

route, we have no choice—if we think the flag is important enough to protect.

Our acquiescence in the Supreme Court's misguided 5-4 decisions itself devalues the flag. I hope Congress will not stand idly by and tacitly accept the Court's wrongheaded notion that the flag is of no more value than a common object. As Justice Stevens wisely noted in his Johnson dissent: "sanctioning the public desecration of the flag will tarnish its value . . . That tarnish is not justified by the trivial burden on free expression occasioned by requiring that an available alternative mode of expression including uttering words critical of the flag . . . be employed." [436 U.S. at 437]

I urge support for the amendment.

RACE FOR THE CURE—BREAST CANCER
AWARENESS

Ms. MIKULSKI. Madam President, I rise today to join my colleagues in enthusiastically supporting the efforts of our Vice President and Mrs. Gore in bringing breast cancer awareness to the attention of our Nation's women. Their participation in the Race for the Cure demonstrates their on-going commitment and dedication to finding a cure for breast cancer and for early detection.

I am proud to have been an advocate for breast cancer research and early detection. When we passed the breast and cervical cancer amendments of 1993, it showed that we can build a preventive health care system using the community-level, public/private partnerships which are critical to success. This legislation saved women's lives.

But our job is not over. There are many States that have no screening program for breast cancer and many other States are just getting started. Screenings are absolutely necessary if we are to prevent this dreaded health risk for America's women.

All women in America are at risk. In fact, 50,000 mothers, daughters, relatives, and friends will die from breast cancer alone. But the women most at risk are also those who are our most defenseless—older women, women of color, and women of limited income.

Over the past few years, we have made significant strides in breast cancer research—focused through the National Institutes of Health's Office of Women's Research. We know what it takes to save many of these lives.

It takes regular screening for women over 40 using mammograms and self-exams. All women need to hear this message. All women should think of getting a mammogram as once a year for a lifetime. For the fortunate majority of America's women, following through on that message is not too much to ask.

That is why I take pride in joining my colleagues today in urging participation in the Race for the Cure to be held this Saturday, June 16. Events like this get the message out. The message of "breast cancer is preventable" and "Once a Year for a Lifetime" in getting that mammogram.

I welcome the day when no woman turns away from the decision to have a mammogram for lack of funds, access to services, or lack of awareness. This

is the noble cause I am dedicated to. America's women deserve no less. Join Race for the Cure.

RACE FOR THE CURE

Mr. DASCHLE. Madam President, I would like to take a few moments to underscore the comments many of my colleagues made earlier today in support of the upcoming Race for the Cure, which will be held this Saturday in Washington. This weekend's race marks the 6th year that Washingtonians have participated in this important event. It is a time when policymakers, civil servants, media representatives, and others put their ideological differences aside and show their solidarity in support of the effort to find a cure for breast cancer.

In the past, the Race for the Cure has helped raise critical funding for medical research and for mammograms. Much of this money remains in the local area to support research institutions and provide mammograms for women who could not otherwise afford them. The Race for the Cure has also done an exceptional job of raising the public's awareness about breast cancer, and of alerting women to the importance of early detection measures.

As in the past, many of Saturday's race participants will be breast cancer survivors. Many more will be the spouses, children, siblings, and friends of both breast cancer survivors and, I am sad to say, the many women who have not survived their battle with this disease. It is for all these individuals that we race. And it is for them that we continue our efforts to support research and public awareness in the hope that one day all women who face this disease will be survivors.

Although we have made significant strides in combating breast cancer, we are far from the finish line. Medical research into the causes, cure, and prevention of breast cancer is critical to this effort. Public awareness and prevention efforts are also critical components of our battle against breast cancer. Today doctors strongly recommend monthly self-examinations to check for the early warning signs of breast cancer. Sometimes these early warning signs are not early enough, however, and that is why it is so important for women at risk of breast cancer to have mammograms. I am hopeful that one day we will be able to detect all breast cancers at an early stage.

I am even more hopeful, however, that we will someday have a cure for this disease. Over 70 percent of all women who have breast cancer do not exhibit any of the known risk factors. This year 182,000 women will be diagnosed with breast cancer, and 46,000 women will die from this terrible disease. Whether the answer to this disease is around the corner, or it takes years to discover, we cannot give up the fight. We must find a cure.

