binding and related services are provided during fiscal year 1998 and the billing of such printing and binding and related services occurs not later than December 31, 1998.

This title may be cited as the ''Congressional Operations Appropriations Act, 1998''.

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $3,228,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $229,904,000, of which not more than $7,869,000 shall be derived from collections credited to this appropriation during fiscal year 1998, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): *Provided,* That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further,* That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,869,000: *Provided further,* That of the total amount appropriated, $9,619,000 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further,* That of the total amount appropriated, $5,584,000 is to remain available until expended for the acquisition and partial support for implementation of an integrated library system (ILS).

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $34,567,000, of which not more than $17,340,000 shall be derived from collections credited to this appropriation during fiscal year 1998 under 17 U.S.C. 708(d), and not more than $5,086,000 shall be derived from collections during fiscal year 1998 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided,* That the total amount available for obligation shall be reduced by the amount by which collections are less than $22,426,000: *Provided further,* That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further,* That not more than $2,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $47,870,000, of which $14,194,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, and repair of furniture, furnishings, office and library equipment, $4,178,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than $194,290, of which $58,100 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term ''manager or supervisor'' means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 1998, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $100,490,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

SEC. 207. (a) ESTABLISHMENT.—Effective October 1, 1997, there is established in the Treasury of the United States a revolving fund to be known as the Cooperative Acquisitions Program Revolving Fund (in this section referred to as the ''revolving fund''). Moneys in the revolving fund shall be available to the Librarian of Congress, without fiscal year limitation, for financing the cooperative acquisitions program (in this section referred to as the ''program'') under which the Library acquires foreign publications and research materials on behalf of participating institutions on a cost-recovery basis. Obligations under the revolving fund are limited to amounts specified in the appropriations Act for that purpose for any fiscal year.

(b) AMOUNTS DEPOSITED.—The revolving fund shall consist of—

(1) any amounts appropriated by law for the purposes of the revolving fund;

(2) any amounts held by the Librarian as of October 1, 1997 or the date of enactment, whichever is later, that were collected as payment for the Library's indirect costs of the program; and

(3) the difference between (A) the total value of the supplies, equipment, gift fund balances, and other assets of the program, and (B) the total value of the liabilities (including unfunded liabilities such as the value of accrued annual leave of employees) of the program.

(c) CREDITS TO THE REVOLVING FUND.—The revolving fund shall be credited with all advances and amounts received as payment for purchases under the program and services and supplies furnished to program participants, at rates estimated by the Librarian to be adequate to recover the full direct and indirect costs of the program to the Library over a reasonable period of time.

(d) UNOBLIGATED BALANCES.—Any unobligated and unexpended balances in the revolving fund that the Librarian determines to be in excess of amounts needed for activities financed by the revolving fund, shall be deposited in the Treasury of the United States as miscellaneous receipts. Amounts needed for activities financed by the revolving fund means the direct and indirect costs of the program, including the costs of purchasing, shipping, binding of books and other library materials; supplies, materials, equipment and services needed in support of the program; salaries and benefits; general overhead; and travel.

(e) ANNUAL REPORT.—Not later than March 31 of each year, the Librarian of Congress shall prepare and submit to Congress an audited financial statement for the revolving fund for the preceding fiscal year. The audit shall be conducted in accordance with Government Auditing Standards for financial audits issued by the Comptroller General of the United States.

SEC. 208. AUTHORITY OF THE BOARD TO INVEST GIFT FUNDS.—Section 4 of the Act entitled ''An Act to create a Library of Congress Trust Fund Board, and for other purposes'', approved March 3, 1925 (2 U.S.C. 160), is

amended by adding at the end the following new undesignated paragraph:

''Upon agreement by the Librarian of Congress and the board, a gift or bequest accepted by the Librarian under the first paragraph of this section may be invested or reinvested in the same manner as provided for trust funds under the second paragraph of section 2.''.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $14,699,000, of which $3,910,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,077,000: *Provided,* That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $150,000: *Provided further,* That amounts of not more than $2,000,000, from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 1996 and 1997 to depository and other designated libraries.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided,* That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further,* That the revolving fund shall be available for the hire or purchase of not more than twelve passenger motor vehicles: *Provided further,* That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further,* That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further,* That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF DOCUMENTS'' and ''SALARIES AND EXPENSES'' together may not be available for the full-time equivalent employment of more than 3,550 workyears by the end of fiscal year 1998: *Provided further,* That activities financed through the revolving fund may provide information in any format: *Provided further,* That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: *Provided further,* That expenses for attendance at meetings shall not exceed $75,000: *Provided further,* That, $1,500,000 may be expended on the certification of the Public Printer, for reimbursement to the General Accounting Office, for a management audit.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries; $346,751,000: *Provided,* That not more than $1,000,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1998: *Provided further,* That an additional amount of $4,404,000 shall be available by transfer from funds previously deposited in the special account established pursuant to 31 U.S.C. 782: *Provided further,* That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than $2,000,000 of such funds shall be available for use in fiscal year 1998: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further,* That $500,000 shall be available only for expenditure on studies and assessments, to be carried out by not-for-profit scientific, technological, or educational institutions, of the matters described in section 472(c) of title 2, United States Code: *Provided further,* That topics for studies and assessments under the previous proviso, and the institutions designated to carry out the studies and assessments, shall be selected by the voting members of the Technology Assessment Board under section 473 of title 2, United States Code, from among topics requested pursuant to paragraphs (1) or (2) of section 472(d) of such title.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Oversight and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 1997 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided,* That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, 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 issued pursuant to existing law.

SEC. 305. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104–1 to pay awards and settlements as authorized under such subsection.

SEC. 306. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking ''1997'' and inserting ''1998''.

SEC. 307. The Government Printing Office shall be considered an agency for the purposes of the election in section 801(b)(2)(B) of the National Energy Conservation Policy Act and the Public Printer shall be considered the head of the agency for purposes of subsection (b)(2)(C) of such section.

SEC. 308. RESIDENCE OF MEMBERS OF CONGRESS.—Section 113 of title 4, United States Code, is amended—

(1) in the section heading by striking ''for State income tax laws''; and

(2) by striking subsection (b) and inserting the following new subsections:

''(b) Notwithstanding any other provision of law, a Member of Congress and the Member's spouse, dependents, and staff shall be treated as permanent residents and domiciliaries of the State or district which the Member represents, notwithstanding that the Member and the Member's spouse, dependents, and staff may be absent from, or may maintain a place of abode outside of, such State. A Member of Congress and the Member's spouse, dependents, and staff shall be entitled to the same rights, privileges, immunities, and benefits and shall be subject to the same responsibilities, taxation, and liabilities as other residents and domiciliaries who physically reside in such State, including maintaining a State driver's license, registering vehicles in such State (without regard to whether such vehicle is physically located in such State), registering to vote in

such State, and qualifying for benefits, loans, or other programs that such State may make available to other residents and domiciliaries who physically reside in such State.

''(c) For the purposes of this section—

''(1) the term 'Member of Congress' includes the delegates from the District of Columbia, Guam, and the Virgin Islands, and the Resident Commissioner from Puerto Rico;

''(2) the term 'State' includes the District of Columbia; and

''(3) the term 'dependents' includes any person—

''(A) who derives his or her support from a Member of Congress; and

''(B)(i) is a child of such Member who is age 23 or younger; or

''(ii) is a ward of such Member; and

''(4) the term 'staff' means any person who—

''(A) is in the employ of the Member of Congress for the purpose of assisting the Member in the performance of official duties; and

''(B) was resident and domiciliary of the State or district which the Member represents when such person entered the employ of the Member.

''(d) This section shall not apply to any spouse, dependent, or staff of a Member of Congress who claims residency or a domicile in a State other than the State which the Member represents or in which the Member's district is located.''.

(b) The chapter analysis for chapter 4 of title 4, United States Code, is amended in the item for section 113 by striking ''for State income tax laws''.

SEC. 309. (a) SEVERANCE PAY.—Section 5595 of title 5, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (D) by striking ''and'' after the semicolon; and

(B) by adding after subparagraph (E) the following new subparagraph:

''(F) the Office of the Architect of the Capitol, but only with respect to the United States Senate Restaurants; and'';

(2) in subsection (a)(2)—

(A) in clause (vii) by striking ''or'' after the semicolon;

(B) by redesignating clause (viii) as clause (ix) and inserting after clause (vii) the following:

''(viii) an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol, who is employed on a temporary when actually employed basis; or''; and

(3) in subsection (b) by adding at the end the following: ''The Architect of the Capitol may prescribe regulations to effect the application and operation of this section to the agency specified in subsection (a)(1)(F) of this section.''.

(b) EARLY RETIREMENT.—(1) This subsection applies to an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol who—

(A) voluntarily separates from service on or after the date of enactment of this Act and before October 1, 1999; and

(B) on such date of separation—

(i) has completed 25 years of service as defined under section 8331(12) or 8401(26) of title 5, United States Code; or

(ii) has completed 20 years of such service and is at least 50 years of age.

(2) Notwithstanding any provision of chapter 83 or 84 of title 5, United States Code, an employee described under paragraph (1) is entitled to an annuity which shall be computed consistent with the provisions of law applicable to annuities under section 8336(d) or 8414(b) of title 5, United States Code.

(c) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—(1) In this subsection, the term ''employee'' means an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol, serving without limitation, who has been currently employed for a continuous period of at least 12 months, except that such term shall not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A); or

(C) an employee who is employed on a temporary when actually employed basis.

(2) Notwithstanding any other provision of law, in order to avoid or minimize the need for involuntary separations due to a reduction in force, reorganization, transfer of function, or other similar action affecting the agency, the Architect of the Capitol shall establish a program under which voluntary separation incentive payments may be offered to encourage not more than 50 eligible employees to separate from service voluntarily (whether by retirement or resignation) during the period beginning on the date of the enactment of this Act through September 30, 1999.

(3) Such voluntary separation incentive payments shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code. Any such payment shall not be a basis of payment, and shall not be included in the computation, of any other type of Government benefit.

(4)(A) Subject to subparagraph (B), an employee who has received a voluntary separation incentive payment under this section and accepts employment with the Government of the United States within 5 years after the date of the separation on which the payment is based shall be required to repay the entire amount of the incentive payment to the agency that paid the incentive payment.

(B)(i) If the employment is with an Executive agency (as defined by section 105 of title 5, United State Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(ii) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(iii) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(C) For purposes of subparagraph (A) (but not subparagraph (B)), the term ''employment'' includes employment under a personal services contract with the United States.

(5) The Architect of the Capitol may prescribe regulations to carry out this subsection.

(d) COMPETITIVE SERVICE TREATMENT FOR CERTAIN EMPLOYEES.—(1) This subsection applies to any employee of the United States Senate Restaurants of the Office of the Architect of the Capitol who—

(A) is involuntarily separated from service on or after the date of the enactment of this Act and before October 1, 1999 (except by removal for cause on charges of misconduct or delinquency); and

(B) has performed any period of service employed in the Office of the Architect of the Capitol (including the United States Senate Restaurants) in a position in the excepted service as defined under section 2103 of title 5, United States Code.

(2) For purposes of applying for employment for any position in the executive branch (including for purposes of the administration of chapter 33 of title 5, United States Code, with respect to such employment application), any period of service described under paragraph (1)(B) of this subsection shall be deemed a period of service in the competitive service as defined under section 2102 of title 5, United States Code.

(3) This subsection shall—

(A) take effect on the date of enactment of this Act; and

(B) apply only to an employment application submitted by an employee during the 2-year period beginning on the date of such employee's separation from service described under paragraph (1)(A).

(e) RETRAINING, JOB PLACEMENT, AND COUNSELING SERVICES.—(1) In this subsection, the term ''employee''—

(A) means an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol; and

(B) shall not include—

(i) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

(ii) an employee who is employed on a temporary when actually employed basis.

(2) The Architect of the Capitol may establish a program to provide retraining, job placement, and counseling services to employees and former employees.

(3) A former employee may not participate in a program established under this subsection, if—

(A) the former employee was separated from service with the United States Senate Restaurants of the Office of the Architect of the Capitol for more than 1 year; or

(B) the separation was by removal for cause on charges of misconduct or delinquency.

(4) Retraining costs for the program established under this subsection may not exceed $5,000 for each employee or former employee.

(f) ADMINISTRATIVE PROVISIONS.—(1) The Architect of the Capitol—

(A) may use employees of the Office of the Architect of the Capitol to establish and administer programs and carry out the provisions of this section; and

(B) may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, to carry out such provisions—

(i) not subject to the 1 year of service limitation under such section 3109(b); and

(ii) at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(2) Funds to carry out subsections (a) and (c) may be expended only from funds available for the basic pay of the employee who is receiving the applicable payment.

(3) Funds to carry out subsection (e) may be expended from any funds made available to the Architect of the Capitol.

This Act may be cited as the ''Legislative Branch Appropriations Act, 1998''.

Mr. BENNETT. I further ask unanimous consent that the bill not be engrossed, that it remain at the desk pending receipt of the House companion measure.

I further ask unanimous consent that when the House companion measure is

received in the Senate, all after the enacting clause be stricken, except appropriations for the House of Representatives and House Office Buildings, and that the text of S. 1019, as passed, be inserted in lieu thereof, the Senate insist on its amendments, and request a conference with the House; and, finally, the Chair be authorized to appoint conferees on the part of the Senate.

I further ask unanimous consent that when the House bill is passed, pursuant to the previous order, the passage of S. 1019 be vitiated, and that S. 1019 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, so ordered.

I thank the Chair.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 15, 1997, the federal debt stood at $5,357,142,567,691.66. (Five trillion, three hundred fifty-seven billion, one hundred forty-two million, five hundred sixty-seven thousand, six hundred ninety-one dollars and sixty-six cents)

One year ago, July 15, 1996, the federal debt stood at $5,156,314,000,000. (Five trillion, one hundred fifty-six billion, three hundred fourteen million)

Five years ago, July 15, 1992, the federal debt stood at $3,976,930,000,000. (Three trillion, nine hundred seventy-six billion, nine hundred thirty million)

Ten years ago, July 15, 1987, the federal debt stood at $2,318,428,000,000. (Two trillion, three hundred eighteen billion, four hundred twenty-eight million)

Fifteen years ago, July 15, 1982, the federal debt stood at $1,083,163,000,000 (One trillion, eighty-three billion, one hundred sixty-three million) which reflects a debt increase of more than $4 trillion—$4,273,979,567,691.66 (Four trillion, two hundred seventy-three billion, nine hundred seventy-nine million, five hundred sixty-seven thousand, six hundred ninety-one dollars and sixty-six cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF AN AGREEMENT BETWEEN THE UNITED STATES AND THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT—PM 53

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to 16 U.S.C. 1823(b), to the Committee on Commerce, Science, and Transportation, and to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the People's Republic of China Extending the Agreement of July 23, 1985, Concerning Fisheries Off the Coasts of the United States, with Annexes and Agreed Minutes, as amended and extended. This Agreement, which was effected by an exchange of notes at Beijing on June 6 and July 1, 1996, extends the 1985 Agreement to July 1, 1998.

In light of the importance of our fisheries relationship with the People's Republic of China, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 16, 1997.*

MESSAGES FROM THE HOUSE

At 12 noon, 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 request the concurrence of the Senate.

H.R. 378. An act for the relief of Heraclio Tolley.

H.R. 584. An act for the relief of John Wesley Davis.

H.R. 1818. An act to amend the Juvenile and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1998, 1999, 2000, and 2001, and for other purposes.

H.R. 2107. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

H.R. 2035. An act to authorize transfer of naval vessels to certain foreign countries.

The message also announced that pursuant to the provisions of section 40003 of Public Law 105–18, the Chair announces the Speaker's appointment of the following members on the part of the House to the National Commission on the Cost of Higher Education: Mr. Martin Anderson of California, Mr. George Ulaldner of Pennsylvania, and Mr. Jonathan Brown of California.

ENROLLED BILL SIGNED

At 12:33 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following bill:

H.R. 2018. An act to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, New York.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 378. An act for the relief of Heraclio Tolley; to the Committee on the Judiciary.

H.R. 1818. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1998, 1999, 2000, and 2001, and for other purposes; to the Committee on the Judiciary.

H.R. 2107. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes; to the Committee on Appropriations.

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–2494. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report relative to tar, nicotine, and carbon monoxide for calendar year 1994; to the Committee on Commerce, Science, and Transportation.

EC–2495. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, three rules received on June 30, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2496. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, fifteen rules received on July 3, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2497. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a rule received on July 14, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2498. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, six rules received on June 30, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2499. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a rule received on June 30, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2500. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a rule

received on July 7, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2501. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, twelve rules received on July 10, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2502. A communication from the National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, a rule received on July 1, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2503. A communication from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, a rule received on June 27, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2504. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, four rules; to the Committee on Commerce, Science, and Transportation.

EC–2505. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, four rules; to the Committee on Commerce, Science, and Transportation.

EC–2506. A communication from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, three rules; to the Committee on Commerce, Science, and Transportation.

