or would not have in the recipient country, my votes on the amendments turned more on the question of whether the national security of the United States was directly improved by the provision or withholding of this assistance.

These principles led me to oppose the D'Amato amendment to cut Economic Support Fund assistance to Turkey, but support the Dole amendment on the transhipment of United States humanitarian aid. I believe the United States national security interests are best served by a strong and stable Turkish government, which has fully committed itself to the principles of open markets, democratic government, and the preservation of individual liberties.

Turkey, in my opinion, is making progress on all these fronts, and relations with its neighbors are similarly changing, both with United States assistance and through other venues. Because of the potential for our relations with Turkey to quickly shift, I believe it is critical any conditions the Congress places upon assistance to Turkey provide the Executive with the tools necessary to adjust to those new circumstances. The D'Amato amendment cut almost half of the Economic Support Fund aid to Turkey without any method for the Executive to resume that aid if such leverage proves necessary or fruitful. For that reason I was unable to support the D'Amato amendment.

The Dole amendment, however, provided such tools to the Executive, and I was therefore able to support this measure. Although the language of the amendment was universal in its application, the Majority Leader made clear his motivation for this measure was Turkey's refusal to allow the transhipment of United States humanitarian aid to Armenia. Because of the potential for a rapid shift in our national security objectives and relations with Turkey, this amendment provides the Executive the authority to waive its provisions if it is in the United States national security interests to do so. Given the strategic, political and economic importance of Turkey to the United States, I believe this is a vital provision. This language is even more expansive than the original Humanitarian Relief Corridor Act waiver language and I applaud its inclusion. Although the amendment was adopted by voice vote, if it had come to the floor for a roll call vote, I would have voted in favor of its adoption. I also wish to make it clear that if the progress I referred to earlier in the democratization and liberalization of Turkey does not continue and solidify, I may determine that requested levels of United States assistance are no longer serving our national interests.

I also wish to explain my opposition to the Brown amendment allowing the transfer of previously purchased military equipment to Pakistan. This amendment was presented as an attempt to divest the United States of military equipment purchased by Pakistan, but withheld due to the implementation of the Pressler Amendment. I do not wish to argue the relative merits of the Pressler amendment itself, for that was not the issue. The issue was whether the United States should go back on its legislatively defined position that aid to Pakistan could only be provided if Pakistan did not possess a nuclear explosive device. The Pressler Amendment had been on the books for almost 5 years before it was finally implemented in 1990, and Pakistan knew full well what would happen if the President found it impossible to certify that Pakistan did not possess a nuclear explosive device. Pakistan continued those policies that led to this Presidential determination, and they must be willing to accept the consequences.

This is not to imply our interests in South Asia are static. All parties must abandon the notion that United States relations with Pakistan and India are part of some regional zero-sum game. Measures the United States undertakes to improve relations with one country should not be interpreted as happening at the expense of the other country. But I believe allowing the introduction of significant military hardware at this critical juncture in South Asian relations would be contrary to our national interests and regional stability. Obviously, however, the affirmative vote on the Brown amendment indicates the Senate is moving in another direction. I therefore believe it is now time for the United States to move past this issue in our relations with India and Pakistan, and extend our relations with both countries, not at the expense of one or the other, but in tandem.

As for my support for the Helms amendment regarding funding for the UN Population Fund [UNFPA], it is not because I am opposed to foreign assistance. Indeed, I believe it is vitally important we remain engaged in the international arena, and foreign assistance can be a powerful tool for the United States to further its political, economic, and national security goals. However, the history of our foreign assistance programs shows a repeated record of funding for controversial projects that do little to advance those goals. Given the demands to balance the budget and cut federal spending, I believe this program is extraneous to our foreign policy objectives.

The UNFPA fully supports Chinese population control programs that include forced abortions and involuntary sterilization. These practices are contrary to the values of a large segment of my State's citizens, and I believe the citizens of the United States as well. That consideration, in fact, is why the Congress has previously mandated such United assistance to the UNFPA be separated from the Chinese programs. But I believe such separations are irrelevant given the inherent fungibility of money. The UNFPA simply shifts other donor countries contributions to China and use the United States contributions as a replacement in non-Chinese projects. The Helms amendment stops this elaborate shell game unless China ceases such practices or the UNFPA withdraws from this program, and brings such expenditures in line with the clear wishes of the American people. I therefore voted to adopt the Helms amendment.

Finally, Mr. President, I wish to explain my vote regarding the Smith amendment prohibiting Most Favored Nation trading status with Vietnam, or the provision of trade financing incentives unless the President certifies they have been fully cooperative on the issues of United States POW/MIA's and human rights. The normalization of relations with Vietnam is a major development in United States foreign policy, and I have long been disappointed the Congress was not more fully brought into this process by the Administration. There are still substantial questions regarding the fate of United servicemen lost in South East Asia during the Vietnam War. I therefore voted for this amendment in the hope it would provide the leverage needed to obtain this crucial cooperation and information.

However, given the amendment's rejection by a vote of 39 to 59, it is clear the Senate has decided to move forward in relations with Vietnam, and I am fully prepared to become involved in that process. The Administration has promised these initiatives towards Vietnam will more assuredly provide the United States the answers it needs regarding POWs and MIA's in South East Asia. I will monitor that progress closely over the next year, and make an independent evaluation as to whether these measures have indeed helped resolve these questions.

Mr. President, it is difficult to analyze this myriad of issues in the pure vacuum of policy analysis. Different groups can have vastly different positions on issues, and each can defend those positions with a plethora of hard evidence and supporting statistics. However, by applying a standard of United national security interests to such decisions, I believe we can ensure that our international initiatives best meet our national strategies and goals, and further the establishment of democratic societies, free market economies and individual liberty.

