

Domestically, several Governments have been rocked by corruption scandals in recent months that have put the issue of bribery on the front pages in France, Italy, and the United Kingdom. NATO is investigating its Secretary General for possibly accepting a kickback payment on a helicopter sale when he was Belgium's Economics Minister. In Taiwan, there is an elaborate investigation into a murder of a military officer who may have known of payoff in an arms deal. Even China recently passed a law to restrict undue influence on judges, prosecutors, and police.

Bribery and corruption are finally emerging as a topic for public discussion, and, I believe, that as more sunshine is cast on such practices, governments will be under domestic pressure to pass anti-corruption legislation and reform. I am also confident that these movements will lead to scrutiny of how business is conducted overseas. In the meantime, we need to do all we can to ensure that American companies are playing on a level field.

Today many small and medium-sized companies depend upon the assistance of our trade promotion agencies. These agencies offer different kinds of financing, but all serve to promote American products for export, and balance out government subsidized programs offered by our trade competitors for their companies.

The legislation I am introducing today would guarantee that U.S. export financing would benefit only those companies which do not have the unfair advantage of bribery by prohibiting the Trade and Development Agency, Overseas Private Investment Corporation, Export-Import Bank, and the Agency for International Development from providing support for U.S. subsidiaries of foreign corporations which have not adopted and enforced an anti-bribery code.

While U.S. subsidiaries are subject to the FCPA, their foreign parent companies are not, which may offer them an unfair advantage over wholly U.S.-owned firms. I do not think that U.S. taxpayer funds should be used to support further a corporation which may have the benefit of bribery—particularly if it hurts a wholly-owned American company. My legislation is also intended to give a further incentive to foreign corporations to adopt, on their own, restrictions against bribery. My bill is intended to support the work of both U.S. exporters and U.S. trade promotion agencies in combating this terrible inequity.

I am also introducing a resolution that would express the sense of the Senate that bribery is indeed a morally unacceptable business practice, and has destabilizing consequences for the international trade environment. It commends the Clinton administration for their solid efforts; encourages the administration to work toward universal acceptance of the principles set

forth in the FCPA; and says the U.S. Government should enter into negotiations in order to establish regulations for international financial institutions and international organizations that prohibit bribery of foreign public officials and impose sanctions for such bribery.

By no means can we resolve this issue in 1 year, or simply with a couple of laws. Rather, we need to promote meaningful change in the business culture worldwide, and we need to do that on a multilateral, if not global, basis. Large companies can afford to wait as the problem begins to improve, but our small and medium-sized businesses—the backbone of the U.S. economy—are, in some cases, being fatally wounded now by competitors' bribery.

Bribery is nobody's preferred way to do business, yet it is standard play in many parts of the world. We need to begin to address it seriously as a global problem. As recent events have shown, citizens of many other countries—in both the industrialized and developing worlds—feel the same way. I hope my proposals will contribute to the debate.

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. 576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. PROHIBITION ON TRADE ASSISTANCE.

(a) PROHIBITION.—Notwithstanding any other provision of law, an agency referred to in subsection (b) may not provide economic support (including export assistance, subsidization, financing, financial assistance, or trade advocacy) to or for any foreign corporation or any United States subsidiary of a foreign corporation unless the head of such agency certifies to Congress that the foreign corporation has adopted and enforces a corporate-wide policy that prohibits the bribery of foreign public officials in connection with international business transactions of the corporations and its subsidiaries.

(b) COVERED AGENCIES.—Subsection (a) applies to assistance provided by the following agencies:

- (1) The Trade and Development Agency.
- (2) The Overseas Private Investment Corporation.
- (3) The Export-Import Bank.
- (4) The Agency for International Development.

(c) DEFINITIONS.—In this section:

(1) The term "bribery", in the case of a corporation, means the direct or indirect offer or provision by the corporation of any undue pecuniary or other advantage to or for an individual in order to procure business and business contracts for the corporation or its subsidiaries.