EC–2507. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, two rules received on July 16, 1997; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

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

POM–185. A resolution adopted by the Blount County (Tennessee) Legislative Body relative to the National Spallation Neutron Source; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GREGG, from the Committee on Appropriations, without amendment:

S. 1022. An original bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. No. 105–48).

By Mr. CAMPBELL, from the Committee on Appropriations, without amendment:

S. 1023. An original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes (Rept. No. 105–49).

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. HAGEL (for himself, Mr. CLELAND, Mr. HUTCHINSON, Mr. DORGAN, Mr. BURNS, Mr. ROTH, Mr. FAIRCLOTH, Mr. HELMS, Mr. MOYNIHAN, Ms. LANDRIEU, Mr. REID, and Mr. CAMPBELL):

S. 1021. A bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes; to the Committee on Veterans Affairs.

By Mr. GREGG:

S. 1022. An original bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. CAMPBELL:

S. 1023. An original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. GRASSLEY (for himself, Mr. DASCHLE, and Mr. DURBIN):

S. 1024. A bill to make chapter 12 of title 11 of the United States Code permanent, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mr. MACK, and Mr. GRASSLEY):

S. 1025. A bill to provide for a study of the South Florida High Intensity Drug Trafficking Area, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GORTON (for himself and Mrs. FEINSTEIN):

S. Res. 108. Resolution expressing the sense of the Senate on the European Commissions handling of the Boeing McDonnell-Douglas merger; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAGEL (for himself, Mr. CLELAND, Mr. HUTCHINSON, Mr. DORGAN, Mr. BURNS, Mr. ROTH, Mr. FAIRCLOTH, Mr. HELMS, Mr. MOYNIHAN, Ms. LANDRIEU, Mr. REID), and Mr. CAMPBELL:

S. 1021. A bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes; to the Committee on Veterans Affairs.

THE VETERANS EMPLOYMENT OPPORTUNITIES ACT OF 1997

Mr. HAGEL. Mr. President, I rise today to introduce the Veterans Employment Opportunities Act of 1997, along with my good friend and distinguished colleague, Senator MAX CLELAND. We are joined by Senators HUTCHINSON of Arkansas, HELMS, DORGAN, ROTH, FAIRCLOTH, BURNS, LANDRIEU, MOYNIHAN, REID of Nevada, and CAMPBELL. This important piece of legislation is needed to help America's most deserving and self-sacrificing citizens, our veterans, to get and hold jobs with the Federal Government.

In 1944, the Congress enacted the first veterans employment preference legislation. That law was intended to assist service men and women returning from the battlefields of World War II in getting Federal Government jobs. Through the years many changes have taken place in the way we manage civil service personnel within our Government, and most recently there has been considerable focus on downsizing the Federal bureaucracy. One thing has not changed however, and that is that our veterans need to find employment when they return to civilian life.

This bill addresses the critical need to revise and make more ''user friendly'' those laws that help veterans to get Federal jobs, and to hold on to them as the Government downsizes. I want to emphasize that this bill does not guarantee anyone a job, but it does allow the sacrifices made by those who served in uniform to have their service recognized as they are considered along with others for Federal jobs.

The statistical evidence of need for this legislation tells a troubling story. When Federal job openings occur, the hiring official is sent a job referral list that includes the names of qualified applicants from which the job can be filled. The General Accounting Office [GAO] found that 71 percent of job referral lists were returned without hiring when a veteran headed the list. By contrast, 51 percent of nonveteran lists are returned. Not only are veterans not getting the preference that the statutes require, but too often, veterans are less likely than other applicants to be hired for a Federal job.

This bill will also end unfair designer RIFs that single out veterans for removal from the Federal work force during reductions in force. Perhaps more important, this bill makes a violation of this law a prohibited personnel practice, putting teeth in the law where none now exist.

I am proud to say that 19 military, veterans, and patriotic associations have indicated that such legislation is needed and that they strongly support this legislation.

Those who have made very special contributions to America and our way of life, ensuring freedom and individual liberties to all Americans, deserve recognition and fairness when applying for employment in Federal Government. Our veterans do not ask for special privileges. Fifty years ago this Nation made the decision to recognize the sacrifices and extra commitment made by

our veterans for America. This legislation ensures that special recognition will be provided.

I am very proud to join my friend and colleague, the distinguished Senator from Georgia, Senator MAX CLELAND, who himself has made tremendous contributions to this country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1021

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 ''Veterans Employment Opportunities Act of 1997''.

SEC. 2. EQUAL ACCESS FOR VETERANS.

(a) COMPETITIVE SERVICE.—Section 3304 of title 5, United States Code, is amended by adding at the end the following:

''(f)(1) No preference eligible, and no individual (other than a preference eligible) who has been separated from the armed forces under honorable conditions after 3 or more years of active service, shall be denied the opportunity to compete for an announced vacant position within an agency, in the competitive service or the excepted service, by reason of—

''(A) not having acquired competitive status; or

''(B) not being an employee of such agency.

''(2) Nothing in this subsection shall prevent an agency from filling a vacant position (whether by appointment or otherwise) solely from individuals on a priority placement list consisting of individuals who have been separated from the agency due to a reduction in force and surplus employees (as defined under regulations prescribed by the Office).''.

(b) CIVIL SERVICE EMPLOYMENT INFORMATION.—

(1) VACANT POSITIONS.—Section 3327(b) of title 5, United States Code, is amended by striking ''and'' at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following:

''(2) each vacant position in the agency for which competition is restricted to individuals having competitive status or employees of such agency, excluding any position under paragraph (1), and''.

(2) ADDITIONAL INFORMATION.—Section 3327 of title 5, United States Code, is amended by adding at the end the following:

''(c) Any notification provided under this section shall, for all positions under subsection (b)(1) as to which section 3304(f) applies and for all positions under subsection (b)(2), include a notation as to the applicability of section 3304(f) with respect thereto.

''(d) In consultation with the Secretary of Labor, the Office shall submit to Congress and the President, no less frequently than every 2 years, a report detailing, with respect to the period covered by such report—

''(1) the number of positions listed under this section during such period;

''(2) the number of preference eligibles and other individuals described in section 3304(f)(1) referred to such positions during such period; and

''(3) the number of preference eligibles and other individuals described in section 3304(f)(1) appointed to such positions during such period.''.

(c) GOVERNMENTWIDE LISTS.—

(1) VACANT POSITIONS.—Section 3330(b) of title 5, United States Code, is amended to read as follows:

''(b) The Office of Personnel Management shall cause to be established and kept current—

''(1) a comprehensive list of all announcements of vacant positions (in the competitive service and the excepted service, respectively) within each agency that are to be filled by appointment for more than 1 year and for which applications are being or will soon be accepted from outside the agency's work force; and

''(2) a comprehensive list of all announcements of vacant positions within each agency for which applications are being or will soon be accepted and for which competition is restricted to individuals having competitive status or employees of such agency, excluding any position required to be listed under paragraph (1).''.

(2) ADDITIONAL INFORMATION.—Section 3330(c) of title 5, United States Code, is amended by striking ''and'' at the end of paragraph (2), by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following:

''(3) for all positions under subsection (b)(1) as to which section 3304(f) applies and for all positions under subsection (b)(2), a notation as to the applicability of section 3304(f) with respect thereto; and''.

(3) CONFORMING AMENDMENT.—Section 3330(d) of title 5, United States Code, is amended by striking ''The list'' and inserting ''Each list under subsection (b)''.

(d) PROVISIONS RELATING TO THE UNITED STATES POSTAL SERVICE.—

(1) IN GENERAL.—Subsection (a) of section 1005 of title 39, United States Code, is amended by adding at the end the following:

''(5)(A) The provisions of section 3304(f) of title 5 shall apply with respect to the Postal Service in the same manner and under the same conditions as if the Postal Service were an agency within the meaning of such provisions.

''(B) Nothing in this subsection shall be considered to require the application of section 3304(f) of title 5 in the case of any individual who is not an employee of the Postal Service if—

''(i) the vacant position involved is to be filled pursuant to a collective-bargaining agreement;

''(ii) the collective-bargaining agreement restricts competition for such position to individuals employed in a bargaining unit or installation within the Postal Service in which the position is located;

''(iii) the collective-bargaining agreement provides that the successful applicant shall be selected on the basis of seniority or qualifications; and

''(iv) the position to be filled is within a bargaining unit.

''(C) The provisions of this paragraph shall not be modified by any program developed under section 1004 of this title or any collective-bargaining agreement entered into under chapter 12 of this title.''.

(2) CONFORMING AMENDMENT.—The first sentence of section 1005(a)(2) of title 39, United States Code, is amended by striking ''title.'' and inserting ''title, subject to paragraph (5) of this subsection.''.

SEC. 3. SPECIAL PROTECTIONS FOR PREFERENCE ELIGIBLES IN REDUCTIONS IN FORCE.

(a) IN GENERAL.—Section 3502 of title 5, United States Code, as amended by section 1034 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 430), is amended by adding at the end the following:

''(g)(1) A position occupied by a preference eligible shall not be placed in a single-position competitive level if the preference eligible is qualified to perform the essential functions of any other position at the same grade (or occupational level) in the competitive area. In such cases, the preference eligible shall be entitled to be placed in another competitive level for which such preference eligible is qualified. If the preference eligible is qualified for more than one competitive level, such preference eligible shall be placed in the competitive level containing the most positions.

''(2) For purposes of paragraph (1)—

''(A) a preference eligible shall be considered qualified to perform the essential functions of a position if, by reason of experience, training, or education (and, in the case of a disabled veteran, with reasonable accommodation), a reasonable person could conclude that the preference eligible would be able to perform those functions successfully within a period of 150 days; and

''(B) a preference eligible shall not be considered unqualified solely because such preference eligible does not meet the minimum qualification requirements relating to previous experience in a specified grade (or occupational level), if any, that are established for such position by the Office of Personnel Management or the agency.

''(h) In connection with any reduction in force, a preference eligible whose current or most recent performance rating is at least fully successful (or the equivalent) shall have, in addition to such assignment rights as are prescribed by regulation, the right, in lieu of separation, to be assigned to any position within the agency conducting the reduction in force—

''(1) for which such preference eligible is qualified under subsection (g)(2)—

''(A) that is within the preference eligible's commuting area and at the same grade (or occupational level) as the position from which the preference eligible was released, and that is then occupied by an individual, other than another preference eligible, who was placed in such position (whether by appointment or otherwise) within 6 months before the reduction in force if, within 12 months prior to the date on which such individual was so placed in such position, such individual had been employed in the same competitive area as the preference eligible; or

''(B) that is within the preference eligible's competitive area and that is then occupied by an individual, other than another preference eligible, who was placed in such position (whether by appointment or otherwise) within 6 months before the reduction in force; or

''(2) for which such preference eligible is qualified that is within the preference eligible's competitive area and that is not more than 3 grades (or pay levels) below that of the position from which the preference eligible was released, except that, in the case of a preference eligible with a compensable service-connected disability of 30 percent or more, this paragraph shall be applied by substituting '5 grades' for '3 grades'.

In the event that a preference eligible is entitled to assignment to more than 1 position under this subsection, the agency shall assign the preference eligible to any such position requiring no reduction (or, if there is no such position, the least reduction) in basic pay. A position shall not, with respect to a preference eligible, be considered to satisfy the requirements of paragraph (1) or (2), as applicable, if it does not last for at least 12 months following the date on which such preference eligible is assigned to such position under this subsection.

''(i) A preference eligible may challenge the classification of any position to which the preference eligible asserts assignment

rights (as provided by, or prescribed by regulations described in, subsection (h)) in an action before the Merit Systems Protection Board.

''(j)(1) Not later than 90 days after the date of the enactment of the Veterans Employment Opportunities Act of 1997, each Executive agency shall establish an agencywide priority placement program to facilitate employment placement for employees who—

''(A)(i) are scheduled to be separated from service due to a reduction in force under—

''(I) regulations prescribed under this section; or

''(II) procedures established under section 3595; or

''(ii) are separated from service due to such a reduction in force; and

''(B)(i) have received a rating of at least fully successful (or the equivalent) as the last performance rating of record used for retention purposes; or

''(ii) occupy positions excluded from a performance appraisal system by law, regulation, or administrative action taken by the Office of Personnel Management.

''(2)(A) Each agencywide priority placement program under this subsection shall include provisions under which a vacant position shall not (except as provided in this paragraph or any other statute providing the right of reemployment to any individual) be filled by the appointment or transfer of any individual from outside of that agency (other than an individual described in subparagraph (B)) if—

''(i) there is then available any individual described in subparagraph (B) who is qualified for the position; and

''(ii) the position—

''(I) is at the same grade or pay level (or the equivalent) or not more than 3 grades (or grade intervals) below that of the position last held by such individual before placement in the new position;

''(II) is within the same commuting area as the individual's last-held position (as referred to in subclause (I)) or residence; and

''(III) has the same type of work schedule (whether full-time, part-time, or intermittent) as the position last held by the individual.

''(B) For purposes of an agencywide priority placement program, an individual shall be considered to be described in this subparagraph if such individual—

''(i)(I) is an employee of such agency who is scheduled to be separated, as described in paragraph (1)(A)(i); or

''(II) is an individual who became a former employee of such agency as a result of a separation, as described in paragraph (1)(A)(ii), excluding any individual who separated voluntarily under subsection (f); and

''(ii) satisfies clause (i) or (ii) of paragraph (1)(B).

''(3)(A) If after a reduction in force the agency has no positions of any type within the local commuting areas specified in this subsection, the individual may designate a different local commuting area where the agency has continuing positions in order to exercise reemployment rights under this subsection. An agency may determine that such designations are not in the interest of the Government for the purpose of paying relocation expenses under subchapter II of chapter 57.

''(B) At its option, an agency may administratively extend reemployment rights under this subsection to include other local commuting areas.

''(4)(A) In selecting employees for positions under this subsection, the agency shall place qualified present and former employees in retention order by veterans' preference subgroup and tenure group.

''(B) An agency may not pass over a qualified present or former employee to select an individual in a lower veterans' preference subgroup within the tenure group, or in a lower tenure group.

''(C) Within a subgroup, the agency may select a qualified present or former employee without regard to the individual's total creditable service.

''(5) An individual is eligible for reemployment priority under this subsection for 2 years from the effective date of the reduction in force from which the individual will be, or has been, separated under this section or section 3595, as the case may be.

''(6) An individual loses eligibility for reemployment priority under this subsection when the individual—

''(A) requests removal in writing;

''(B) accepts or declines a bona fide offer under this subsection or fails to accept such an offer within the period of time allowed for such acceptance, or

''(C) separates from the agency before being separated under this section or section 3595, as the case may be.

A present or former employee who declines a position with a representative rate (or equivalent) that is less than the rate of the position from which the individual was separated under this section retains eligibility for positions with a higher representative rate up to the rate of the individual's last position.

''(7) Whenever more than one individual is qualified for a position under this subsection, the agency shall select the most highly qualified individual, subject to paragraph (4).

''(8) The Office of Personnel Management shall issue regulations to implement this subsection.''.

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall apply with respect to—

(A) reductions in force taking effect after the end of the 90-day period beginning on the date of the enactment of this Act; or

(B) in the case of the Department of Defense, reductions in force taking effect after the end of the 1-year period beginning on the date of the enactment of this Act.

(2) ONGOING REDUCTIONS IN FORCE.—If an agency has given written notice of a reduction in force to any of its employees within a competitive area, in accordance with section 3502(d)(1)(A) of title 5, United States Code, before the effective date under subparagraph (A) or (B) of paragraph (1), as applicable, then, for purposes of determining the rights of any employee within such area in connection with such reduction in force, the amendments made by this section shall be treated as if they had never been enacted. Nothing in the preceding sentence shall affect any rights under a priority placement program under section 3502(j) of title 5, United States Code, as amended by this section.

SEC. 4. IMPROVED REDRESS FOR VETERANS.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

''§ 3330a. Administrative redress

''(a)(1) Any preference eligible or other individual described in section 3304(f)(1) who alleges that an agency has violated such individual's rights under any statute or regulation relating to veterans' preference, or any right afforded such individual by section 3304(f), may file a complaint with the Secretary of Labor.

''(2) A complaint under this subsection must be filed within 60 days after the date of the alleged violation, and the Secretary shall process such complaint in accordance with sections 4322 (a) through (e)(1) and 4326 of title 38.

''(b)(1) If the Secretary of Labor is unable to resolve the complaint within 60 days after the date on which it is filed, the complainant may elect to appeal the alleged violation to the Merit Systems Protection Board in accordance with such procedures as the Merit Systems Protection Board shall prescribe, except that in no event may any such appeal be brought—

''(A) before the 61st day after the date on which the complaint is filed under subsection (a); or

''(B) later than 15 days after the date on which the complainant receives notification from the Secretary of Labor under section 4322(e)(1) of title 38.

''(2) An appeal under this subsection may not be brought unless—

''(A) the complainant first provides written notification to the Secretary of Labor of such complainant's intention to bring such appeal; and

''(B) appropriate evidence of compliance with subparagraph (A) is included (in such form and manner as the Merit Systems Protection Board may prescribe) with the notice of appeal under this subsection.

