

of the day, 307 Americans had lost their lives. The Japanese navy lost 2,500 men.

So severe was the damage inflicted on the Imperial Japanese Navy by American airmen and sailors, that Japan never again was able to take the offensive against the United States or Allied forces.

Mr. President, victory over the Japanese was achieved, of course, by men and women from all the United States Armed Forces. Certainly at Midway, elements of each services—Navy, Marines, and U.S. Army Air Corps—were heavily engaged, closely coordinated, and paid a high price for their bravery. The Midway Islands should be memorialized to honor the courageous efforts of all the services when they were called upon to defend our Nation and its interests.

The heroism of many of American servicemen at Midway often required the ultimate sacrifice. Many of the Marine pilots, flying worn out and inferior planes, did not live to celebrate the victory at Midway. All but five torpedo-plane pilots who attacked the Japanese aircraft carrier task force—without protective air cover—were shot down. These pilots undoubtedly knew they were flying to an all but certain death.

But the sacrifice of these brave Americans was not in vain, Mr. President. When the battle ended, four Japanese aircraft carriers were sent to the bottom of the Pacific Ocean, and their highly experienced pilots were lost. Japanese naval aviation never recovered from this crippling blow, and the rest, as they say, is history.

Mr. President, the sacrifice and heroism of these men should never be forgotten—it is vital that our sons and daughters never forget what their fathers and grandfathers sacrificed for freedom. The Battle of Midway should be memorialized for all time, on the Midway Islands, on behalf of a grateful Nation.

Mr. President, I ask unanimous consent that a letter from four gallant Americans, each of whom was a hero of the Battle of Midway—Lt. Com. Richard H. Best, Capt. Robert M. Elder, Cap. Jack H. Reid, and Maj. J. Douglas Rollow—regarding the Midway Islands National Memorial Act, be printed in the RECORD.

Mr. President, I am grateful to these fine Americans for their service at the Battle of Midway and for their diligence in putting together this bill. I certainly commend other distinguished Americans for their contributions to this effort, including Dr. James D'Angelo, Adm. Tom Moorer, Adm. Whitey Feightner, Capt. Gordon Murray, Vice Adm. James Flatley III, Vice Adm. William Houser, William Rollow, and Anthony Harrigan.

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

INTERNATIONAL MIDWAY
MEMORIAL FOUNDATION, INC.,
Rockville, MD, May 30, 1995.

DEAR SENATOR HELMS: Please take a few minutes to read this letter to you from us, some of the survivors of the Battle of Midway. We seek nothing for ourselves—only for our Country.

Few battles in World War II were as pivotal as the Battle of Midway in 1942. Although the Battle of Britain and Stalingrad turned the course of the war in Europe, the Battle of Midway not only turned the course of the war in the Pacific, but most likely of the entire war. There the Imperial Japanese Fleet was defeated by a handful of U.S. Naval, Marine and Army aviators flying obsolescent aircraft. Lives were heroically lost. Had we not prevailed at Midway, Hawaii would have been lost, and the Pacific war fought on our West Coast.

Those of us who served in World War II have taken for granted that the generations who succeeded us would know of the enormous cost in lives paid to preserve freedom. We naively assumed that future generations would cherish and protect the values for which so many of our comrades died.

While other nations in the free world made the remembrance of World War II and the values it represented an imperative for their children, sad to say, our nation has not. Complacency replaced patriotism; revisionists replaced historians. Some would even have our children believe that the United States was the aggressor—insensitive to human life—particularly with regard to the end of the war in the Pacific.

We know the truth—we lived it; but our children do not. The International Midway Memorial Foundation believes that one of the best ways to preserve the teachings of World War II is to create World War II National Historic Battlefields. There our children, historians and others interested in that epic war for freedom can learn first hand, on site.

We now face the second battle of Midway. In September 1993, after over 90 years of stewardship, the United States Navy closed Midway as an operational base. The United States Fish and Wildlife Service (USFWS) has requested that Midway be turned over to itself primarily for use as a wildlife refuge.

The Foundation opposes the transfer of Midway to USFWS. Instead, we wish it declared a National Historic Battlefield, and administered by the U.S. National Park Service, in accordance with sound multiple use principles. Interested visitors can then not only see a beautiful island and its wildlife, but also learn of the historic battle fought there.

The Foundation will raise funds to help provide exhibits and materials to teach those visitors about the battle. Furthermore, visitors to Midway will generate funds, which in turn, will reduce if not eliminate the cost to our taxpayers of maintaining Midway.