(2) The term "foreign corporation" means any corporation created or organized under the laws of a foreign country.

(3) The term "United States subsidiary" means any subsidiary of a foreign corporation which subsidiary has its principal place of business in the United States or which is organized under the laws of a State.●

ADDITIONAL COSPONSORS

S. 131

At the request of Mr. LIEBERMAN, the names of the Senator from New Hampshire [Mr. SMITH] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 131, a bill to specifically exclude certain programs from provisions of the Electronic Funds Transfer Act.

S. 277

At the request of Mr. D'AMATO, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 277, a bill to impose comprehensive economic sanctions against Iran.

S. 285

At the request of Mr. MCCAIN, the names of the Senator from Montana [Mr. BAUCUS] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 285, a bill to grant authority to provide social services block grants directly to Indian tribes, and for other purposes.

S. 295

At the request of Mrs. KASSEBAUM, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 295, a bill to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

S. 323

At the request of Mrs. KASSEBAUM, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 323, a bill to amend the Goals 2000: Educate America Act to eliminate the National Education Standards and Improvement Council, and for other purposes.

S. 343

At the request of Mr. DOLE, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 343, a bill to reform the regulatory process, and for other purposes.

S. 388

At the request of Ms. SNOWE, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 388, a bill to amend title 23, United States Code, to eliminate the penalties for noncompliance by States with a program requiring the use of motorcycle helmets, and for other purposes.

S. 397

At the request of Mr. MCCAIN, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 397, a bill to benefit crime victims by improving enforcement of sentences, imposing fines and special assessments, and for other purposes.

S. 447

At the request of Mr. INHOFE, the names of the Senator from Texas [Mrs.

HUTCHISON] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 447, a bill to provide tax incentives to encourage production of oil and gas within the United States, and for other purposes.

S. 508

At the request of Mr. MURKOWSKI, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 508, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

SENATE JOINT RESOLUTION 19

At the request of Mr. BROWN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Joint Resolution 19, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting congressional terms.

SENATE RESOLUTION 79

At the request of Mr. SPECTER, the names of the Senator from Nevada [Mr. BRYAN], the Senator from West Virginia [Mr. BYRD], the Senator from Ohio [Mr. GLENN], the Senator from Michigan [Mr. LEVIN], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Resolution 79, a resolution designating March 25, 1995, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE RESOLUTION 88—HONORING THE 92D BIRTHDAY OF MIKE MANSFIELD

Mr. BAUCUS (for himself, Mr. BURNS, Mr. DOLE, and DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 88

Whereas Mike Mansfield brought honor to the State of Montana as a professor, Congressman, and Senator during a period that spanned more than 40 years;

Whereas Mike Mansfield claims the distinction of being the youngest World War I veteran in the United States, and of having served as an enlisted man in the Navy, Army, and Marines, all before the age of 20;

Whereas Mike Mansfield served as Senate Majority Leader for a record 16 years;

Whereas Mike Mansfield was instrumental in passing the 26th Amendment to the Constitution, giving people age 18 to 20 the right to vote;

Whereas as a freshman Congressman, Mike Mansfield served as an East Asian adviser to President Franklin Delano Roosevelt during World War II, and later served as the United States Ambassador to Japan for over 11 years;

Whereas Mike Mansfield performed all of the above tasks to the highest possible standards, and is a shining example of integrity and public service to Montana and the United States; and

Whereas Mike Mansfield will celebrate his 92d birthday on Thursday, March 16, 1995: Now, therefore, be it

Resolved, That the Senate congratulates and sends the warmest birthday wishes to Mike Mansfield, a beloved former colleague of the United States Senate, on the grand oc-

casional of his 92d birthday on Thursday, March 16, 1995.