''(3) Upon receiving notification under paragraph (2)(A), the Secretary of Labor shall not continue to investigate or further attempt to resolve the complaint to which such notification relates.

''(c) This section shall not be construed to prohibit a preference eligible from appealing directly to the Merit Systems Protection Board from any action which is appealable to the Board under any other law, rule, or regulation, in lieu of administrative redress under this section.

''§ 3330b. Judicial redress

''(a) In lieu of continuing the administrative redress procedure provided under section 3330a(b), a preference eligible or other individual described in section 3304(f)(1) may elect, in accordance with this section, to terminate those administrative proceedings and file an action with the appropriate United States district court not later than 60 days after the date of the election.

''(b) An election under this section may not be made—

''(1) before the 121st day after the date on which the appeal is filed with the Merit Systems Protection Board under section 3330a(b); or

''(2) after the Merit Systems Protection Board has issued a judicially reviewable decision on the merits of the appeal.

''(c) An election under this section shall be made, in writing, in such form and manner as the Merit Systems Protection Board shall by regulation prescribe. The election shall be effective as of the date on which it is received, and the administrative proceeding to which it relates shall terminate immediately upon the receipt of such election.

''§ 3330c. Remedy

''(a) If the Merit Systems Protection Board (in a proceeding under section 3330a) or a court (in a proceeding under section 3330b) determines that an agency has violated a right described in section 3330a, the Board or court (as the case may be) shall order the agency to comply with such provisions and award compensation for any loss of wages or benefits suffered by the individual by reason of the violation involved. If the Board or court determines that such violation was willful, it shall award an amount equal to backpay as liquidated damages.

''(b) A preference eligible or other individual described in section 3304(f)(1) who prevails in an action under section 3330a or 3330b shall be awarded reasonable attorney fees, expert witness fees, and other litigation expenses.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of title 5, United States Code, is amended by

adding after the item relating to section 3330 the following:

''3330a. Administrative redress.
''3330b. Judicial redress.
''3330c. Remedy.''.

SEC. 5. EXTENSION OF VETERANS' PREFERENCE.

(a) AMENDMENT TO TITLE 5, UNITED STATES CODE.—Paragraph (3) of section 2108 of title 5, United States Code, is amended by striking ''the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, or the General Accounting Office;'' and inserting ''or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service;''.

(b) AMENDMENTS TO TITLE 3, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 2 of title 3, United States Code, is amended by adding at the end the following:

''§ 115. Veterans' preference

''(a) Subject to subsection (b), appointments under sections 105, 106, and 107 shall be made in accordance with section 2108, and sections 3309 through 3312, of title 5.

''(b) Subsection (a) shall not apply to any appointment to a position the rate of basic pay for which is at least equal to the minimum rate established for positions in the Senior Executive Service under section 5382 of title 5 and the duties of which are comparable to those described in section 3132(a)(2) of such title or to any other position if, with respect to such position, the President makes certification—

''(1) that such position is—

''(A) a confidential or policy-making position; or

''(B) a position for which political affiliation or political philosophy is otherwise an important qualification; and

''(2) that any individual selected for such position is expected to vacate the position at or before the end of the President's term (or terms) of office.

Each individual appointed to a position described in the preceding sentence as to which the expectation described in paragraph (2) applies shall be notified as to such expectation, in writing, at the time of appointment to such position.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 3, United States Code, is amended by adding at the end the following:

''115. Veterans' preference.''.

(c) LEGISLATIVE BRANCH APPOINTMENTS.—

(1) DEFINITIONS.—For the purposes of this subsection, the terms ''employing office'', ''covered employee'', and ''Board'' shall each have the meaning given such term by section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301).

(2) RIGHTS AND PROTECTIONS.—The rights and protections established under section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, United States Code, shall apply to covered employees.

(3) REMEDIES.—

(A) IN GENERAL.—The remedy for a violation of paragraph (2) shall be such remedy as would be appropriate if awarded under applicable provisions of title 5, United States Code, in the case of a violation of the relevant corresponding provision (referred to in paragraph (2)) of such title.

(B) PROCEDURE.—The procedure for consideration of alleged violations of paragraph (2) shall be the same as apply under section 401 of the Congressional Accountability Act of 1995 (and the provisions of law referred to therein) in the case of an alleged violation of part A of title II of such Act.

(4) REGULATIONS TO IMPLEMENT SUBSECTION.—

(A) IN GENERAL.—The Board shall, pursuant to section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384), issue regulations to implement this subsection.

(B) AGENCY REGULATIONS.—The regulations issued under subparagraph (A) shall be the same as the most relevant substantive regulations (applicable with respect to the executive branch) promulgated to implement the statutory provisions referred to in paragraph (2) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this subsection.

(C) COORDINATION.—The regulations issued under subparagraph (A) shall be consistent with section 225 of the Congressional Accountability Act of 1995 (2 U.S.C. 1361).

(5) APPLICABILITY.—Notwithstanding any other provision of this subsection, the term ''covered employee'' shall not, for purposes of this subsection, include an employee—

(A) whose appointment is made by the President with the advice and consent of the Senate;

(B) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress; or

(C) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code).

(6) EFFECTIVE DATE.—Paragraphs (2) and (3) shall be effective as of the effective date of the regulations under paragraph (4).

(d) JUDICIAL BRANCH APPOINTMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), the Judicial Conference of the United States shall prescribe regulations to provide for—

(A) veterans' preference in the consideration of applicants for employment, and in the conduct of any reductions in force, within the judicial branch; and

(B) redress procedures for alleged violations of any rights provided for under subparagraph (A).

(2) REGULATIONS TO BE BASED ON EXISTING PROVISIONS.—Under the regulations—

(A) a preference eligible (as defined by section 2108 of title 5, United States Code) shall be afforded preferences similar to those under sections 3309 through 3312, and subchapter I of chapter 35, of such title 5; and

(B) the redress procedures provided for shall be similar to those under the amendments made by section 4.

(3) EXCLUSIONS.—Nothing in the regulations shall apply with respect to—

(A) an appointment made by the President, with the advice and consent of the Senate;

(B) an appointment as a judicial officer;

(C) an appointment as a law clerk or secretary to a justice or judge of the United States; or

(D) an appointment to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code).

(4) CONSULTATION.—The regulations under this subsection shall be prescribed by the Judicial Conference of the United States, in consultation with—

(A) the largest congressionally chartered veterans' service organization;

(B) 2 congressionally chartered veterans' service organizations that represent former noncommissioned officers;

(C) a congressionally chartered veterans' service organization that represents veterans who have fought in foreign wars;

(D) a congressionally chartered veterans' service organization that represents veterans with service-connected disabilities;

(E) a congressionally chartered veterans' service organization that represents veterans of the Vietnam era; and

(F) a congressionally chartered veterans' service organization that represents veterans of World War II, the Korean conflict, the Vietnam era, and the Persian Gulf War.

(5) DEFINITIONS.—For purposes of this subsection—

(A) the term ''judicial officer'' means a justice, judge, or magistrate judge listed in subparagraph (A), (B), (F), or (G) of section 376(a)(1) of title 28, United States Code; and

(B) the term ''justice or judge of the United States'' has the meaning given such term by section 451 of such title 28.

(6) SUBMISSION TO CONGRESS; EFFECTIVE DATE.—

(A) SUBMISSION TO CONGRESS.—Within 5 months after the date of the enactment of this Act, the Judicial Conference of the United States shall submit a copy of the regulations prescribed under this subsection to the Committee on Government Reform and Oversight and the Committee on the Judiciary of the House of Representatives and the Committee on Governmental Affairs and the Committee on the Judiciary of the Senate.

(B) EFFECTIVE DATE.—The regulations prescribed under this subsection shall take effect 6 months after the date of the enactment of this Act.

SEC. 6. VETERANS' PREFERENCE REQUIRED FOR REDUCTIONS IN FORCE IN THE FEDERAL AVIATION ADMINISTRATION.

Section 347(b) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 460) is amended by striking ''and'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; and'', and by adding at the end the following:

''(8) sections 3501–3504, as such sections relate to veterans' preference.''.

SEC. 7. DEFINITIONAL AMENDMENT.

Subparagraph (A) of section 2108(1) of title 5, United States Code, is amended by inserting ''during a military operation in a qualified hazardous duty area (within the meaning of the first 2 sentences of section 1(b) of Public Law 104–117) and in accordance with requirements that may be prescribed in regulations of the Secretary of Defense,'' after ''for which a campaign badge has been authorized,''.

SEC. 8. FAILURE TO COMPLY WITH VETERANS' PREFERENCE REQUIREMENTS TO BE TREATED AS A PROHIBITED PERSONNEL PRACTICE FOR CERTAIN PURPOSES.

(a) IN GENERAL.—Subsection (b) of section 2302 of title 5, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (10);

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following:

''(11)(A) knowingly take, recommend, or approve any personnel action if the taking of such action would violate a veterans' preference requirement; or

''(B) knowingly fail to take, recommend, or approve any personnel action if the failure to take such action would violate a veterans' preference requirement; or''.

(b) DEFINITION; LIMITATION.—Section 2302 of title 5, United States Code, is amended by adding at the end the following:

''(e)(1) For the purpose of this section, the term 'veterans' preference requirement' means any of the following provisions of law:

''(A) Sections 2108, 3305(b), 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317(b), 3318, 3320, 3351, 3352, 3363, 3501, 3502(b), 3504, and 4303(e) and (with respect to a preference eligible referred to in section 7511(a)(1)(B)) subchapter II of chapter 75 and section 7701.

''(B) Sections 943(c)(2) and 1784(c) of title 10.

''(C) Section 1308(b) of the Alaska National Interest Lands Conservation Act.

''(D) Section 301(c) of the Foreign Service Act of 1980.

''(E) Sections 106(f), 7281(e), and 7802(5) of title 38.

''(F) Section 1005(a) of title 39.

''(G) Any other provision of law that the Director of the Office of Personnel Management designates in regulations as being a veterans' preference requirement for the purposes of this subsection.

''(H) Any regulation prescribed under subsection (b) or (c) of section 1302 and any other regulation that implements a provision of law referred to in any of the preceding subparagraphs.

''(2) Notwithstanding any other provision of this title, no authority to order corrective action shall be available in connection with a prohibited personnel practice described in subsection (b)(11). Nothing in this paragraph shall be considered to affect any authority under section 1215 (relating to disciplinary action).''.

(c) REPEALS.—

(1) PROVISIONS OF TITLE 10, UNITED STATES CODE.—Section 1599c of title 10, United States Code, and the item relating to such section in the table of sections at the beginning of chapter 81 of such title are repealed.

(2) SECTION 2302(a)(1) OF TITLE 5, UNITED STATES CODE.—Subsection (a)(1) of section 2302 of title 5, United States Code, is amended to read as follows:

''(a)(1) For the purpose of this title, 'prohibited personnel practice' means any action described in subsection (b).''.

(d) SAVINGS PROVISION.—This section shall be treated as if it had never been enacted for purposes of any personnel action (within the meaning of section 2302 of title 5, United States Code) preceding the date of the enactment of this Act.

Mr. CLELAND. Mr. President, I want to compliment the distinguished Senator from Nebraska on his tremendous work and the work of his staff in putting together this legislation. He and his team have worked closely with me and my staff. This legislation is a result of their efforts.

It is my pleasure to join my distinguished colleague, Senator HAGEL, in cosponsorship of this important bill to improve our veterans preference system. As the former head of the Veterans Administration myself, I certainly see the need for it.

During World War II, America decided to pay special recognition to the men and women who have defended our freedom by serving in the armed forces. The Veterans Preference Act has been the law of the land since 1944. The premise of this law is simple. When veterans return to civilian life after serving in combat, they are given a preference if all other factors are equal when they seek to work for the Federal Government. I do not think anyone could argue with offering such a preference to the men and women of who risked their lives in service to this Nation.

That simple premise still holds true today. While we live in a time of relative peace, the sacrifices made by our men and women in uniform who serve in or near combat are just as great. We must remain steadfast in our commitment to our veterans.

Unfortunately, after over 50 years of operation, the preference is not working as intended. Today, many veterans do not receive the hiring preference guaranteed to them. It brings to my mind a quote from one of Wellington's troops:

> In time of war and not before, God and the soldier men adore. But in time of peace with all things righted, God is forgotten and the soldier slighted.

We are slighting our soldiers by not honoring a commitment made to them in recognition of their sacrifice. There is compelling anecdotal evidence that leads us to believe that the current law is not working. Furthermore, the General Accounting Office has concluded through its review of the veterans preference program that in many instances, veterans are less likely than other applicants to be hired for Federal jobs.

We believe this is wrong. We need to put more teeth in our veterans preference law.

Our bill has seven simple parts to it.

First, it will create an effective redress system for men and women whose veterans preference rights are violated.

Second, it will remove artificial barriers that bar qualified veterans from competing for Federal jobs.

Third, it will prohibit unfair personnel practices which rig the system against job protection rights of veterans.

Fourth, it will provide enhanced opportunity for veterans to find other Federal jobs during reductions in force.

Fifth, it will extend the veterans preference to nonpolitical jobs in the legislative and judicial branches and the White House.

Sixth, our bill will make a violation of veterans preference laws a prohibited personnel practice, providing enhanced for disciplinary measure for those who wilfully violate the law.

Finally, the measure extends the preference to those men and women now serving in Bosnia.

Our bill is supported by all of the major veterans service organizations including The American Legion, AMVETS, the Veterans of Foreign Wars, the Retired Enlisted Association, the Air Force Sergeants Association, the Blinded American Veterans Foundation, the Blinded Veterans Association, the Disabled Veterans, the Fleet Reserve Association, the Jewish War Veterans of the USA, the Korean War Veterans Association, the Military Order of the Purple Heart, the National Association for Uniformed Services, the National Military and Veterans Alliance, the Naval Reserve Association, the Noncommissioned Officers Association, the Paralyzed Veterans of America, and the Vietnam Veterans of America.

As a Vietnam Veteran, I look forward to working with my fellow Vietnam Veteran, Senator HAGEL, on passing this critical legislation to strengthen the veterans preference program. I urge the support of my colleagues and this bill's swift passage.

I yield the floor.

By Mr. GRASSLEY (for himself, Mr. DURBIN, and Mr. DASCHLE)

S. 1024. A bill to make chapter 12 of title 11 of the United States Code permanent, and for other purposes; to the Committee on the Judiciary.

THE FAMILY FARMER PROTECTION ACT OF 1997

Mr. GRASSLEY. Mr. President, I rise today to introduce the Working Family Farmer Protection Act of 1997. As the only family farmer in the Senate, I feel I have a unique responsibility to make sure that family farming remains a strong and vibrant part of American life. For generations, family farms have fed this country. But the global marketplace presents some new and unique challenges to the family farmer. That's why I'm introducing the Family Farmer Protection Act today, on behalf of myself and Senator DURBIN.

This bill makes chapter 12 of the Bankruptcy Code permanent. Currently, chapter 12 is due to expire in 1998, and I think it would be a terrible error if this Congress did not act now to reauthorize chapter 12 on a permanent basis.

In order to understand why we need to make chapter 12 permanent, I think we have to go back a decade or so to the 1980's farm crisis. During the mid-1980's, the agricultural economy in the Midwest took a sharp downturn. And many family farmers were forced into bankruptcy. At that time, the only choice a family farmer had was to go into chapter 11 of the Bankruptcy Code. Under chapter 11, the creditors form a committee and help to draw up a reorganization plan. Most family farms only had one major creditor—the bank with the mortgage on the farm. And that one creditor was able to keep farmers from reorganizing in an effective way. As a result, the family farmers who filed chapter 11 were frequently forced out of farming. In short, the family farm was on a fast track to extinction, and family farmers were fast becoming an endangered species.

That's why in 1986 I drafted an entirely new chapter of the Bankruptcy Code to preserve the family farm. That chapter is chapter 12. Chapter 12 simply limits the power of the bank to exercise a veto over a farmer's reorganization plan.

I think it's very important to realize that chapter 12 is not a handout or a get-out-of-debt-free card. Farmers are hard-working people who want the chance to earn their way. In fact, chapter 12 is modeled on chapter 13, where individuals set up plans to repay a portion of their debts.

Chapter 12 has been wildly successful. So many times in Washington we develop programs and laws with the best of intentions. But when these programs get to the real world, they don't work well. Chapter 12, on the other hand, has worked exactly as intended. According to a recent University of Iowa study, 74 percent of family farmers who filed

chapter 12 bankruptcy are still farming and 61 percent of farmers who went through chapter 12 believe that chapter 12 was helpful in getting farmers back on their feet.

In conclusion, chapter 12 works and it works well. Let's make sure that we keep this safety net for family farmers in place. I urge my colleagues to think of this bill as a low-cost insurance policy for an important part of America's economy and America's heritage.

By Mr. GRAHAM (for himself, Mr. MACK, and Mr. GRASSLEY):

S. 1025. A bill to provide for a study of the south Florida high-intensity drug trafficking area, and for other purposes; to the Committee on the Judiciary.