Mr. President, I yield the floor.

COSPONSORING S. 830

Mr. LEAHY. Mr. President, I am pleased to cosponsor S. 830, a bill introduced by Senator SPECTER to amend the Federal Criminal Code to prohibit the making of false statements, misrepresentations or false writings to Congress or to any congressional committee or subcommittee. Until the Supreme Court decided Hubbard versus United States in May of this year, that

had been the law of the land for 40 years.

In the Hubbard case, the Supreme Court decided that section 1001 of title 18, United States Code, prohibits the making of false statements only to executive branch agencies, and not to the courts or Congress. This decision overturned a 1955 Supreme Court case, which squarely held that ''one who lied to an officer of Congress was punishable under §1001 . . .'' *Hubbard*, 131 L.Ed. 2d 779, 798.

S. 830 would make clear that the courts, Congress and ''any duly constituted committee or subcommittee of Congress'' are covered by the prohibition in section 1001 against false statements. It would restore the clear message to all who may appear before a committee or subcommittee of the Senate or House: Do not lie to us.

Although various other laws criminalize false statements to Congress, none of those statutes reaches the breadth of misrepresentations and false statements prohibited by section 1001. For example, a perjury prosecution under 18 U.S.C. §1621 requires that the false statement be made under oath, while section 1001 does not. Likewise, a prosecution under 18 U.S.C. §287 requires that the false statement be made in connection with a claim for payment, while section 1001 does not. Finally, an obstruction prosecution under 18 U.S.C. §1505 requires that the obstruction be effected ''corruptly or by threats or force,'' which section 1001 does not. Indeed, section 1505 has specifically been held not to prohibit lying to Congress. *U.S.* v. *Poindexter*, 951 F.2d 369 (D.C. Cir. 1991).

I recognize that extension of section 1001 to the courts must be done delicately so as not to impinge upon responsible advocacy. I look forward to working with my friend from Pennsylvania on refining this bill, and urge its passage in this Congress.

We should all be aware that until S. 830 is passed, witnesses may lie with impunity at congressional hearings, unless they are placed under oath.

Senator SPECTER has meticulously administered oaths to every witness who has appeared at the extensive and ongoing Ruby Ridge hearings before the Judiciary Subcommittee on Terrorism, Technology and Government Information, which he chairs. We have heard from current and former law enforcement personnel from four Federal agencies, including the Marshals Service, the Bureau of Alcohol, Tobacco and Firearms, the FBI, and the Justice Department. We have also heard from Randy Weaver and his daughter, Sara, Kevin Harris, their neighbors and their friends.

Sorting out what happened 3 years ago at Ruby Ridge, and then its aftermath, has proven to be no simple task. This was a tragedy, resulting in the deaths of Deputy Marshal William Degan, a 14-year-old boy, Sammy Weaver, and his mother, Vicki Weaver. Figuring out what went wrong at Ruby Ridge and what can be done to make sure those events are never repeated, is the challenge the subcommittee is facing on a bipartisan basis.

Fulfilling our important oversight responsibility at these hearings, and in future hearings on other matters, requires that we seek the truth and base our findings on facts. Witnesses, who are interviewed, called to testify, and asked to provide documentary material relating to matters under consideration by Congress, should be given the message loudly and clearly that if they lie or purposely mislead us, they will be sanctioned with criminal penalties. This bill would put that message in the law, and I am glad to cosponsor it.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF PROPOSED AGREEMENT FOR COOPERATION WITH SOUTH AFRICA CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT—PM 84

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement for Cooperation Between the United States of America and the Republic of South Africa Concerning Peaceful Uses of Nuclear Energy, with accompanying annex and agreed minute. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Acting Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views, is also enclosed.

The proposed agreement with the Republic of South Africa has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 (NNPA) and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the non-proliferation and other foreign policy interests of the United States. It provides a comprehensive framework for peaceful nuclear cooperation between the United States and South Africa under appropriate conditions and controls reflecting a strong common commitment to nuclear non-proliferation goals.

The proposed new agreement will replace an existing U.S.-South Africa agreement for peaceful nuclear cooperation that entered into force on August 22, 1957, and by its terms would expire on August 22, 2007. The United States suspended cooperation with South Africa under the 1957 agreement in the 1970's because of evidence that South Africa was embarked on a nuclear weapons program. Moreover, following passage of the NNPA in 1978, South Africa did not satisfy a provision of section 128 of the Atomic Energy Act (added by the NNPA) that requires full-scope IAEA safeguards in non-nuclear weapon states such as South Africa as a condition for continued significant U.S. nuclear exports.

In July 1991 South Africa, in a momentous policy reversal, acceded to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and promptly entered into a full-scope safeguards agreement with the IAEA as required by the Treaty. South Africa has been fully cooperative with the IAEA in carrying out its safeguards responsibilities.

Further, in March 1993 South Africa took the dramatic and candid step of revealing the existence of its past nuclear weapons program and reported that it had dismantled all of its six nuclear devices prior to its accession to the NPT. It also invited the IAEA to inspect its formerly nuclear weapons-related facilities to demonstrate the openness of its nuclear program and its genuine commitment to non-proliferation.

South Africa has also taken a number of additional important non-proliferation steps. In July 1993 it put into effect a law banning all weapons of mass destruction. In April 1995 it became a member of the Nuclear Suppliers Group (NSG), formally committing itself to abide by the NSG's stringent guidelines for nuclear exports. At the 1995 NPT Review and Extension Conference it played a decisive role in the achievement of indefinite NPT extension—a top U.S. foreign policy and national security goal.

These steps are strong and compelling evidence that South Africa is now firmly committed to stopping the spread of weapons of mass destruction and to conducting its nuclear program for peaceful purposes only.