Sometimes the most effective movements are born of tragedy, and the Race for the Cure is one of those movements. This race is a tribute to all

women who have not survived their battle with breast cancer. It is in their memory that we continue our efforts to increase support for medical research and raise public awareness about this issue.

This race is also a tribute to all those women who are surviving their battle with breast cancer. It is in their honor that we stand with them, walk with them, and run with them. It is in humble respect that we race with them—to find a cure for breast cancer.

VARIOUS ISSUES REGARDING THE
PEOPLE'S REPUBLIC OF CHINA

Mr. THOMAS. Madam President, as the chairman of the Subcommittee on East Asian and Pacific Affairs, I would like to speak this morning on two issues concerning the People's Republic of China; specifically, Hong Kong and our embassy in Beijing.

First, Hong Kong Governor Chris Patten contacted me last Friday to inform me that his government and the government of the People's Republic of China had finally reached an agreement on establishing the Court of Final Appeal [CFA]. He was kind enough to send me a copy of the agreement, as well as a copy of his statement to the Hong Kong Legislative Council.

As my colleagues know, the establishment of the CFA has been one of the major sticking points in the negotiations over the transition of Hong Kong from British to Chinese sovereignty in 1997. Hong Kong presently operates under a British legal system based on statute and common law, and the judiciary is a separate, independent branch of government. These legal traditions provide substantial and effective protections against arbitrary arrest or detention, and ensure the right to a fair and public trial. Aside from the legal protections individuals enjoy under this system, Hong Kong's transparent and predictable legal system and regulatory scheme has been a major draw to businesses. They know ahead of time what statutes govern their actions, and that their contracts will be enforced. The continuance of these laws after 1997 will be a key factor in the territory's ability to maintain its promised high degree of local autonomy and its attraction to business.

Final trial court decisions in Hong Kong are now appealable to the Supreme Court, and then to the Privy Council in London. There is a well-founded concern that, upon retrocession, the protections offered by the present legal and appellate systems might disappear to be replaced by a more "indigenous" system where the courts are instruments of the Party, contracts are honored only as long as they are useful, and final decisions are handed down from Beijing according to the whims of the leadership.

In an attempt to allay these fears, in the Joint Declaration and subsequent

discussions the People's Republic of China and United Kingdom agreed to establish a local CFA before 1997 to replace the Privy Council. Protracted negotiations between the parties, however, failed to produce a mutually agreeable plan for the Court's implementation. With 1997 looming and fears about the consequences of the lack of a court at the time of retrocession, the Hong Kong Government unilaterally prepared a draft bill for introduction in the Legco.

Beijing refused to endorse the draft, and both sides spent time pointing the finger at the other, while it languished. In March, in response to statements by Governor Patten that the Legco might unilaterally establish the CFA without waiting for Chinese approval, the People's Republic of China stated that it would dismantle any court established without its OK. This left the Hong Kong Government with the Hobson's choice: either leave it to China to decide when and how the court would be established after 1997, or go ahead with the draft bill and create a serious dispute with the People's Republic of China that would have damaged investor and citizen confidence and left doubts about whether China would eventually just dismantle it.

On June 1, however, the two sides began a new round of spirited negotiations which led to the June 9 agreement. The basic gist of the agreement is that the Hong Kong Government will proceed to introduce its draft bill in the Legco, and that preparations for the Court should be made on the basis of the resulting legislation and completed in time for the Court to begin operating on July 1, 1997. It will not, however, begin operating before that date. Governor Patten noted on Friday that:

What is vital is that we know now what kind of court will be in place on 1 July 1997. That is what the Hong Kong community and US and other foreign businessmen have been calling for and I believe that the Chinese have come to realise that it is vital to the maintenance of confidence in Hong Kong. There will be dissenting voices, of course, but I believe that the majority of the Hong Kong community and international investors will welcome the agreement, and that the Legislative Council will accept it.

The bottom line is that, although it is not ideal, this agreement does more to strengthen the rule of law after 1997 than any alternative course of action, and for that reason I am convinced that it is the right way forward.

While I find myself in some agreement with Governor Patten, as an outside observer I have four concerns with the agreement: the timing, jurisdiction, finality, and judicial independence issues. First, I regret that the Court will not begin to function until the day jurisdiction is transferred in 1997. If the Chinese had agreed to allow the Court to begin functioning as soon as enabling legislation could be passed, then the two sides would have had more than a year in which to see how the court operates and to work out through a consensus any kinks or

shortcomings that became apparent. As it stands now, the Court will be jumpstarted cold in 2 years on July 1 without a "test run."