EXPANSION OF SOUTH FLORIDA HIDTA TO INCLUDE I–4 CORRIDOR LEGISLATION

Mr. GRAHAM. Mr. President, today I am introducing a bill, cosponsored by Mr. MACK and Mr. GRASSLEY, which will expand the existing south Florida high-intensity drug trafficking area [HIDTA], to include the Interstate 4 corridor which runs between Daytona Beach and the Tampa Bay area in my home State of Florida.

Illegal drug activities continue to plague the State of Florida. In 1994, more than $5 billion in funds from cocaine traffic were laundered through south Florida and the I–4 corridor. Over 23 metric tons of cocaine were seized during that same time period. Over 250 organized drug trafficking groups have been identified as operating between south Florida and the I–4 corridor. These statistic are staggering. While some progress is being made to limit the spread of illegal drugs, there is still a lot of work to be done. I continuously hear from the law enforcement personnel operating along the I–4 corridor that they are being overwhelmed by the growth in drug trafficking activities in that area. Drug traffickers are becoming increasingly proficient in distributing drugs. They are using high technology equipment to evade detection. They have an extensive communications network, and almost unlimited funds with which to pursue their illegal activities. Current law enforcement assets are simply no match for the highly organized drug operators. Seized assets from drug traffickers in this area during 1996 included over $425 million in currency and property. The basic problem is how do we compete with these highly funded and well equipped drug trafficking organizations?

I repeatedly hear the same story from the Drug Enforcement Administration, the Customs Service, the FBI, and the Florida Department of Law Enforcement; they need help. This is a problem which impacts not only the State of Florida, but it also impacts the entire Nation as illegal drugs are distributed from the I–4 corridor to other parts of the country.

The statistics on the growth of the drug industry along the I–4 corridor are sobering. Nationwide, cheap, high purity heroin is making a comeback in popularity, and demand is on the rise. The drug syndicates are meeting the growing demands. Cocaine continues as a popular recreational drug. As long as there is a demand, drug dealers continue to find ways to meet that demand. Despite a massive education and public awareness campaign to warn teenagers about the dangers of drug use, teen drug arrests have more than doubled in the past 5 years. Some of those arrested are as young as 12 years old. In the Orlando area, over 1,500 teens between the ages of 12 and 17 years old were arrested for using or selling illegal drugs in 1995. The city of Orlando, through which the I–4 corridor runs, ranked fifth in the Nation for cocaine-related deaths per capita in 1995. Other crimes such as shootings, carjackings, robbery, and gang activities are byproducts of the drug problem, and are also on the rise in our local communities. We are truly battling for the lives of our young people.

There is a general feeling of despair among the various agencies trying to combat this problem. We need to be proactive in helping them. Because of its central location, the I–4 corridor is emerging as a hub used increasingly by international drug syndicates to distribute their goods throughout the Nation. This is a problem which affects us all. The use of illegal drugs and drug related deaths are increasing at an alarming rate.

As we saw with the establishment of a HIDTA in south Florida, a coordinated Federal, State, and local effort is the key to bringing this problem under control. This HIDTA has proven itself as a model of efficiency and effectiveness in controlling the expansion of drug activities in the area. The existing south Florida HIDTA is a model of the results which can occur when the various law enforcement agencies mount a coordinated battle with a unified strategy of engagement. We have seen moderation in the drug related incidents since the south Florida HIDTA was established in 1990. In fact, the success of the south Florida HIDTA is partially responsible for the increase in illegal drug activity along the I–4 corridor.

Expanding this successful HIDTA to include the I–4 corridor makes common sense. It will allow us to devote additional resources to combat a problem which has nationwide implications. By implementing a coordinated enforcement strategy directed at combating the problems of illegal drugs and violent crime, we demonstrate to the drug community that we are dedicated to facing this battle head on—and finally, it will show that we are committed protecting the future of our young people.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. MOYNIHAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 22, a bill to establish a bipartisan national commission to address the year 2000 computer problem.

S. 25

At the request of Mr. MCCAIN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 25, a bill to reform the financing of Federal elections.

S. 852

At the request of Mr. LOTT, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 885

At the request of Mr. D'AMATO, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 885, a bill to amend the Electronic Fund Transfer Act to limit fees charged by financial institutions for the use of automatic teller machines, and for other purposes.

S. 951

At the request of Mr. TORRICELLI, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 951, a bill to reestablish the Office of Noise Abatement and Control in the Environmental Protection Agency.

S. 977

At the request of Mr. TORRICELLI, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 977, a bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal lands, and to designate certain Federal lands as Ancient Forests, Roadless Areas, Watershed Protection Areas, Special Areas, and Federal Boundary Areas where logging and other intrusive activities are prohibited.

S. 1013

At the request of Mr. FRIST, the name of the Senator from Tennessee [Mr. THOMPSON] was added as a cosponsor of S. 1013, a bill to provide for the guarantee of the payment of interest on loans to certain air carriers for the purchase of regional jet aircraft to improve air transportation to underserved markets, and for other purposes.

At the request of Mr. FRIST, the name of the Senator from Montana [Mr. BURNS] was withdrawn as a cosponsor of S. 1013, supra.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 38

At the request of Mr. ROTH, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Concurrent Resolution 38, a concurrent resolution to state the sense of the Congress regarding the obligations of the People's Republic of China under the Joint Declaration and the Basic Law to ensure that Hong Kong remains autonomous, the human rights of the people of Hong Kong remain protected, and the government of the Hong Kong SAR is elected democratically.

SENATE RESOLUTION 108—EXPRESSING THE SENSE OF THE SENATE

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

S. RES. 108

Whereas, The Boeing Company and McDonnell Douglas have announced their merger; and

Whereas, The Department of Defense has approved that merger as consistent with the national security of the United States; and

Whereas, The Federal Trade Commission has found that merger not to violate the anti-trust laws of the United States; and

Whereas, The European Commission has consistently criticized and threatened the merger before, during and after its consideration of the facts; and

Whereas, The sole true reason for the European Commission's criticism and imminent disapproval of the merger is to gain an unfair competitive advantage for Airbus, a government owned aircraft manufacturer;

Now therefore, It is the Sense of the Senate that any such disapproval on the part of the European Commission would constitute an unwarranted and unprecedented interference in a United States business transaction that would threaten thousands of American aerospace jobs; and

The Senate suggests that the President take such actions as he deems appropriate to protect U.S. interests in connection therewith.

AMENDMENTS SUBMITTED

THE FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

McCONNELL (AND LEAHY) AMENDMENT NO. 876

Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill (S. 955) making appropriations for foreign operations, export financing, related programs for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 27, line 15 insert the following new sections:

(Q) None of the funds appropriated under this heading or in prior appropriations legislation may be made available to establish a joint public-private entity or organization engaged in the management of activities or projects supported by the Defense Enterprise Fund.

(R) 60 days after the date of enactment of this Act, the Administrator of AID shall report to the Committees on Appropriations on the rate of obligation and risk and anticipated returns associated with commitments made by the U.S. Russia Investment Fund. The report shall include a recommendation on the continued relevance and advisability of the initial planned life of project commitment.

LEAHY (AND MCCONNELL) AMENDMENTS NOS. 877–879

Mr. MCCONNELL (for Mr. LEAHY, for himself and Mr. MCCONNELL) proposed three amendments to the bill, S. 955, supra; as follows:

AMENDMENT NO. 877

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

DEVELOPMENT CREDIT AUTHORITY

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans and loan guarantees in support of the development objectives of the Foreign Assistance Act of 1961 (FAA), up to $10,000,000, which amount may be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 and funds appropriated by this Act under the heading ''Assistance for Eastern Europe and the Baltic States'', to remain available until expended: *Provided,* That of this amount, up to $1,500,000 for administrative expenses to carry out such programs may be transferred to and merged with ''Operating Expenses of the Agency for International Development'': *Provided further,* That the provisions of section 107A(d) (relating to general provisions applicable to development credit authority) of the Foreign Assistance Act of 1961, as added by section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this paragraph: *Provided further,* That direct loans or loan guarantees under this paragraph may not be provided until the Director of the Office of Management and Budget has certified to the Committees on Appropriations that the Agency for International Development has established a credit management system capable of effectively managing the credit programs funded under this heading, including that such system: (1) can provide accurate and timely provision of loan and loan guarantee data, (2) contains information control systems for loan and loan guarantee data, (3) is adequately staffed, and (4) contains appropriate review and monitoring procedures.

AMENDMENT NO. 878

On page 20, line 14, after the word ''paragraph'' insert the following: ''*Provided further,* That up to $22,000,000 made available under this heading may be transferred to the Export Import Bank of the United States, and up to $8,000,000 of the funds made available under this heading may be transferred to the Micro and Small Enterprise Development Program, to be used for the cost of direct loans and loan guarantees for the furtherance of programs under this heading: *Provided further,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974''.

AMENDMENT NO. 879

On page 97, line 5, strike the words ''between the United States and the Government of Indonesia''.

On page 97, line 6, insert a comma after the word ''sale'' and strike the word ''or''.

On page 97, line 7, after the word ''transfer'' insert '', or licensing''.

On page 97, line 7, after the word ''helicopter'' insert ''for Indonesia entered into by the United States''.

McCONNELL (AND LEAHY) AMENDMENTS NOS. 880–882

Mr. MCCONNELL (for himself and Mr. LEAHY) proposed three amendments to the bill, S. 955, supra; as follows:

AMENDMENT NO. 880

On page 102, line 9, after the word ''1998.'', insert the following:

EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN COUNTRIES

SEC. 575. Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking ''1996'' and 1997'' and inserting ''1998 and 1999''.

SEC. 576. ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES.

(a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting before the period at the end the following: ''and $60,000,000 for fiscal year 1998''.

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by adding at the end the following: ''Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.''.

SEC. 577. DELIVERY OF DRAWDOWN BY COMMERCIAL TRANSPORTATION SERVICES.

Section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318) is amended—

(1) in subsection (b)(2), by striking the period and inserting the following: '', including providing the Congress with a report detailing all defense articles, defense services, and military education and training delivered to the recipient country or international organization upon delivery of such articles or upon completion of such services or education and training. Such report shall also include whether any savings were realized by utilizing commercial transport services rather than acquiring those services from United States Government transport assets.'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) For the purpose of any provision of law that authorizes the drawdown of defense or other articles or commodities, or defense or other services from an agency of the United States Government, such drawdown may include the supply of commercial transportation and related services that are acquired by contract for the purposes of the drawdown in question if the cost to acquire such commercial transportation and related services is less than the cost to the United States Government of providing such services from existing agency assets.''.

AMENDMENT NO. 881

On page 34, line 21, after the word ''Act'' insert the following: '': *Provided further,* That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).''

AMENDMENT NO. 882

On page 24, line 9 insert after the word ''resolution'' the following: ''*Provided further,*

That the Secretary shall submit such determination and certification prior to March 31, 1998.''

LEAHY (AND BIDEN) AMENDMENT NO. 883

Mr. MCCONNELL (for Mr. LEAHY, for himself and Mr. BIDEN) proposed an amendment to the bill, S. 955, supra; as follows:

On page 92, line 16, strike ''is authorized to'' and insert ''shall''.

On page 92, line 21, strike ''should'' and insert ''shall''.

BROWNBACK AMENDMENT NO. 884

Mr. BROWNBACK proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROMOTION OF RELIGIOUS FREEDOM AND HUMAN RIGHTS.

(a) REPORTS.—Not later than March 30, 1998, and each subsequent year thereafter, the Secretary of State shall submit to the International Relations Committee of the House of Representatives and the Foreign Relations Committee of the Senate an annual report on religious persecution on a country-by-country basis. Reports shall include a list of individuals who have been materially involved in the commission of acts of persecution that are motivated by a person's religion.

(b) PRISONER INFORMATION REGISTRY.—The Secretary of State shall establish a Prisoner Information Registry which shall provide information on all political prisoners, prisoners of conscience, and prisoners of faith on a country-by-country basis. Such information shall include the charges, judicial processes, administrative actions, use of forced labor, incidences of torture, length of imprisonment, physical and health conditions, and other matters related to the incarceration of such prisoners. The Secretary of State is authorized to make funds available to nongovernmental organizations presently engaged in monitoring activities regarding such prisoners to assist in the creation and maintenance of the registry.

(c) SENSE OF CONGRESS CONCERNING ESTABLISHMENT OF A COMMISSION ON SECURITY AND COOPERATION IN ASIA.—It is the sense of the Congress that Congress, the President, and the Secretary of State should work with the governments of the People's Republic of China and other countries to establish a Commission on Security and Cooperation in Asia which would be modeled after the Commission on Security and Cooperation in Europe.

SEC. . UNITED STATES INTELLIGENCE ACTIVITIES RELATED TO MONITORING HUMAN RIGHTS ABUSES AND RELIGIOUS PERSECUTION.

(a) IN GENERAL.—The President shall devote additional personnel and resources to gathering intelligence information regarding human rights abuses and acts of religious persecution.

(b) REPORT.—Not later than March 30, 1998, the President shall submit to the International Relations Committee of the House of Representatives and the Foreign Relations Committee of the Senate a report on the number of personnel and resources that are being devoted to gathering intelligence information regarding human rights abuses and acts of religious persecution.

MCCONNELL (AND OTHERS) AMENDMENT NO. 885

Mr. MCCONNELL (for himself, Mr. LEAHY, Mr. STEVENS, Mr. BYRD, and Mr. ABRAHAM) proposed an amendment to the bill, S. 955, supra; as follows:

On page 17, line 14, strike the number ''$2,585,100,000'' and insert in lieu thereof, ''$2,541,150,000''.

On page 17, line 20, after the word ''later:'' insert ''*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:''

On page 33, line 26, strike the number ''$3,265,000,000'' and insert in lieu thereof ''$3,308,950,000''.

On page 34, line 3, after the word ''Israel'' insert '', and not less than $1,300,000,000 shall be made available for grants only for Egypt.''

MCCONNELL (AND OTHERS) AMENDMENT NO. 886

Mr. MCCONNELL (for himself, Mr. LEAHY, Mr. ROBB, Mr. KERREY, and Mr. HAGEL) proposed an amendment to the bill, S. 955, supra; as follows:

On page 11, line 14 strike all after the word ''Of'' through page 12, line 13, ending with the number ''1997.'' and insert in lieu thereof the following: ''None of the funds appropriated by this Act may be made available for activities or programs in Cambodia until the Secretary of State determines and reports to the Committees on Appropriations that the Government of Cambodia has: (1) not been established in office by the use of force or a coup d'etat; (2) discontinued all political violence and intimidation of journalists and members of opposition parties; (3) established an independent election commission; (4) protected the rights of voters, candidates, and election observers and participants by establishing laws and procedures guaranteeing freedom of speech and assembly; and (5) eliminated corruption and collaboration with narcotics smugglers: *Provided,* That the previous proviso shall not apply to humanitarian programs or other activities administered by nongovernmental organizations: *Provided further,* That 30 days after enactment of this Act, the Secretary of State, in consultation with the Director of the Federal Bureau of Investigations, shall report to the Committees on Appropriations on the results of the FBI investigation into the bombing attack in Phnom Penh on March 30, 1997.''

MCCONNELL (AND OTHERS) AMENDMENT NO. 887

Mr. MCCONNELL (for himself, Mr. LEAHY, Mr. KERREY, and Mr. HAGEL) proposed an amendment to the bill, S. 955, supra; as follows:

On page 96, line 20 strike all after the word ''Cambodia'' through page 97, line 2, ending with the word ''smugglers.'' and insert in lieu thereof the following: ''has: (1) not been established in office by the use of force or a coup d'etat; (2) discontinued all political violence and intimidation of journalists and members of opposition parties; (3) established an independent election commission; (4) protected the rights of voters, candidates, and election observers and participants by establishing laws and procedures guaranteeing freedom of speech and assembly; and (5) eliminated corruption and collaboration with narcotics smugglers.''

SMITH OF OREGON (AND OTHERS) AMENDMENT NO. 888

Mr. SMITH of Oregon (for himself, Mr. NICKLES, Mr. THOMAS, Mr. HUTCHINSON, Mr. GORTON, Mr. BRYAN, Mr. KEMPTHORNE, Mr. HELMS, Mr. D'AMATO, Mr. BENNETT, and Mr. SMITH of New Hampshire) proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place in the bill, insert the following new section, the renumber the remaining sections accordingly:

SEC. . TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF RUSSIA SHOULD IT ENACT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION.

None of the funds appropriated under this Act may be made available for the Government of Russian Federation unless the President determines and certifies in writing to the Committee on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has enacted no statute or promulgated no executive order that would discriminate, or would have as its principal effect discrimination, against religious minorities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a signatory, including the European Convention and the 1989 Vienna Concluding Document of the Conference on Security and Cooperation in Europe.

SMITH OF OREGON (AND OTHERS) AMENDMENT NO. 889

Mr. SMITH of Oregon (for himself, Mr. NICKLES, Mr. KEMPTHORNE, Mr. BRYAN, and Mr. REID) proposed an amendment to the bill, S. 955, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

SEC. . TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF RUSSIA SHOULD IT ENACT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION.