In closing, we believe our dead at Midway deserve something better than a monument in a wildlife refuge. The few threatened species utilizing the Midway Atoll (primarily the Hawaiian Monk Seal and the Green Sea Turtle) can be amply protected under the multiple-use program we espouse.

Please help us. Please support legislation to create Midway as a National Historic Battlefield. Let us not lose the second battle of Midway.

Respectfully yours,

LCDR RICHARD H. BEST,
USN (Ret.).
CAPT. ROBERT M. ELDER,
USN (Ret.).
CAPT. JACK H. REID,
USN (Ret.).
MAJ. J. DOUGLAS ROLLOW,
USMCR (Ret.).

ADDITIONAL COSPONSORS

S. 304

At the request of Mr. SANTORUM, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 448

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 448, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 529

At the request of Mr. GRAHAM, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 529, a bill to provide, temporarily, tariff and quota treatment equivalent to that accorded to members of the North American Free Trade Agreement (NAFTA) to Caribbean Basin beneficiary countries.

S. 758

At the request of Mr. HATCH, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 758, a bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes.

S. 794

At the request of Mr. LUGAR, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 794, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to facilitate the minor use of a pesticide, and for other purposes.

S. 837

At the request of Mr. WARNER, the names of the Senator from Utah [Mr. HATCH] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 837, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of James Madison.

S. 864

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 864, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 877

At the request of Mrs. HUTCHISON, the names of the Senator from Colorado [Mr. BROWN], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 877, a bill to amend section 353 of the Public Health Service Act to exempt physician office laboratories from the clinical laboratories requirements of that section.

S. 955

At the request of Mr. HATCH, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 955, a bill to clarify the scope of coverage and amount of payment under the medicare program of items and services associated with the use in the furnishing of inpatient hospital services of certain medical devices approved for investigational use.

S. 1083

At the request of Mr. THOMAS, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1083, a bill to direct the President to withhold extension of the WTO Agreement to any country that is not complying with its obligations under the New York Convention, and for other purposes.

SENATE RESOLUTION 147

At the request of Mr. THURMOND, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as "National Historically Black Colleges and Universities Week," and for other purposes.

SENATE RESOLUTION 149

At the request of Mr. AKAKA, the names of the Senator from Illinois [Mr. SIMON] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of Senate Resolution 149, a resolution expressing the sense of the Senate regarding the recent announcement by the Republic of France that it intends to conduct a series of underground nuclear test explosions despite the current international moratorium on nuclear testing.

AMENDMENTS SUBMITTED

THE FOREIGN RELATIONS
REVITALIZATION ACT OF 1995MURKOWSKI (AND OTHERS)
AMENDMENT NO. 1881

(Ordered to lie on the table.)

Mr. MURKOWSKI (for himself, Mr. MCCAIN, and Mr. HELMS) submitted an amendment intended to be proposed by them to the bill (S. 908) to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to abolish the United States Information Agency, the United States Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes; as follows:

On page 124, after line 20, insert the following:

TITLE VII—AUTHORIZATION FOR IMPLEMENTATION OF THE AGREED FRAMEWORK BETWEEN THE UNITED STATES AND NORTH KOREA**SEC. 701. SHORT TITLE.**

This title may be cited as the "Authorization for Implementation of the Agreed Framework Between the United States and North Korea Act".

SEC. 702. STATEMENT OF PURPOSE; STATUTORY CONSTRUCTION.

(a) PURPOSE.—The purpose of this title is to set forth requirements, consistent with the Agreed Framework, for the United States implementation of the Agreed Framework.

(b) STATUTORY CONSTRUCTION.—Nothing in this title requires the United States to take any action which would be inconsistent with any provision of the Agreed Framework.

SEC. 703. RESTRICTION ON FUNDING.

(a) SUBJECT TO AN AUTHORIZATION OF APPROPRIATIONS ACT AND AN APPROPRIATIONS ACT.—The United States may not exercise any action under the Agreed Framework that would require the obligation or expenditure of funds except to the extent and in the amounts provided in an Act authorizing appropriations and in an appropriations Act.

(b) PROHIBITION.—No funds may be made available under any provision of law to carry out activities described in the Agreed Framework unless the President determines and certifies to Congress that North Korea is in full compliance with the terms of the Agreed Framework.

SEC. 704. NORMALIZATION OF DIPLOMATIC RELATIONS.