SENATE RESOLUTION 89—RELATIVE TO BRIBERY

Mr. FEINGOLD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 89

Whereas a stable and predictable international business environment is necessary to advance economic development worldwide;

Whereas corrupt practices such as bribery and illicit payments distort the international business environment and sabotage fairness and competitiveness in international export markets, particularly for small- and medium-sized businesses;

Whereas corrupt practices weaken foreign assistance programs and other transactions for the benefit of the general population by increasing the risk of the improper use of funds from such assistance and increasing the cost of providing such assistance;

Whereas bribery in international business, investment, and trade is ethically and politically unacceptable;

Whereas United States nationals and companies, and their foreign subsidiaries, are prohibited from bribing foreign officials under the Foreign Corrupt Practices Act of 1977 (Public Law 95-213);

Whereas United States trade competitors and nationals of other industrialized countries are not prohibited by law from utilizing bribes in retaining or obtaining foreign procurement contracts;

Whereas some countries permit a deduction for income tax purposes for bribes paid to secure foreign business;

Whereas ineffective enforcement or absence of anti-bribery laws in many countries serves to discriminate against United States nationals and businesses in competition for procurement contracts abroad since the payment of bribes by foreign companies is often the decisive factor in the award of such contracts;

Whereas nations that engage in international trade have the responsibility of combating bribery and corruption, even if their own citizens may be subject to penalties therefor;

Whereas the failure of any nation to punish bribery undermines efforts in the international market to combat corrupt practices;

Whereas effective anticorruption statutes include criminal, commercial, civil, and administrative laws prohibiting bribery of foreign public officials, tax laws which make bribery unprofitable, transparent business accounting requirements that ensure proper recording of relevant payments and appropriate inspection of such records, prohibitions on licenses, government procurement contracts, and public subsidies, and substantial monetary fines for bribery;

Whereas an improvement in international activities to combat bribery would result from cooperation between countries in investigations into bribery, including the sharing of information, the expediting of requests for extradition, and the entry into mutual agreements and arrangements to combat bribery;

Whereas the implementation of regulations to combat bribery and corruption by international organizations and international financial institutions would enhance efforts to combat bribery;

Whereas the United Nations Commission of Transnational Corporations concluded in

1991 that international action is needed to combat the problem of bribes and other illicit payments in international business transactions;

Whereas the Organization for Economic Cooperation and Development passed a resolution on May 27, 1994, recommending that OECD Member states "deter, prevent, and combat the bribery of foreign public officials in connection with international business transactions";

Whereas the Clinton administration has actively pursued antibribery initiatives in the interest of free and fair international trade; and

Whereas these initiatives will help strengthen vibrant international trade and export markets and ensure fair competitive conditions for United States exporters: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Clinton administration is commended for its efforts in encouraging integrity in international business transactions among our trading partners and competitors, and the United States Trade Representative, the Secretary of Commerce, and the Secretary of State should continue to raise the need for such integrity with other industrialized nations at every possible venue;

(2) the United States should strongly urge universal adoption of the principles set forth in the Foreign Corrupt Practices Act of 1977 (Public Law 95-213) in order that adopting countries implement effective means, in accordance with the legal and jurisdictional principles of such countries, of combating bribery of foreign public officials, including the imposition administrative, civil, and criminal sanctions for such bribery; and

(3) the United States Government should enter into negotiations in order to establish regulations for international financial institutions and international organizations that prohibit bribery of foreign public officials and impose sanctions for such bribery.

SENATE RESOLUTION 90—AUTHORIZING THE TESTIMONY OF A SENATE EMPLOYEE

Mr. DOLE (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 90

Whereas, in the case of *United States v. Francisco M. Duran*, Cr. No. 94-447, pending in the United States District Court for the District of Columbia, a subpoena for testimony has been issued to Laura DiBiase, an employee of the Senate on the Staff of Senator Campbell;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved That Laura DiBiase is authorized to produce records and to testify in the case of *United States v. Francisco M. Duran*, Cr. No. 94-447 (D.D.C.), except concerning matters for which a privilege should be asserted.