None of the funds appropriated under this Act may be made available for the Government of Russian Federation unless the President determines and certifies in writing to the Committee on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has enacted no statute or promulgated no executive order that would discriminate, or would have as its principal effect discrimination, against religious minorities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a signatory, including the European Convention and the 1989 Vienna Concluding Document of the Conference on Security and Cooperation in Europe.

This section shall become effective one day after the enactment of this bill.

HUTCHINSON AMENDMENT NO. 890

Mr. HUTCHINSON proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place in the bill insert the following: ''It is the sense of the Senate that the nondiscriminatory treatment extended to the People's Republic of China on

May 29, 1997, pursuant to section 402(c) of the Trade Act of 1974 should be withdrawn.''

ALLARD AMENDMENT NO. 891

Mr. ALLARD proposed an amendment to the bill, S. 955, supra; as follows:

On page 4, line 22, strike ''$32,000,000'' and insert ''$21,000,000''.

BROWNBACK AMENDMENT NO. 892

Mr. BROWNBACK proposed an amendment to the bill, S. 955, supra; as follows:

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

SEC. . SENSE OF THE SENATE REGARDING SUPPORT FOR COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA.

Congress makes the following findings:

(1) the ancient Silk Road, once the economic lifeline of Central Asia and the South Caucasus, traversed much of the territory now within the countries of Armenia, Azerbijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

(2) Economic interdependence spurred mutual cooperation among the peoples along the Silk Road and restoration of the historic relationships and economic ties between those peoples is an important element of ensuring their sovereignty as well as the success of democratic and market reforms.

(3) The development of strong political and economic ties between countries of the South Caucasus and Central Asia and the West will foster stability in the region.

(4) The development of open market economies and open democratic systems in the countries of the South Caucasus and Central Asia will provide positive incentives for international private investment, increased trade, and other forms of commercial interactions with the rest of the world.

(5) The Caspian Sea Basin, overlapping the territory of the countries of the South Caucasus and Central Asia, contains proven oil and gas reserves that may exceed $4,000,000,000,000 in value.

(6) The region of the South Caucasus and Central Asia will provide oil and gas in sufficient quantities to reduce the dependence of the United States on energy from the volatile Persian Gulf region.

(7) United States foreign policy and international assistance should be narrowly targeted to support the economic and political independence of the countries of the South Caucasus and Central Asia.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the policy of the United States in the countries of the South Caucasus and Central Asia should be—

(1) to promote sovereignty and independence with democratic government;

(2) to assist actively in the resolution of regional conflicts;

(3) to promote friendly relations and economic cooperation; and

(4) to help promote market-oriented principles and practices;

(5) to assist in the development of infrastructure necessary for communications, transportation, and energy and trade on an East-West axis in order to build strong international relations and commerce between those countries and the stable, democratic, and market-oriented countries of the Euro-Atlantic Community; and

(6) to support United States business interests and investments in the region.

(c) DEFINITION.—In this section, the term ''countries of the South Caucasus and Central Asia'' means Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgystan, Tajikistan, Turkmenistan, and Uzbekistan.

GORTON (AND OTHERS) AMENDMENT NO. 893

Mr. GORTON (for himself, Mr. DURBIN, Mr. MCCONNELL, and Mr. D'AMATO) proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING ESTONIA, LATVIA, AND LITHUANIA.

It is the sense of the Senate that Estonia, Latvia, and Lithuania—

(1) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(2) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(3) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 894

Mr. MURKOWSKI (for himself, Mr. MCCAIN, and Mr. NICKLES) proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place, insert the following: ''*Provided further,* That funds appropriated under this heading to the Korean Peninsula Economic Development Organization (KEDO) may only be obligated if the Secretary of State certifies and reports to the Congress that during the fiscal year the military armistice agreement of 1953 has not been violated by North Korea.''

BINGAMAN AMENDMENTS NOS. 895–896

Mr. BINGAMAN proposed two amendments to the bill, S. 955, supra; as follows:

AMENDMENT NO. 895

At the appropriate place, insert the following:

SEC. . TRAVEL TO CUBA.

(a) PROHIBITION.—The President shall not restrict travel to Cuba by United States citizens or other persons subject to the jurisdiction of the United States, except in the case in which the United States is at war, where armed hostilities are in progress in or around Cuba, or where there is imminent danger to the public health or the physical safety of the United States travelers to Cuba.

(b) SUPERSEDES EXISTING LAW.—This section supersedes any other provision of law.

(c) DEFINITION.—For purposes of this section the term ''United States'' includes the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

AMENDMENT NO. 896

At the appropriate place, insert the following:

SEC. . PROTECTION OF HUMANITARIAN EFFORTS.

Notwithstanding any provision of law to the contrary.

(1) no person subject to U.S. law as it pertains to expenditures of money in Cuba shall be prohibited from sending to his or her parent, sibling, spouse, or child currently residing in Cuba small amounts of money (not to exceed $200 per month) to be used for the purchase of basic necessities, including food, clothing, household supplies, rent, medicines, and medical care;

(2) Each person subject to U.S. law as it pertains to expenditures of money in Cuba in relation to travel to Cuba shall be free to travel without limitation for periods not to exceed 30 days per any one trip to attend to a medical emergency involving, or to attend the funeral of, such person's parent, sibling, spouse, or child; and

(3) the United States government shall not be prohibited from participating in humanitarian relief efforts of multilateral organizations of which the United States is a member, where such humanitarian relief efforts are made in the aftermath of a natural disaster on the island of Cuba.

BOXER (AND OTHERS) AMENDMENT NO. 897

Mrs. BOXER (for herself, Mr. ALLARD, Mr. SMITH of New Hampshire, Mr. LEAHY, and Mr. TORRICELLI) proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place, insert:

WILDLIFE CONSERVATION

SEC. . Of the funds appropriated by this Act, not more than $2,900,000 may be made available for the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) in Zimbabwe: *Provided,* That none of the funds appropriated by this Act may be used to directly finance the trophy hunting of elephants or other endangered species as defined in the convention on International Trade in Endangered Species of Flora and Fauna (CITES) or the Endangered Species Act: Provided further, That the funds appropriated by this Act that are provided under the CAMPFIRE program may not be used for activities with the express intent to lobby or otherwise influence international conventions or treaties, or United States government decision makers: *Provided further,* That funds appropriated by this Act that are made available for the CAMPFIRE program may be used only in Zimbabwe for the purpose of maximizing benefits to rural people while strengthening natural resources management institutions: *Provided further,* That not later than March 1, 1998, the Administrator of the Agency for International Development shall submit a report to the appropriate congressional committees describing the steps taken to implement the CAMPFIRE program, the impact of the program on the people and wildlife of CAMPFIRE districts, alternatives to trophy hunting as a means of generating income for CAMPFIRE districts, and a description of how funds made available for CAMPFIRE in fiscal year 1998 are to be used.

SPECTER AMENDMENT NO. 898

Mr. SPECTER proposed an amendment to the bill, S. 955, supra; as follows:

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

SEC. . RESTRICTION ON ASSISTANCE MADE TO THE PALESTINIAN AUTHORITY.

None of the funds appropriated or otherwise made available by this Act may be obligated or expended with respect to providing funds to the Palestinian Authority, unless the President certifies to Congress that:

(1) the Palestinian Authority is using its maximum efforts to combat terrorism, and, in accordance with the Oslo Accords, has ceased the use of violence, threat of violence, or incitement to violence as a tool of the Palestinian Authority's policy toward Israel;

(2) after a full investigation by the Department of Justice, the Executive branch of Government concludes that Chairman Arafat had no prior knowledge of the World Trade Center bombing; and

(3) after a full inquiry by the Department of State, the Executive branch of government concludes that Chairman Arafat did not authorize and did not fail to use his authority to prevent the Tel Aviv cafe bombing of March 21, 1997.

HARKIN (AND OTHERS) AMENDMENT NO. 899

Mr. HARKIN (for himself, Mr. WARNER, Mr. TORRICELLI, Mr. SANTORUM, and Mr. JOHNSON) proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . DEMOCRACY-BUILDING ACTIVITY IN PAKISTAN.

(a) OPIC.—Section 239(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(f)) is amended by inserting '', or Pakistan'' after ''China''.

(b) TRAINING ACTIVITY.—Section 638(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2398(b)) is amended—

(1) by inserting ''or any activity to promote the development of democratic institutions'' after ''activity''; and

(2) by inserting '', Pakistan,'' after ''Brazil''.

(c) TRADE AND DEVELOPMENT.—It is the sense of Congress that the Director of the Trade and Development Agency should use funds made available to carry out the provisions of section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421) to promote United States exports to Pakistan.

DODD (AND OTHERS) AMENDMENT NO. 900

Mr. DODD (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. LUGAR, Mr. DOMENICI, Mrs. HUTCHISON, Mr. COCHRAN, Mr. HAGEL, Mr. WARNER, Mr. KERREY, and Mr. INOUYE) proposed an amendment to the bill, S. 955, supra; as follows:

On page 102, between lines 9 and 10, insert the following:

TEMPORARY SUSPENSION OF DRUG CERTIFICATION PROCEDURES

SEC. 575. (a) FINDINGS.—Congress makes the following findings:

(1) The international drug trade poses a direct threat to the United States and to international efforts to promote democracy, economic stability, human rights, and the rule of law.

(2) The United States has a vital national interest in combating the financial and other resources of the multinational drug cartels, which resources threaten the integrity of political and financial institutions both in the United States and abroad.

(3) Approximately 12,800,000 Americans use illegal drugs, including 1,500,000 cocaine users, 600,000 heroin addicts, and 9,800,000 marijuana users.

(4) Illegal drug use occurs among members of every ethnic and socioeconomic group in the United States.

(5) Drug-related illness, death, and crime cost the United States approximately $67,000,000,000 in 1996, including costs for lost productivity, premature death, and incarceration.

(6) Worldwide drug trafficking generates revenues estimated at $400,000,000,000 annually.

(7) The United States has spent more than $25,000,000,000 for drug interdiction and source country counternarcotics programs since 1981, and despite impressive seizures at the border, on the high seas, and in other countries, illegal drugs from foreign sources are cheaper and more readily available in the United States today than 20 years ago.

(8) The 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances form the legal framework for international drug control cooperation.

(9) The United Nations International Drug Control Program, the International Narcotics Control Board, and the Organization of American States can play important roles in facilitating the development and implementation of more effective multilateral programs to combat both domestic and international drug trafficking and consumption.

(10) The annual certification process required by section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), which has been in effect since 1986, has failed to foster bilateral or multilateral cooperation with United States counternarcotics programs because its provisions are vague and inconsistently applied and fail to acknowledge that United States narcotics programs have not been fully effective in combating consumption or trafficking in illegal drugs, and related crimes, in the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) existing United States domestic and international counternarcotics program have not reduced the supply of illegal drugs or significantly reduced domestic consumption of such drugs;

(2) the President should appoint a high level task force of foreign policy experts, law enforcement officials, and drug specialists to develop a comprehensive program for addressing domestic and international drug trafficking and drug consumption and related crimes, with particular attention to fashioning a multilateral framework for improving international cooperation in combating illegal drug trafficking, and should designate the Director of the Office of National Drug Policy to chair the task force;

(3) the President should call upon the heads of state of major illicit drug producing countries, major drug transit countries, and major money laundering countries to establish similar high level task forces to work in coordination with the United States; and

(4) not later than one year after the date of enactment of this Act, the President should call for the convening of an international summit of all interested governments to be hosted by the Organization of American States or another international organization mutually agreed to by the parties, for the purpose of reviewing the findings and recommendations of the task forces referred to in paragraphs (1) and (2) and adopting a counternarcotics plan of action for each country.

(c) SUSPENSION OF DRUG CERTIFICATION PROCESS.—(1) Section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), relating to annual certification procedures for assistance for certain drug-producing and drug-transit countries, shall not apply in 1998 and 1999.

(2) The President may waive the applicability of that section in 2000 if the President determines that the waiver would facilitate the enhancement of United States international narcotics control programs.

DODD AMENDMENT NO. 901

Mr. DODD proposed an amendment to amendment No. 900 proposed by him to the bill, S. 955, supra; as follows:

Strike all after the first word in the pending amendment and add in lieu thereof the following—

SUSPENSION OF DRUG CERTIFICATION PROCEDURES.

SEC. 575. (a) FINDINGS.—Congress makes the following findings:

(1) The international drug trade poses a direct threat to the United States and to international efforts to promote democracy, economic stability, human rights, and the rule of law.

(2) The United States has a vital national interest in combating the financial and other resources of the multinational drug cartels, which resources threaten the integrity of political and financial institutions both in the United States and abroad.

(3) Approximately 12,800,000 Americans use illegal drugs, including 1,500,000 cocaine users, 600,000 heroin addicts, and 9,800,000 marijuana users.

(4) Illegal drug use occurs among members of every ethnic and socioeconomic group in the United States.

(5) Drug-related illness, death, and crime cost the United States approximately $67,000,000,000 in 1996, including costs for lost productivity, premature death, and incarceration.

(6) Worldwide drug trafficking generates revenues estimated at $400,000,000,000 annually.

(7) The United States has spent more than $25,000,000,000 for drug interdiction and source country counternarcotics programs since 1981, and despite impressive seizures at the border, on the high seas, and in other countries, illegal drugs from foreign sources are cheaper and more readily available in the United States today than 20 years ago.

(8) The 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances form the legal framework for international drug control cooperation.

(9) The United Nations International Drug Control Program, the International Narcotics Control Board, and the Organization of American States can play important roles in facilitating the development and implementation of more effective multilateral programs to combat both domestic and international drug trafficking and consumption.

(10) The annual certification process required by section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), which has been in effect since 1986, has failed to foster bilateral or multilateral cooperation with United States counternarcotics programs because its provisions are vague and inconsistently applied and fail to acknowledge that United States narcotics programs have not been fully effective in combating consumption or trafficking in illegal drugs, and related crimes, in the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) existing United States domestic and international counternarcotics programs have not reduced the supply of illegal drugs or significantly reduced domestic consumption of such drugs;

(2) the President should appoint a high level task force of foreign policy experts, law enforcement officials, and drug specialists to develop a comprehensive program for addressing domestic and international drug

trafficking and drug consumption and related crimes, with particular attention to fashioning a multilateral framework for improving international cooperation in combating illegal drug trafficking, and should designate the Director of the Office of National Drug Policy to chair the task force;

(3) the President should call upon the heads of state of major illicit drug producing countries, major drug transit countries, and major money laundering countries to establish similar high level task forces to work in coordination with the United States; and

(4) not later than one year after the date of enactment of this Act, the President should call for the convening of an international summit of all interested governments to be hosted by the Organization of American States or another international organization mutually agreed to by the parties, for the purpose of reviewing the findings and recommendations of the task forces referred to in paragraphs (1) and (2) and adopting a counternarcotics plan of action for each country.

(c) SUSPENSION OF DRUG CERTIFICATION PROCESS.—(1) Section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), relating to annual certification procedures for assistance for certain drug-producing and drug-transit countries, shall not apply in 1998 and 1999.

(2) The President may waive the applicability of that section in 2000 if the President determines prior to December 31, 1999 that the waiver would facilitate the enhancement of United States international narcotics control programs.

GORTON (AND OTHERS) AMENDMENT NO. 902

Mr. GORTON (for himself, Mrs. FEINSTEIN, Mrs. MURRAY, and Mrs. BOXER) proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place, insert the following:

The Boeing Company and McDonnell Douglas have announced their merger; and

The Department of Defense has approved that merger as consistent with the national security of the United States; and

The Federal Trade Commission has found that merger not to violate the antitrust laws of the United States; and

The European Commission has consistently criticized and threatened the merger before, during, and after its consideration of the facts; and

The sole true reason for the European Commission criticism and imminent disapproval of the merger is to gain an unfair competitive advantage for Airbus, a government-owned aircraft manufacturer;

Now therefore, It is the sense of the Senate that any such disapproval on the part of the European Commission would constitute an unwarranted and unprecedented interference in a United States business transaction that would threaten thousands of American aerospace jobs; and

The Senate suggests that the President take such actions as he deems appropriate to protect U.S. interests in connection therewith.

DEWINE AMENDMENT NO. 903

Mr. DEWINE proposed an amendment to the bill, S. 955, supra; as follows:

On page 10, line 4, strike ''Institute.'' and insert ''Institute: *Provided further,* That of the funds made available under this heading for Haiti, up to $250,000 may be made available to support a program to assist Haitian children in orphanages.''.

On page 18, line 2, before the period insert the following: '': *Provided further,* That of the amount appropriated under this heading, not less than $500,000 shall be available only for the Special Investigative Unit (SIU) of the Haitian National Police''.