My second concern involves the Court's jurisdiction. In the preliminary talks about the Court, the Chinese side was rather adamant that the jurisdiction of the CFA would not extend to acts of state. What Beijing sought to forestall by this provision was the spectre of a judicial branch based on English common law declaring void some tennet of the central government vital to the continuation of the Communist system. Unfortunately, the new agreement adopts the definition of "act of state" set out in Article 19 of the Basic Law, which has been seen by some as vague and thus capable of an overly expansive interpretation. The worry is that after 1997 the Chinese will simply qualify politically uncomfortable cases as touching on "acts of state" and therefore remove them from judicial review.

Third, the provisions regarding judicial appointments raise some concerns. Under the Joint Declaration, judges appointed to the CFA were to be confirmed by the Legco. Moreover, the Court would be allowed to invite judges from other English common law jurisdictions to sit on the Court. These two provisions have fallen somewhat by the wayside under the new agreement. Now, it appears that the confirmation provision by the Legco has been removed. In addition, the parties adopted the limitation of foreign judges to one set out in what are known as the secret documents. Both of these are violative of the Joint Declaration.

Finally, the parties appear to have largely glossed over what is known as the finality issue. The idea behind the CFA is that the Hong Kong citizens will have the final say about judicial decisions that effect them, and not some party cadre in Beijing. The reason is easily illustrated by a simple analogy: Wyoming citizens would not want decisions of their State supreme court on State laws to be subject to review by a bureaucrat in Washington. Yet, the finality of CFA decisions is still somewhat up in the air.

Having made these observations, Madam President, as I have pointed out before decisions such as these are principally a bilateral issue between the People's Republic of China and the United Kingdom. If both sides have agreed to the new provisions, who are we to gainsay their decision? This is one area where, I believe, overly active moves on our part would for once justify the usual Chinese observation that we were meddling in their internal affairs. I would just hope, though, that the parties would note our concerns and perhaps work with each other to remove some of the remaining ambiguities and departures from the Joint Declaration.

Madam President, I would also like to address another topic concerning the People's Republic of China today.

It has come to my attention that our representative in the People's Republic of China, Ambassador J. Stapleton Roy, will be permanently leaving his present post next week to return to Washington and then move on to our Embassy in Jakarta, Indonesia. Yet, inexplicably, the Clinton administration has failed to even name a replacement, let alone forward his or her name to the Senate for confirmation, and has simply decided to leave the post vacant for an undeterminant period of time.

Madam President, I am amazed and dismayed that the Clinton administration has decided to take such an ill-advised step—whatever the impetus. Leaving a post vacant in a small, relatively non-strategic country is one thing; but to do so in the world's most populous country, a country that is emerging as the economic engine that will drive Asia into the 21st century, is quite another.

This is especially true at this time when our bilateral relationship is somewhat less than perfect.

The Chinese are extremely displeased with our decision this month to admit President Lee Teng-hui of Taiwan, and have stated that the decision has seriously soured their view of our relationship. While they have cancelled and postponed several meetings as a sign of their displeasure, I am sure that we have not seen the full extent of their reaction.

More importantly, the Chinese Government is itself in a state of flux. The move to replace the ailing Deng Xiaoping is, contrary to the beliefs of some, well under way. Jiang Zemin and his Shanghai compatriots are already moving to consolidate their positions, and other factions have begun their jockeying in turn. Under these circumstances, each and every move we make in relation to our Chinese friends—large, small, overt, or subtle—takes on a special importance.

To allow our Ambassador to depart from Beijing at this time and leave our embassy floating without anyone at the helm seems to me to be the height of misjudgment. I hope that President Clinton will forward the name of Ambassador Roy's intended replacement in the very near future so we can get the nomination process rolling and fill this vitally important position.

KATHY JORDAN

Mrs. FEINSTEIN. Madam President, I rise to salute Kathy Jordan, who today is being inducted in the Stanford University Athletic Hall of Fame.

My northern California field representative for over 2 years, Kathy joined my staff after an incredibly successful career in women's tennis.

While at Stanford, she won four AIAW Collegiate titles, including both the singles and doubles championships in 1979. She still is considered the best women's tennis player who ever went to Stanford.