None of the funds made available to carry out any program, project, or activity funded under any provision of law may be used to maintain relations with North Korea at the ambassadorial level unless North Korea has satisfied the IAEA safeguards requirement described in section 707, the additional requirements set forth in section 708, and the nuclear nonproliferation requirements of section 709.

SEC. 705. NORMALIZATION OF ECONOMIC RELATIONS.

(a) RESTRICTION ON TERMINATION OF ECONOMIC EMBARGO.—The President shall not terminate the economic embargo of North Korea until North Korea has satisfied the IAEA safeguards requirement described in section 707, the additional requirements set forth in section 708, and the nuclear nonproliferation requirements of section 709.

(b) DEFINITION.—As used in this section, the term "economic embargo of North Korea" means the regulations of the Department of the Treasury restricting trade with North Korea under section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)).

SEC. 706. RESTRICTION ON PETROLEUM SHIPMENTS.

(a) RESTRICTION.—If North Korea does not satisfy the IAEA safeguards requirement described in section 707, or if North Korea diverts heavy oil for purposes not specified in the Agreed Framework, then—

(1) no additional heavy oil may be exported to North Korea if such oil is subject to the jurisdiction of the United States, or is exported by a person subject to the jurisdiction of the United States;

(2) the United States shall immediately cease any direct or indirect support for any exports of heavy oil to North Korea; and

(3) the President shall take steps to terminate the export to North Korea of heavy oil by all other countries in the international consortium to finance and supply a light-water reactor in North Korea.

(b) ENFORCEMENT.—Whoever violates subsection (a)(1) having the requisite knowledge described in section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410) shall be subject to the same penalties as are provided in that section for violations of that Act.

SEC. 707. IAEA SAFEGUARDS REQUIREMENT.

The requirement of this section is satisfied when the President determines and certifies to the appropriate congressional committees that North Korea is in full compliance with

its safeguards agreement with the International Atomic Energy Agency (INFCIRC/403), in accordance with part IV (3) of the Agreed Framework, as determined by the Agency after—

(1) conducting special inspections of the two suspected nuclear waste sites at the Yongbyon nuclear complex; and

(2) conducting such other inspections in North Korea as may be deemed necessary by the Agency.

SEC. 708. ADDITIONAL REQUIREMENTS.

The additional requirements referred to in sections 704 and 705 are the following, as determined and certified by the President to the appropriate congressional committees:

(1) That progress has been made in talks between North Korea and the Republic of Korea, including implementation of confidence-building measures by North Korea as well as other concrete steps to reduce tensions.

(2) That the United States and North Korea have established a process for returning the remains of United States military personnel who are listed as missing in action (MIAs) during the Korean conflict between 1950 and 1953, including field activities conducted jointly by the United States and North Korea.

(3) That North Korea has issued an official statement forswearing state-sponsored terrorism.

(4) That North Korea has taken positive steps to demonstrate a greater respect for internationally recognized human rights.

(5) That North Korea has agreed to control equipment and technology in accordance with the criteria and standards set forth in the Missile Technology Control Regime, as defined in section 74(2) of the Arms Export Control Act (22 U.S.C. 2797c).

SEC. 709. NUCLEAR NONPROLIFERATION REQUIREMENTS.

The nuclear nonproliferation requirements referred to in sections 704 and 705 are the following, as determined and certified by the President to the appropriate congressional committees and the Committee on Energy and Natural Resources of the Senate:

(1) All spent fuel from the graphite-moderated nuclear reactors and related facilities of North Korea have been removed from the territory of North Korea as is consistent with the Agreed Framework.

(2) The International Atomic Energy Agency has conducted any and all inspections that it deems necessary to fully account for the stocks of plutonium and other nuclear materials in North Korea, including special inspections of suspected nuclear waste sites, before any nuclear components controlled by the Nuclear Supplier Group Guidelines are delivered for a light water reactor for North Korea.

(3) The dismantlement of all declared graphite-based nuclear reactors and related facilities in North Korea, including reprocessing units, has been completed in accordance with the Agreed Framework and in a manner that effectively bars in perpetuity any reactivation of such reactors and facilities.

SEC. 710. SUSPENSION OF UNITED STATES OBLIGATIONS.

The United States shall suspend actions described in the Agreed Framework if North Korea reloads its existing 5 megawatt nuclear reactor or resumes construction of nuclear facilities other than those permitted to be built under the Agreed Framework.

SEC. 711. WAIVER.

The President may waive the application of section 707, 708, 709, or 710 if the President determines, and so notifies in writing the appropriate congressional committees, that to do so is vital to the security interests of the United States.