On page 93, strike lines 7 through 24 and insert the following:

LIMITATION ON ASSISTANCE FOR HAITI

SEC. . (a) LIMITATION.—None of the funds appropriated or otherwise made available by this Act may be provided to the Government of Haiti unless the President reports to Congress that the Government of Haiti—

(1) is conducting thorough investigations of extrajudicial and political killings;

(2) is cooperating with United States authorities in the investigations of political and extrajudicial killings;

(3) has made demonstrable progress in privatizing major governmental parastatals, including demonstrable progress toward the material and legal transfer of ownership of such parastatals; and

(4) has taken action to remove from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights.

(b) EXCEPTIONS.—The limitation in subsection (a) does not apply to the provision of humanitarian, electoral, counter narcotics, or development assistance.

(c) WAIVER.—The President may waive the requirements of this section on a semiannual basis if the President determines and certifies to the appropriate committees of Congress that such waiver is in the national interest of the United States.

(d) PARASTATALS DEFINED.—As used in this section, the term ''parastatal'' means a government-owned enterprise.

KYL AMENDMENTS NOS. 904–905

Mr. MCCONNELL (for Mr. KYL) proposed two amendments to the bill, S. 955, supra; as follows:

AMENDMENT NO. 904

On page 23, line 17, insert after *''Provided,''* the following: ''That of the funds made available for Ukraine under this subsection, not less than $25,000,000 shall be available only for comprehensive legal restructuring necessary to support a decentralized market-oriented economic system, including the enactment of all necessary substantive commercial law and procedures, the implementation of reforms necessary to establish an independent judiciary and bar, the education of judges, attorneys, and law students in the comprehensive commercial law reforms, and public education designed to promote understanding of commercial law necessary to Ukraine's economic independence: *Provided further,''.*

AMENDMENT NO. 905

On page 25, line 24, insert after ''reactor'' the following: ''or ballistic missiles''

BAUCUS AMENDMENT NO. 906

Mr. MCCONNELL (for Mr. BAUCUS) proposed an amendment to the bill, S. 955, supra; as follows:

On page 102, between lines 9 and 10, insert the following:

USE OF FUNDS FOR THE UNITED STATES-ASIA ENVIRONMENTAL PARTNERSHIP

SEC. . Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this or any other Act making appropriations pursuant to part I of the Foreign Assistance Act of 1961 that are made available for the United States-Asia Environmental Partnership may be made available for activities for the People's Republic of China.

ENZI (AND OTHERS) AMENDMENT NO. 907

Mr. MCCONNELL (for Mr. ENZI for himself, Mr. KERRY, and Mr. BYRD) proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place in the bill, insert the new section as follows:

SEC. . REQUIREMENTS FOR THE REPORTING TO CONGRESS OF THE COSTS TO THE FEDERAL GOVERNMENT ASSOCIATED WITH THE PROPOSED AGREEMENT TO REDUCE GREENHOUSE GAS EMISSIONS.

(a) The President shall provide to the Congress a detailed account of all federal agency obligations and expenditures for climate change programs and activities, domestic and international, for FY 1997, planned obligations for such activities in FY 1998, and any plan for programs thereafter in the context of negotiations to amend the Framework Convention on Climate Change (FCCC) to be provided to the appropriate congressional committees no later than October 15, 1997.

HAGEL (AND SARBANES) AMENDMENT NO. 908

Mr. MCCONNELL (for Mr. HAGEL for himself and Mr. SARBANES) proposed an amendment to the bill, S. 955, supra; as follows:

On page 102, between lines 9 and 10, insert the following:

SEC. . AUTHORITY TO ISSUE INSURANCE AND EXTEND FINANCING.

(a) IN GENERAL.—Section 235(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)) is amended—

(1) by striking paragraphs (1) and (2)(A) and inserting the following:

''(1) INSURANCE AND FINANCING.—(A) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 234(a), and the amount of financing issued under sections 234 (b) and (c), shall not exceed in the aggregate $29,000,000,000.'';

(2) by redesignating paragraph (3) as paragraph (2); and

(3) by amending paragraph (2) (as so redesignated) by striking ''1997'' and inserting ''1999''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 235(a) of that Act (22 U.S.C. 2195(a)), as redesignated by subsection (a), is further amended by striking ''(a) and (b)'' and inserting ''(a), (b), and (c)''.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 909

Mr. MCCONNELL (for Mr. LAUTENBERG, for himself, Mr. KENNEDY, Mr. MOYNIHAN, Mr. D'AMATO, Mr. TORRICELLI, and Ms. MIKULSKI) proposed an amendment to the bill, S. 955, supra; as follows:

On page 102, between lines 9 and 10, insert the following:

WITHHOLDING ASSISTANCE TO COUNTRIES VIOLATING UNITED NATIONS SANCTIONS AGAINST LIBYA

SEC. 575. (a) WITHHOLDING OF ASSISTANCE.—Except as provided in subsection (b), whenever the President determines and certifies

to Congress that the government of any country is violating any sanction against Libya imposed pursuant to United Nations Security Council Resolution 731, 748, or 883, then not less than 5 percent of the funds allocated for the country under section 653(a) of the Foreign Assistance Act of 1961 out of appropriations in this Act shall be withheld from obligation and expenditure for that country.

(b) EXCEPTION.—The requirement to withhold funds under subsection (a) shall not apply to funds appropriated in this Act for allocation under section 653(a) of the Foreign Assistance Act of 1961 for development assistance or for humanitarian assistance.

LEAHY AMENDMENT NO. 910

Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill, S. 955, supra; as follows:

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

SEC. . WAR CRIMES PROSECUTION.

(a) Section 2401 of Title 18, United States Code (Public Law 104–192; the War Crimes Act of 1996) is amended as follows:

(1) in subsection (a), by striking ''commits a grave breach of the Geneva Conventions'' and inserting in lieu thereof ''commits a war crime'';

(2) in subsection (b)—

(A) by striking ''the person committing such breach or the victim of such breach'' and inserting in lieu thereof ''the person committing such crime or the victim of such crime''; and

(B) by inserting before the period at the end of the subsection ''or that the person committing such crime is later found in the United States after such crime is committed'';

(3) in subsection (c)—

(A) by striking ''the term 'grave breach of the Geneva Conventions' means conduct defined as'' and inserting in lieu thereof ''the term 'war crime' means conduct (1) defined as''; and

(B) by inserting the following before the period at the end: ''; (2) prohibited by Articles 23, 25, 27, or 28 of the Annex to the Hague Convention IV, Respecting the Laws and Customs of War on Land, signed on October, 1907; (3) which constitutes a violation of common Article 3 of the international conventions signed at Geneva on August 1949; or (4) of a person who, in relation to an armed conflict and contrary to the provisions of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and Other Devices as amended at Geneva on 3 May 1996 (Protocol II as amended on 3 May 1996), when the United States is a party to such Protocol, willfully kills or causes serious injury to civilians'';

(4) by adding a new subsection (d) to read as follows:

''(d) NOTIFICATION.—No prosecution of any crime prohibited in this section shall be undertaken by the United States except upon the written notification to the Congress by the Attorney General or his designee that in his judgment a prosecution by the United States is in the national interest and necessary to secure substantial justice.''.

DOMENICI AMENDMENT NO. 911

Mr. MCCONNELL (for Mr. DOMENICI) proposed an amendment to the bill, S. 955, supra; as follows:

On page 28, line 19 after the word ''country'' insert the following: ''*Provided further,* That of this amount not to exceed $5 million shall be allocated to operate the Western Hemisphere International Law Enforcement Academy under the auspices of the Organization of American States with full oversight by the Department of State.''

DODD (AND OTHERS) AMENDMENT NO. 912

Mr. MCCONNELL (for Mr. DODD, for himself, Mr. LEAHY, and Mr. JEFFORDS) proposed an amendment to the bill, S. 955, supra; as follows:

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

REFORM AND REVIEW OF UNITED STATES SPONSORED TRAINING PROGRAMS

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

(1) United States training of members of Latin American military and security forces that occurred primarily at the Army School of the Americas between 1982 and 1991 has been severely criticized for promoting practices that have contributed to the violation of human rights and have otherwise been inconsistent with the appropriate role of the Armed Forces in a democratic society.

(2) Numerous members of Latin American military and security forces who have participated in United States sponsored training programs, have subsequently been identified as having masterminded, participated in, or sought to cover up some of the most heinous human rights abuses in the region.

(3) United States interests in Latin America would be better served if Latin American military personnel were exposed to training programs designed to promote—

(A) proper management of scarce national defense resources,

(B) improvements in national systems of justice in accordance with internationally recognized principles of human rights, and

(C) greater respect and understanding of the principle of civilian control of the military.

(4) In 1989, Congress mandated that the Department of Defense institute new training programs (commonly referred to as expanded IMET) with funds made available for international military and education programs in order to promote the interests described in paragraph (3). Congress also expanded the definition of eligibility for such training to include non-defense government personnel from countries in Latin America.

(5) Despite congressionally mandated emphasis on expanded IMET training programs, only 4 of the more than 50 courses offered annually at the United States Army School of the Americas qualify as expanded IMET.

(b) LIMITATION OF USE OF FUNDS.—Notwithstanding any other provision of law, none of the funds appropriated in this Act under the heading relating to international military education and training may be made available for training members of any Latin American military or security force until—

(1) the Secretary of Defense has advised the Secretary of State in writing that 30 percent of IMET funds appropriated for fiscal year 1998 for the cost of Latin American participants in IMET programs will be disbursed only for the purpose of supporting enrollment of such participants in expanded IMET courses; and

(2) the Secretary of State has identified sufficient numbers of qualified, non-military personnel from countries in Latin America to participate in IMET programs during fiscal year 1998 in consultation with the Secretary of Defense, and has instructed United States embassies in the hemisphere to approve their participation in such programs so that not less than 25 percent of the individuals from Latin American countries attending United States supported IMET programs are civilians.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of State shall report in writing to the appropriate committees of Congress on the progress made to improve military training of Latin American participants in the areas of human rights and civilian control of the military. The Secretary shall include in the report plans for implementing additional expanded IMET programs for Latin America during the next 3 fiscal years.

TORRICELLI AMENDMENT NO. 913

Mr. MCCONNELL (for Mr. TORRICELLI) proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place, insert the following:

SEC. . LIBERATION TIGERS OF TAMIL EELAM.

SENSE OF SENATE.—It is the sense of the Senate that the Department of State should list the Liberation Tigers of Tamil Eelam as a terrorist organization.

DURBIN AMENDMENT NO. 914

Mr. MCCONNELL (for Mr. DURBIN) proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place in the bill insert the following:

LIMITATION ON INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE FOR PERU

SEC. . None of the funds appropriated or otherwise made available by this Act may be provided to the Government of Peru for international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961, unless the President certifies to Congress that the Government of Peru is taking all necessary steps to ensure that United States citizens held in prisons in Peru are accorded timely, open, and fair legal proceedings in civilian courts.

LEAHY (AND OTHERS) AMENDMENT NO. 915

Mr. MCCONNELL (for Mr. LEAHY, for himself, Mr. LUGAR, and Mr. SARBANES) proposed an amendment to the bill, S. 955, supra; as follows:

On page 43, line 3 after the word ''(IAEA).'' insert the following new section:

SEC. . AUTHORIZATION REQUIREMENT FOR INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) The Secretary of the Treasury may, to fulfill commitments of the United States, (1) effect the United States participation in the first general capital increase of the European Bank for Reconstruction and Development, subscribe to and make payment for 100,000 additional shares of the capital stock of the Bank on behalf of the United States; and (2) contribute on behalf of the United States to the eleventh replenishment of the resources of the International Development Association, to the sixth replenishment of the resources of the Asian Development Fund, a special fund of the Asian Development Bank. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: (1) $285,772,500 for paid-in capital, and $984,327,500 for callable capital of the European Bank for Reconstruction and Development; (2) $1,600,000,000 for the International Development Association; (3) $400,000,000 for the Asian Development Fund; and (4) $76,832,001 for paid-in capital, and $4,511,156,729 for callable capital of

the Inter-American Development Bank in connection with the eighth general increase in the resources of that Bank. Each such subscription or contribution shall be subject to obtaining the necessary appropriations.

(b) Section 17 of the Bretton Woods Agreement Act, as amended (22 U.S.C. 286e–2 et seq.) is amended as follows:

(1) Section 17(a) is amended by striking ''and February 24, 1983'' and inserting instead ''February 24, 1983, and January 27, 1997''; and by striking ''4,250,000,000'' and inserting instead ''6,712,000,000''.

(2) Section 17(b) is amended by striking ''4,250,000,000'' and inserting instead ''6,712,000,000''.

(3) Section 17(b) is amended by inserting ''or the Decision of January 27, 1997,'' after ''February 24, 1983,''; and by inserting ''or the New Arrangements to Borrow, as applicable'' before the period at the end.

(c) The authorizations under this section are subject to the Senate Foreign Relations Committee reporting out an * * *.

D'AMATO (AND OTHERS) AMENDMENT NO. 916

Mr. MCCONNELL (for Mr. D'AMATO, for himself, Mr. HELMS, and Mr. FAIRCLOTH) proposed an amendment to the bill, S. 955, supra; as follows:

On page 42, line 4, insert after the period the following: ''Notwithstanding any other provision of law, none of the funds appropriated under this heading may be made available until the relevant Committees of Congress have reviewed the new arrangements for borrowing by the International Monetary Fund provided for under this heading and authorizing legislation for such borrowing has been enacted.''.

LEAHY AMENDMENT NO. 917

Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill, S. 955, supra; as follows:

On page 30, line 9, after the word ''Act'' insert ''or the Foreign Assistance Act of 1961''.

FAIRCLOTH AMENDMENT NO. 918

Mr. MCCONNELL (for Mr. FAIRCLOTH) proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place, insert:

None of the funds appropriated or otherwise made available by this Act may be provided to the Government of the Congo until such time as the President reports in writing to the Congress that the Government of Congo is cooperating fully with investigators from the United Nations or any other international relief organizations in accounting for human rights violations or atrocities committed in Congo or adjacent countries.

LOTT (AND OTHERS) AMENDMENT NO. 919

Mr. MCCONNELL (for Mr. LOTT, for himself, Mr. LIEBERMAN, Mr. SMITH of Oregon, Mr. HOLLINGS, Mr. SHELBY, Mr. ROTH, Mr. BIDEN, Mr. DEWINE, Mr. COATS, Mr. HAGEL, Mr. FRIST, and Mr. MCCONNELL) proposed an amendment to the bill, S. 955, supra; as follows:

On page 34, and the end of line 21 strike the period and insert: ": *Provided further,* That $60,000,000 of the funds appropriated or otherwise made available under this heading shall be made available for the purpose of facilitation the integration of Poland, Hungary, and the Czech Republic into the North Atlantic Treaty Organization: *Provided further,* That, to carry out funding the previous proviso, all or part of the $60,000,000 may be derived by transfer notwithstanding any other provision of law, from titles I, II, III, and IV of this Act.''

THE LEGISLATIVE BRANCH APPROPRIATIONS ACT FOR FISCAL YEAR 1998

BINGAMAN AMENDMENT NO. 920

Mr. BENNETT (for Mr. BINGAMAN) proposed an amendment to the bill (S. 1019) making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 38, line 2, insert before the period the following: ": *Provided further,* That $4500,000 shall be available only or expenditure on studies and assessments, to be carried out by not-for-profit scientific, technological, or educational institutions, of the matters described in section 472(c) of title 2, United States Code: *Provided further,* That topics for studies and assessments under the previous proviso, and the institutions designated to carry out the studies and assessments, shall be selected by the voting members of the Technology Assessment Board under section 473 of title 2, United States Code, from among topics requested pursuant to paragraphs (1) or (2) of section 472(d) of such title''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, July 16, 1997 at 9 a.m. in SR–328A to receive testimony regarding energy security and agricultural energy issues.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Wednesday, July 16, 1997, at 9:30 a.m., to receive testimony from Jamie Rappaport Clark, nominated by the President to be Director, U.S. Fish and Wildlife Service.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 16, 1997, at 2 p.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Wednesday, July 16, 1997, at 10 a.m. for a hearing on campaign financing issues.

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, July 16, 1997, at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: ''A Review of the Global Tobacco Settlement.''

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 16, 1997, at 2:30 p.m. until business is completed to hold a business meeting to consider the investigation into the contested Louisiana Senate election.

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

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Senate Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, July 16, 1997, at 2 p.m. to hold a hearing in room 226, Senate Dirksen Building, on: ''S. 539, The Television Improvement Act.''

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

ADDITIONAL STATEMENTS

TRIBUTE TO JUDGE DONALD H. PATTERSON

• Mr. SHELBY. Mr. President, I rise today in honor of Judge Donald H. Patterson who died at age 61 on May 28, 1997 after his courageous 7-month battle with lung disease. Donald Patterson was a friend, dedicated father and community leader who was respected by all who knew him. Judge Patterson honorably served the people of Lauderdale County, AL, as an elected judge in the 11th Judicial District of Alabama.

Don grew up in Florence, AL and then received both his bachelor's and law degrees from the University of Alabama. Always a leader, Don was president of the student government association while at the university. Following his graduation from law school, Don served active duty in the U.S. Army, and later, 6 years in the U.S. Army Reserve.

In 1959, Don began his law practice with Bert Haltrom. The two continued to practice until Bert Haltrom was appointed U.S. district court judge. Until Don's election to the circuit court in 1989, he practiced law with Florence attorney Gary Jester.

Judge Patterson was a true gentleman and leader. His Christian values

are reflected not only in the way he lived his life, but in the many organizations he led, belonged to and served. Until his passing, Judge Patterson was a member of the Alabama Judicial Study Commission and a director of the Alabama Circuit Court Judges Association.

Additionally, Judge Patterson served as chairman of the Florence-Lauderdale Industrial Expansion Committee; director of the chamber of commerce; past president of the Florence Rotary Club, and a recipient of the Paul Harris Fellow of Rotary International Award. Furthermore, he served numerous other legal, civic, and Christian groups.

Judge Patterson was a first-rate judge and lawyer—always very professional and knowledgeable. As a Sunday school teacher and past chairman of the board of the First Methodist Church of Florence, he was an exemplary citizen, leader, and role model. And as a husband, father, grandfather, and friend, Don was a compassionate and wonderful human being.

My prayers go out to Don's family and friends. Don Patterson's lifelong dedication to community and country made our world a better place—he will be sorely missed.●

RESPONSE TO THE AMERICAN LEGION

● Mr. KERREY. Mr. President, recently I received a letter from the national vice commander of the American Legion expressing his displeasure with my concerns with the process surrounding the selection of a site and design for the World War II Memorial.

As a matter of public record, I would like to submit my response and an article from the May 23, 1997, issue of the Washington Post. The Washington Post article discusses the recent problems with the Korean War Memorial, including flooding and damage to shade trees in the surrounding areas. I thought this article might be of interest to the American Legion and my colleagues.

The material follows:

U.S. SENATE,
Washington, DC, July 15, 1997.

ROBERT L. BOWEN,
National Vice Commander, The American Legion, Woodbridge, VA.

DEAR MR. BOWEN: Although I am opposed to the selection of the Rainbow Pool Site, I fully support the construction of a memorial to the veterans of World War II and have even called for the construction of a museum. The struggle and sacrifices made by my parents' generation during the most pivotal event of the 20th Century is a story that must be thoroughly told to my children and grandchildren's generations.

There is a process for building a memorial—any memorial—on Federal property, which has many steps and procedures. Currently there is some confusion as to whether this process is being properly followed, because of an apparent rush for approval and completion. The result could cause the construction of a memorial not befitting to those it portends to honor, and puts at peril the sacred space that is our National Mall.

Certainly you are aware of the situation concerning the Korean War Memorial (please see the attached article from the Washington Post.). This memorial has been closed almost as much as it has been open to the public in its two years and is already suffering from disrepair and flooding problems because of its location on the Mall—which lies on a flood plain.

The current proposed site for the World War II memorial lies on this same flood plain and, besides its 50-foot-high berms and 7.4 acres of land space, calls for a significant amount of subterranean construction.

Because there have been no studies as to the effects of subterranean construction on this site and the Mall, nor any studies on the impact the size and scope of the proposed memorial will have on the Mall, I am concerned about its long term impact and the cost to taxpayers, the City and the Federal government. Because once the memorial is completed, it will be turned over to the National Park Service for overall maintenance and thus will be supported by taxpayer dollars.

I am absolutely concerned with how our veterans of World War II are honored. That is why I am particularly troubled that the National Park Service has ruled it will close any memorial built on the Rainbow Pool Site during July 4th weekend celebrations, because the Rainbow Pool Site is the launch location of the fireworks display. This seems to belabor the point that not enough scrutiny is being given to what is being built, where.

I appreciate and share your concern about the progress of the World War II memorial and will continue to work on behalf of the veterans and the American people to ensure that a proper and fitting monument is constructed and that the integrity of our National Mall is maintained.

Please feel free to contact me in the future if you have any further concerns and I hope you will join me in my efforts.

Sincerely,

BOB KERREY.

[From the Washington Post, May 23, 1997]

NEGLECTED BUT NOT FORGOTTEN, KOREAN WAR MEMORIAL GETS HELP

(By Linda Wheeler)

Officials of the troubled Korean War Veterans Memorial have promised the fountain will flow and the walkway will be open for the country's official observance of Memorial Day on Monday.

The two-year-old monument, near the Lincoln Memorial, was partially closed in September when the fountain broke, walkway paving stones buckled and 40 dead shade trees were removed. Since then, various federal agencies and private contractors involved with the memorial have argued over who will pay for the repairs.

Some of the work is being done under warranty, said American Battle Monuments Commission spokesman Joe Purka. The commission built the memorial and has agreed to fund $100,000 in repairs until liability is determined.

Purka said the commission, founded in 1923, has responsibility for maintaining 24 American military cemeteries in foreign lands and 27 memorials here and in other countries. He said the commission took the money for emergency repairs to the Korean War Veterans memorial from a general fund that is to be reimbursed.

The World War II Memorial, planned for the Rainbow Pool site on the Mall, is also a commission project.

Last week, Sen. John Glenn (D–Ohio), a Korean War hero and a sponsor of the memorial, sent a tersely worded letter to the commission, the Army Corps of Engineers as general contractor and the National park Service after news accounts of the memorial's condition. In the May 13 letters, he said he wanted the memorial fixed promptly.

''It is disrespectful to our Korean War veterans to see the national memorial to their service in such disrepair,'' he wrote. ''I would hesitate to take a visitor to this memorial, which I supported and worked for over several years.''

Purka said Glenn's letters ''may have added a little impetus'' in getting repairs underway.

Yesterday, water flowed through the fountain again, and two ducks paddled around the circular pool. Nearby a grader pushed fine, crushed gravel into the pool and the walkway were closed off with yellow tape and orange cones.

John LeGault, 65, a Korean War veteran visiting from Montrose, Colo., said Wednesday he wasn't surprised to see the memorial torn up. ''Who cares?'' he asked. ''That was the forgotten war and this is the forgotten memorial. Considering how long it took to build it, it will take another 2 to fix it.''

William Weber, also a Korean War veteran and chairman of the Gen. Richard G. Stilwell Korean War Veterans Memorial Fund Inc., said he understands LeGault's frustration. He and other board members struggled for nine years to raise the $18 million to build the memorial, only to see problems show up within six months of the July 27, 1995, dedication by President Clinton.

''The memorial seemed to deteriorate so quickly and then it took so long to take action to do the repairs,'' Weber said. ''Many of us were very frustrated.''

Weber said supporters of the memorial have recognized the need for a private fund to handle large repairs not covered by the Park Service but have only recently begun to raise money.

Care of the nation's memorials falls to the Park Service when they are built on federal parkland. However, over the years maintenance costs have risen with aging memorials and Congress has tightened the Park Service's budget.

Since 1986, builders of memorials have been required to set aside 10 percent of the construction costs for the Park Service's use. For the Korean War Veterans Memorial, about $1.2 million was turned over to the Park Service, Purka said. However, the Park Service said those funds are for routine care—not major repairs such as the fountain and the $30,000 tree replacement.

The Park Service has replaced dead shrubs around the 19 stainless steel soldier figures that are part of the memorial and has enhanced the lighting for nighttime visits.

Weber said there will be a small ceremony at the memorial on Monday to mark the holiday. About 70 Korean War veterans are expected to gather at 1 p.m. for the presentation of the colors and the laying of a wreath.

Park Service spokesman Earle Kittleman said the agency was pleased the work at the memorial finally was getting done. For months, he had to respond to phone calls and letters from concerned veterans.

''We want visitors to the parks to be able to walk into the memorial without running into obstacles and closed areas,'' he said. ''We are happy that all the parties have worked together and everything will be ready for Memorial Day.''●

EXPLANATION OF SELECTED VOTES TO THE TAXPAYER RELIEF ACT OF 1997

● Mr. ABRAHAM. Mr. President, now that the Taxpayer Relief Act of 1997

has passed the Senate, I wanted to take a few moments to discuss several of the more important votes that took place.

The first of these was the Daschle amendment. This amendment constituted a comprehensive substitute to the Finance Committee plan, but I believe it failed to live up to the spirit of the budget agreement between congressional leadership and the Clinton administration.

The Daschle substitute would have provided only $68.5 billion in net tax cuts to the American people—not the $85 billion called for in the budget agreement. An $85 billion tax cut represented less than 1 percent of the total tax burden over the next 5 years, yet the Daschle substitute would have reduced that relief by almost 20 percent. The Daschle amendment reduced the $500 per child tax credit to $350. It excluded millions of tax-paying families with teenage children from receiving any tax relief at all, including as many as 50,000 families in Michigan. And it drastically reduced the capital gains tax relief for seniors and small businessmen. For these reasons, I opposed it.

There were several amendments targeted at the Finance Committee's $500 per child tax credit. The Kerry amendment would have made the child tax credit refundable against FICA tax payments. To pay for refundability, the amendment would have reduced the income levels at which the credit is phased-out.

Mr. President, I support making the family tax cuts in this legislation broader to include lower-income families, but I oppose taking tax relief away from middle-class families to do so. The Kerry amendment would have eliminated the $500 credit for millions of middle-class families who pay almost 40 percent of their income in taxes while redirecting that relief towards families with no income tax burden and actually receive money from the Federal Government.

A similar amendment, offered by Senator LANDRIEU, would have permitted families receiving payments under the earned income credit to also receive full $500 per child tax credits. Senator LANDRIEU would have offset these new payments by reducing the allowable family income from $110,000 to $75,000. Once again, this amendment would have taken relief away from taxpaying families. While I support giving tax relief to families of all incomes, it is not right to take tax relief away from families earning as little as $75,000 to make it possible.

An amendment which I supported was offered by Senator GRAMM to provide the full $500 per child tax credit to parents of children ages 13 to 17. Under the Finance bill, the full child credit would only go to those parents who deposit it into a qualified tuition savings plan for their children. For those parents who are unable to afford such a plan, or whose children do not go to college, they would only qualify for a reduced tax credit. I disagree with this approach, and supported the Gramm amendment. The whole purpose of the $500 per child credit is to let families keep more of what they earn so they can spend that money on their priorities, not the Federal Governments. In Michigan, thousands of families have children who choose not to go to college. I do not believe they should be penalized for making that choice.

Senator JEFFORDS offered an amendment to make the existing dependent care tax deduction refundable. I support making childcare available to more parents, but I am concerned that the Jeffords amendment would create a bias against small, neighborhood child care givers and towards large, accredited facilities. Specifically, the Jeffords amendment would give families a larger tax credit for sending their children to an accredited facility than if they chose a smaller, unaccredited caregiver. I believe this is a poorly thought out provision which create an unjustified intrusion by the Federal Government into the child care decisions of parents. Rather than allow parents to make their own child care decisions free from a biased tax code, this amendment would have placed parents in a position of losing part of their tax credit just because they chose the neighbor they know and trust, rather than the stranger working at the large, accredited child care center. For that reason, I opposed the amendment.

Another amendment I opposed was the Kennedy amendment to raise the cigarette excise tax by an additional 23 cents. Senator KENNEDY's intention was to use the $12 billion raised by this tax to provide additional funding for children's health insurance.

Mr. President, I support the underlying bill's provision to ensure that deserving children get adequate funding to meet the health insurance challenge. The Finance Committee bill, as amended by the Senate, would spend $24 billion over the next 5 years, or about $1,600 per child to address this issue. Senator KENNEDY's amendment would provide an additional $12 billion over 5 years for health insurance coverage. Mr. President, I believe it is incumbent upon Senator KENNEDY and other supporters of this higher level of funding to demonstrate how these sums could be effectively spent to combat a problem that the Clinton administration has agreed could be solved with a lower funding level. In my opinion, Senator KENNEDY failed to make that case, and for that reason I opposed the Kennedy amendment.

One amendment which I supported was offered by Senator DURBIN to provide the self-employed with the ability to deduct 100 percent of their health insurance costs. I believe the current policy toward self-employed Americans is unfair and discriminatory and I supported the Durbin amendment in an effort to ensure that this issue was addressed by the conference committee. While the Durbin amendment failed on a point of order, a subsequent Nickles amendment to provide 100 percent deductibility by the year 2007 was adopted and will likely be made part of the bill sent to the President. I supported that amendment as well, and look forward to seeing this provision made law.

A final effort which I supported was the McCain point of order against the creation of an intercity passenger rail fund. My vote in support of Senator MCCAIN should not be interpreted as a vote against Amtrak. Instead, I opposed this fund because it is designed to skirt the existing budget process and create a bias for Amtrak funding and against other Federal programs, such as veterans' programs, community health centers, and other essential services. In my opinion, the proponents of the Amtrak fund have failed to demonstrate why Amtrak funding should be given a special place of prominence among all other federal programs. Next year, the Federal Government will take in $1.7 trillion in tax revenues. If Amtrak funding is a priority, I am confident that sufficient money can be found in the budget without resorting to tax increases.●

SENATOR TORRICELLI HONORS DEPARTING SWEDISH AMBASSADOR

● Mr. TORRICELLI. Mr. President, I rise today to acknowledge the monumental service and dedication of one of Sweden's finest Ambassadors ever to have served in the United States, Mr. Henrik Liljegren. After 4½ years in Washington, Ambassador Liljegren is being reassigned to Istanbul, Turkey, and I want to take this opportunity to express my admiration for, and gratitude to, this skilled diplomat.

Ambassador Liljegren has spent his time in Washington carefully fostering a new level of understanding between our two countries. The end of the cold war has created new perspectives for Sweden's foreign policy, and new opportunities for Sweden and the United States to further their relationship. Ambassador Liljegren is well respected for his willingness to promote closer ties between the people of our two great nations.

His strategy for strengthening United States-Swedish ties has been multifaceted and creative. For example, he recently testified before the Senate Banking, Housing, and Urban Affairs Committee to help determine whether or not neutral countries had profited from their policies during the Second World War. Ambassador Liljegren was aware of the State Department's Eizenstat Report, which was stern in its condemnation of neutral states during this period, and was forthcoming in explaining his country's policies vis-a-vis the Third Reich. His testimony was influential in drawing attention to the systematic effort on the part of the Swedish Foreign Ministry to assist the Jews during World War II.

On behalf of my colleagues in the Senate and the entire Nation, I want to

again express our gratitude for Ambassador Liljegren's service, and wish him the best of luck as he continues his career in Turkey.●

TRIBUTE TO STEPHANIE A. FRANK AND ERICK N. VIORRITTO, RECIPIENTS OF THE 1997 WHITE HOUSE PRESIDENTIAL SCHOLARS PROGRAM

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Stephanie A. Frank of Dover, NH, and Erick N. Viorritto of Manchester, NH, on being selected as the Granite State winners of the 1997 White House Presidential Scholars Program sponsored by General Motors and Saturn. Stephanie and Erick were chosen on the basis of academic and artistic success, leadership, and involvement in their school and community. Each student also selected the teacher who has had the most impact on his or her accomplishments.

Stephanie and Erick, along with their parents and honored teachers, spent a week in Washington, and attended the Presidential Scholar Medallion ceremony hosted by President Clinton. Stephanie, a graduate of Dover High School in Dover, NH, brought her teacher Mr. Christopher Lawrence to accompany her on the trip, while Erick, a graduate of Manchester's West High School in Manchester, NH, brought his teacher Mr. Gaston P. Normand, Jr., for the festivities.

Founded in 1964 by President Lyndon B. Johnson, the White House Presidential Scholars Program honors the Nation's most accomplished students. This year, 141 high school seniors were chosen from among 2,600 eligible candidates on the basis of academic and artistic success, leadership, and involvement in their school and community.

As a former high school teacher myself, I commend Stephanie and Erick for their hard work and outstanding achievements. Congratulations to Stephanie and Erick on this distinguished honor. It is an honor to represent these outstanding students in the U.S. Senate.●

IMPRESSIVE LEADERSHIP BY THE WORLD COMMITTEE ON DISABILITY

● Mr. KENNEDY. Mr. President, half a billion people throughout the world have disabilities, and 85 percent of them live in poverty. In many countries, disability can be a barrier to the many aspects of life that those of us without disabilities often take for granted. It has been 15 years since the United Nations World Programme of Action Concerning Disabled Persons was adopted to improve the lives of citizens with disabilities in their nations. As a result, many countries are responding to the United Nations challenge and doing more to help citizens with disabilities live fuller and more productive lives.

In 1996, the World Committee on Disability, an organization dedicated to supporting the U.N. Programme, initiated an annual award named for President Franklin Delano Roosevelt to honor nations that make significant progress toward meeting the United Nations goals. On September 15, 1996, the first FDR International Disability Award went to President Kim Young Sam of South Korea. The award is a bust of FDR and a $50,000 donation to a Korean non-governmental disability organization, and it recognizes South Korea's impressive strides in improving the lives of its citizens with disabilities. South Korea has taken steps to legislate needed protections and to provide physical and employment rehabilitation services. Buildings, education, and employment are being made accessible to those with disabilities. President Kim is also waging a public awareness campaign to involve more nondisabled South Koreans in the lives of those with disabilities.

I commend South Korea for the progress it is making. The 1996 award is a great honor for that country, and an example for other nations. Already, President Kim has created a fellowship fund to provide assistance to 10 outstanding Koreans with disabilities each year, and other nations are following South Korea's leadership.

This international award is also a reminder that there is still much more to do to ensure that persons with disabilities have the opportunity to become independent and productive citizens and lead fulfilling lives. I commend the World Committee on Disability for its leadership. I look forward to this year's award and to continuing to make worldwide progress on this extremely important issue.●

HOLLY A. CORNELL

● Mr. SMITH of Oregon. Mr. President, I am saddened to note the passing of Holly A. Cornell of Charbonneau, one of Oregon's leading citizens, who died at his home on July 1 after a long illness at the age of 83. A July 7 memorial service for Mr. Cornell was held at the LaSells Stewart Alumni Center on the Oregon State University Campus in Corvallis.

Mr. Cornell, a founding partner and the ''C'' in what became Oregon's own CH2M HILL, was the international engineering and environmental consulting firm's first employee. He returned to Corvallis after World War II to cofound the firm that was to become Cornell, Howland Hayes & Merryfield [CH2M]. He managed numerous water, wastewater and industrial projects for CH2M, and opened the firm's Seattle office. He also served as director of technology, president and chief executive officer and chairman of the board.

Among his many accomplishments were ushering CH2M HILL into the computer age, and managing complex projects such as the Milwaukee Metropolitan Sewerage District's pollution abatement project. At the time of Mr. Cornell's 1980 retirement, CH2M HILL had grown from a four-partner office in a second-floor Corvallis office to an international consulting firm employing 1,900 professionals in 20 U.S. offices and two overseas locations.

His legacy, which is one of the Nation's largest employee owned companies, has become a $1 billion a year business which employs more than 7,000 employees in 120 worldwide locations.

Mr. Cornell is the second CH2M HILL founder to pass away. Fred Merryfield, the Oregon State engineering professor who conceived the idea for the firm, died in 1977. The other founders are retired, but remain active in CH2M HILL affairs, in their communities and in their personal lives.

Ralph R. Peterson, CH2M HILL's president and CEO, said,

> It was my personal pleasure to work with Holly from the time I joined the firm in 1965 until Holly's retirement in 1980. Of course, he excelled at whatever job he undertook, but what I remember most of Holly during those times are the lasting relationships he forged with clients, on projects: clients and projects like to Boeing 747 Assembly Plant in Everett, Washington; and the Denver Water Board's Foothills Water Treatment plant in Denver. These became landmark projects, but what is truly impressive is that those clients are still valued CH2M HILL clients today.

Mr. Cornell was born in Boise, ID in 1914 and earned a bachelor's degree in civil engineering from Oregon State College in 1939. He earned a master's degree from Yale and worked for the Standard Oil Co. in California before being called to active Army duty in 1941. Mr. Cornell served with distinction in the Army Corps of Engineers in Europe during World War II and received the Bronze Star medal. He was executive officer of an engineer group under Gen. George Patton that repaired Germany's famed Remagen Bridge, enabling Allied forces to cross the Rhine.

Mr. Cornell was active in numerous professional societies including the American Consulting Engineers Council, the American Society of Civil Engineers, the American Water Works Association, and the Professional Engineers of Oregon. The latter society recently named him Oregon Engineer of the Year. He also was active in a university fraternal organization, Phi Delta Theta, and several honorary societies including Phi Kappa Phi and Tau Beta Pi.

Mr. Cornell enjoyed golf and travel. His wife, Cleo, preceded him in death. He is survived by a son, Stephen Cornell, Seattle; a daughter, Cynthia Wildfong, Castle Rock, CO; and three grandchildren.●

CONGRATULATING THE SIOUX FALLS VA MEDICAL AND REGIONAL OFFICE CENTER

● Mr. JOHNSON. Mr. President, I rise today to offer my congratulations to Director R. Vincent Crawford and his staff at the VA Medical and Regional

Office Center [VAMROC] in Sioux Falls on receiving the Disabled American Veterans' 1997 Large Employer of the Year Award. This award is a testament to VAMROC's continuing efforts to hire disabled veterans, and I am honored that VAMROC's work was recognized by DAV.

This national award is presented annually by the DAV to a business with more than 200 employees who assertively hire disabled veterans. The center's Vocational Rehabilitation and Counseling Division provides veterans with valuable work experience and training positions, which opens up new employment opportunities within South Dakota's VA medical centers, and with the private sector. The per capita rate of veterans placed in employment by the VAMROC's Vocational Rehabilitation and Counseling Division leads the Veterans Benefits Administration Regional Offices in this category.

The VAMROC works in conjunction with the local union representing its employees to ensure that disabled veterans will receive consideration for job openings at VAMROC. Recent veterans employment statistics show that of VAMROC's 704 employees, 219 were veterans for a 31-percent employment rate. Of these 219 veterans, 60 were disabled veterans and 163 were Vietnam era veterans.

Mr. President, I always have felt that veterans in South Dakota are extremely fortunate to have such high quality facilities, doctors, staff, and administrators at our VA hospitals that provide care second to none. VAMROC certainly exemplifies this commitment to our veterans. Our veterans made a commitment to their Nation, trusting that when they needed help, the Nation would honor that commitment. VAMROC's leadership and dedication is an example of how our Nation can best serve the needs of our veterans. Again, I congratulate Director Crawford and his staff at VAMROC on receiving this award of accomplishment, and I thank them for their continued service to South Dakota's veterans.●

RECOGNITION OF CHARLES ROBERT ''BOB'' LOCK

● Mr. BOND. Mr. President, today I stand before you to recognize a truly unique individual and personal friend on his 70th birthday. Robert ''Bob'' Lock, born on July 22, 1927, in Marshall, MO, has lived most of his life in Carrollton, MO. Bob has shown the kind of lifelong devotion to his State and country that make it an honor to commend him for his many years of civic contributions.

After joining the Navy and serving his country in World War II, Bob founded Lock Steel Building Co. in 1947, and is still active in the industry today. He has been an active board member of several businesses and philanthropies throughout the years and takes pride in his lifelong work to help those less fortunate than himself.

Always young in spirit and energy, I commend Bob for his generosity and service with a special birthday wish that my friend continues to enrich his community for years to come.●

ENLARGEMENT OF THE EUROPEAN UNION

● Mr. BIDEN. Mr. President, I wish to congratulate the European Union for its decision yesterday to begin membership talks with six countries, five of them in Central and Eastern Europe.

Mr. President, as anyone who has followed my numerous statements on NATO enlargement knows, I have frequently criticized the European Union for not moving speedily enough toward its own stated goal of enlargement. The EU's announcement that it will begin talks early next year with Cyprus, the Czech Republic, Estonia, Hungary, Poland, and Slovenia is welcome for several reasons.

First of all, it recognizes that these are the countries that have already made the most progress in meeting the EU's demanding economic and political qualifications. Five other prospective candidates—Bulgaria, Latvia, Lithuania, Romania, and Slovakia—now realize that they have more work to do.

Second, the naming of five Central and East European countries for the next round of EU enlargement in itself will add to the emerging European security architecture, along with the other web of ties connected with EU membership.

Third, the naming of Cyprus to the list of prime candidates for EU membership should help to move the parties on that island to a final, equitable solution that eliminates the division of the country, which has persisted for twenty-three years.

I do not underestimate the complexity of accession negotiations as the European Union concurrently moves toward ''an ever closer union.'' Nonetheless, I hope that the talks with the six prime candidates will move speedily so that they can join the European Union before the end of this century.

Again, I congratulate the European Union on the step it has taken.●

SITUATION IN BOSNIA

● Mr. KERREY. Mr. President, I rise to comment on the present situation in Bosnia, the small Balkan country which is the scene of a military commitment involving thousands of American military personnel, a significant slice of our military forces, and the logistics and intelligence which support them.

Our military led the way into Bosnia as the NATO alliance took on the role of overseeing the security aspects of the Dayton accords. Our soldiers and other NATO forces have prevented a recurrence of war and they have provided a security umbrella beneath which Bosnian refugees could have returned to their homes and Bosnia could have resumed normal life—if the leaders of the Bosnian factions had permitted it. Unfortunately, these leaders retain office and retain their access to public money through policies of ethnic division and hostility, not policies of reconciliation. Consequently there has been little progress in achieving the political goals of the Dayton accords.

The restoration of Bosnia's economic infrastructure is similarly hobbled, partly because some of the factional leaders prefer the graft inherent in government monopolies to the prosperity that comes from open competition. Another reason is the weakness of the civil component of the international effort to implement Dayton. The diplomats from European Union and NATO countries who are charged with civil implementation have been doing their best, but they lack the authority, the resources, and the planning ability which characterize their NATO military counterparts. The international response to Bosnia is somewhat like a human body which is strong and vibrant on one side, the military side, and weak and withered on the other, civilian, side. This imbalance threatens the success of our military deployment because the civil tasks are the tasks which will bring lasting peace to Bosnia. The economic infrastructure must be restored. Local sectarian barriers must fall and people and trade must move freely throughout the country and across its borders. The rule of law must replace the rule of local bosses and the police must become impartial instruments of the law. Foreign investment, integration with Europe, and the eventual prosperity which is needed to undergird peace will not occur unless these civil tasks are accomplished. Because these tasks are so essential to a successful outcome in Bosnia, our soldiers there will some day be measuring the value of their Bosnia service medals based on how well the civilian component of the effort did its job.

A precondition for democracy in any country is justice: the ability for any citizen to get justice from his or her institutions, and the ability of those institutions to provide justice when crimes are committed. This precondition is lacking in Bosnia. Furthermore, the very concept of justice is daily mocked by the presence in Bosnia of individuals who have been indicted for war crimes by the Hague Tribunal. Until these individuals are tried by the Tribunal, until the people of Bosnia see that the world takes seriously what happened to them and is committed to doing justice, the Bosnians of all ethnic groups have no reason to hope for a better future. If the crimes that occurred during the Bosnian civil war are not publicly brought to closure, if the criminals can just wait out the world's outrage, then there is no reason for the average Bosnian to have any hope in a democratic future.

Mr. President, it is because justice for war crimes is so important that I am particularly pleased at recent news reports that NATO is now acting to capture persons in Bosnia who have been indicted for war crimes. The recent raid conducted by British troops to capture a suspected war criminal who was subsequently transported to the Hague should give hope to ordinary Bosnians that justice will be done and armed thugs will not continue to dominate their local affairs. I applaud the bravery of the British troops in this raid and I urge additional raids by the NATO forces in Bosnia to accomplish this essential and unfinished part of our collective duty.●

RELIGIOUS LIBERTY IN RUSSIA

Mr. BENNETT. Mr. President, I would like to make a very brief statement about an action taken earlier this day when I was unable to comment—the adoption of the Smith amendment as it had to do with religious liberty in Russia.

I know everyone talked about the importance of religious freedom and independent religious liberty, and how important it is for that value to be established in Russia. And I do not want to repeat those arguments. There is just one point I think that needs to be made here.

The psychologists have a term ''xenophobia'' which they use to describe those who have a fear of strangers, or a fear of anything foreign. As we look at the long and troubled history of Russia, and then the Soviet Union, we see that one of the driving forces in that culture has been xenophobia—terrible fear under the czars of any kind of Western influence somehow creeping into Russia; terrible fear under the commissars, or Communist dictators from Lenin and Stalin all the way down through Khrushchev and Brezhnev of anything that they considered to be foreign. It was one of the major problems of the Soviet Union and one of the major difficulties that they had in becoming an accepted part of the world family of nations.

We all rejoiced when the Berlin wall came down, when in the spirit of glasnost—or openness—Mr. Gorbachev led the Soviet Union into an atmosphere of much less xenophobia.

The thing that distresses me the most is the piece of legislation that passed the Russian Parliament, and that is now sitting on President Yeltsin's desk, is that it is a clear return to the days of xenophobia—fear of anything from outside.

Yes. Religious liberty is important. Yes. I voted for the Smith amendment to establish the importance of religious liberty. But I voted for the Smith amendment even more firmly because I believe the Russian people must be told in as firm a fashion as possible that if they returned to the days of the darkest period of the czars, if they returned to the days of the darkest period of the Soviet Union with an unfounded and irresponsible fear of anything that comes from beyond their borders, they will be taking a most serious downward turn in the culture and future of their Republic.

So in that, Mr. President, I cast my vote in favor of the Smith amendment hoping to send that message to the people of Russia.

I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

MFN STATUS WITH CHINA

Mr. DEWINE. Mr. President, tomorrow we will be voting on Senator HUTCHINSON's amendment with regard to most-favored-nation status with China.

I intend tomorrow to vote for the amendment offered by my friend from Arkansas, Senator HUTCHINSON. I would like to emphasize, however, first and foremost, that this is a sense-of-the-Senate resolution. It is not binding. It does not in any way alter or reverse the President's decision to extend most-favored-nation trading status with China. As we all know, the House of Representatives already has voted against a resolution revoking China's MFN status.

So, Mr. President, this amendment is more a chance to make a statement—frankly, for me, a chance to express my frustration with certain activities taken by the Chinese Government.

Let there be no misunderstanding. I believe that China needs to reassess its actions in a number of areas because I believe Congress—certainly this Senator—is losing patience.

Let me be a bit more specific. I am very concerned first about China's weapons proliferation activities particularly in the Middle East. In the past 2 years, it has been reported in the media that China has supplied Pakistan with key components to develop its own nuclear weapons program as well as ballistic missiles to deliver such weapons. China also has been the source for Iran's growing cruise missile capability, which poses a clear threat to our military personnel and commercial shippers in the Persian Gulf.

Further, I am concerned about Chinese state-owned companies knowingly supplying assault weapons to criminal gangs in California. Representatives of these companies were arrested in a sting operation just last year and are now awaiting trial in California. I am very concerned about repeated human rights violations throughout China as well as religious persecution and religious repression.

I am very concerned about the hideous practices of forced abortions and sterilization in China. I am concerned about the possible reversal of various political liberties such as free speech and assembly in Hong Kong.

These are all very serious issues, and I believe that we need to take action to try to address each one. My vote tomorrow in favor of this sense-of-the-Senate resolution will be an expression of these concerns. However, I believe there are far more effective ways to demonstrate our commitment to these issues than just the sense of the Senate before us. I suggest if we truly want to address all these issues constructively, we should bring before the Senate legislation that is targeted for its clear solutions.

For example, the Senate recently passed legislation offered by my colleague who just spoke a moment ago, the distinguished Senator from Utah, Mr. BENNETT, which calls on our President to enforce our Nation's nonproliferation laws against China for its efforts to supply Iran with cruise missiles. I was a cosponsor of this legislation, which, by the way, passed the Senate unanimously.

We can do more. We could and we should bring before the Senate the legislation that was introduced by my colleague from Pennsylvania, Senator SPECTER, legislation which would impose penalties on countries guilty of supporting or tolerating religious persecution, and I am a proud cosponsor of this bill.

We should bring before the Senate the legislation introduced by the Senator from Michigan, Mr. ABRAHAM, which would impose targeted sanctions against China in cases of religious persecution and against Chinese companies for illegal weapons transfers into the United States.

This bill would also increase United States support for human rights and democracy-building initiatives in China, including Radio Free Asia and the National Endowment for Democracy. I am proud to be an original cosponsor of this legislation as well.

If we truly want to take strong, constructive action in regard to China, the options are clearly before us. The sense-of-the-Senate resolution before us is not the best way to address all of the issues of concern we have with China, but it is, I believe, helpful to send a signal to the Government of China that the people of the United States are genuinely concerned about the direction China has taken in a number of areas. Again, it is just a signal. But we should use the opportunity to make this signal strong and very clear.

I believe, as I have stated, that we can do much more, more that is constructive and more that I believe can make a real and positive difference for the people of China. I hope in the weeks and months ahead we will take these actions.

ORDERS FOR THURSDAY, JULY 17, 1997

Mr. DEWINE. Mr. President, now on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of

9:30 a.m. on Thursday, July 17. I further ask that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then immediately resume consideration of S. 955, the foreign operations appropriations bill.

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

PROGRAM

Mr. DEWINE. Mr. President, also on behalf of the majority leader, I would like to make the following announcement for Members of the Senate. Tomorrow the Senate will resume consideration of S. 955, the foreign operations appropriations bill. Under the order, following the debate time on the remaining two amendments to S. 955, the Senate will begin voting on those amendments as well as final passage. Therefore, Senators can expect three consecutive rollcall votes beginning at approximately 10 a.m. tomorrow morning. It is the intention of the majority leader that the Senate begin consideration of the treasury, postal appropriations bill following the disposition of the foreign operations appropriations bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DEWINE. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:21 p.m., adjourned until Thursday, July 17, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 16,1997:

THE JUDICIARY

RICHARD CONWAY CASEY, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK VICE CHARLES S. HAIGHT, JR., RETIRED.

RONALD LEE GILMAN, OF TENNESSEE, TO BE U.S. CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE H. TED MILBURN, RETIRED.