

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.

She then turned professional and in her first year reached the final 16 at both Wimbledon and the U.S. Open.

During her professional tennis career that spanned a decade, Kathy won seven Grand Slam titles.

Kathy earned a reputation as a tough and tenacious competitor. And, as she defeated one challenger after another, Kathy proved she was one of the best players in the world and climbed to a ranking of No. 5. In just 1 year, she went from being No. 23 in the world to being No. 5.

During that time, Kathy beat Chris Evert in straight sets at Wimbledon in 1983, reached the finals of the 1983 Australian Open, and then went on to knock off Pam Shriver in the quarter-final of the 1984 Wimbledon singles championship to reach the semifinals.

Kathy would later be described as Chris Evert's top nemesis, beating her three times.

Martina Navratilova, too, felt the sting of Kathy Jordan's passing shots. Not only did Kathy beat her in singles, but it was the team of Kathy Jordan and Liz Smylie that pulled a huge doubles upset and ended the 109-match winning streak of Navratilova and partner Pam Shriver in the Wimbledon final of 1985. Jordan and Smylie won by a score of 5-7, 6-3, 6-4. It was sweet victory for Kathy, who had lost 3 of the last 4 years to Navratilova and Shriver after winning the Wimbledon championship in 1980 with partner Anne Smith.

Looking back on the match, Kathy recounted how she and her partner, Smylie, were serving for the match at 5-4 in the third set. Kathy gambled, lunged across to Smylie's side of the court for a volley. They won the point, with Navratilova and Shriver looking stunned as the shot whipped by.

"Pam and Martina were standing there looking at each other. I'm kinda like a roving linebacker and Liz is like a defensive back who sometimes has to cover behind me in case a ball gets over my head," Kathy said in 1991.

That roving linebacker attitude is exactly what made Kathy Jordan a legend on the tennis courts.

But, in the 1987 Virginia Slims of New England, Kathy's career was jeopardized with one of the most serious injuries an athlete can suffer—a tear of the right anterior cruciate ligament.

"That's the Bernard King injury. The Danny Manning injury. You get scared. You never really know. A lot of people don't make it back," Kathy told the San Francisco Chronicle in 1990.

But, once again Kathy's determination paved the way and she once again became a potent threat in women's tennis. She reunited with her partner, Liz Smylie, and once again knocked off the expected winners to climb their way into the Wimbledon doubles final in 1990.

I've had the pleasure of getting to know Kathy over the course of the last 2 years.

After retiring from women's tennis, Kathy finished her undergraduate work

at Stanford University and chose to direct her talents to public service. She worked on Lynn Yeakel's campaign for the U.S. Senate in her native Pennsylvania and then returned to California, where Palo Alto had become home.

Kathy joined my staff in 1993 as field representative for the northern California region of the State.

She has been one of the most outstanding staff persons I've worked with over the last 2 years.

Kathy assumed her field responsibilities with an incomparable level of compassion, intelligence, and diligence. And just as she did on the tennis court, Kathy has shown a fierce determination to fight for what is right.

She redefined the title "field representative" and was quickly promoted to the role of field director, overseeing projects for me statewide.

As a representative of over 20 counties, she was my eyes and ears for northern California. She identifies a problem and—more importantly—helps figure out how to solve a problem.

She has been a tireless advocate for the issues and concerns of the residents and elected officials in her jurisdiction.

I frequently have county supervisors and others approach and thank me for the work she has done and the results accomplished.

At a time when many feel alienated and are looking to the government's representatives to help them and respond to their needs and problems, I feel proud that I have a staff person who heeds the call and gets things done.

Kathy is a remarkable person whose compassion, respect, and talent for her work serves as a model for others.

I am grateful to have worked with her and benefited from her service to the U.S. Senate.

Madam President, I stand here to congratulate Kathy on all her accomplishments, and for the honor being bestowed her by Stanford University.

For all she has accomplished in both the world of tennis and in government service, it is an honor well deserved.

LANE KIRKLAND

Mr. MOYNIHAN. Madam President, I rise today to salute my friend, Lane Kirkland, who yesterday announced that he would not seek reelection as president of the AFL-CIO. During his 16-year tenure as head of the AFL-CIO and his 50 years of service to organized labor, Mr. Kirkland devoted himself to improving the lives and occupations of unionized workers. He accomplished this mission with skill and determination.

An editorial in today's New York Post remarked:

We've always hailed his stalwart commitment to liberal anti-communism and his fealty to the concept of a global network of genuinely free trade unions. It's safe to say, in fact, that no one in the United States—apart from President Reagan himself—did more to hasten the demise of the Soviet empire than did Lane Kirkland.

Lane Kirkland's presence at the helm of American labor will be sorely missed. As the New York Post concluded:

His retirement marks the departure from the public arena of a larger-than-life figure—an able, courageous and principled individual whose shoes will be difficult to fill.

I extend my thanks to Lane Kirkland for his dedication to working men and women, and I wish him the best of luck in the future.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Madam President, one does not have to be a rocket scientist to realize that the U.S. Constitution forbids any President's spending even a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that the Founding Fathers, two centuries before the Reagan and Bush Presidencies, made it very clear that it is the constitutional duty of Congress—a duty Congress cannot escape—to control Federal spending. They have not for the past 50 years.

It is the fiscal irresponsibility of Congress—of Congress!—that ran up the Federal debt that stood at \$4,903,284,242,955.00 as of the close of business Tuesday, June 13. This debt, which will, of course, be passed on to our children and grandchildren, averages out to \$18,612.95 on a per capita basis.

THE 220th ANNIVERSARY OF THE U.S. ARMY, JUNE 14, 1995

Mr. THURMOND. Madam President, exactly 220 years ago today, a proud American institution was born, the U.S. Army. I rise today to not only recognize this important milestone in the history of the Army, but to pay tribute to all soldiers who have served their Nation, both in the past and in the present.

For more than two centuries, America's soldiers have selflessly and successfully protected the freedoms and ideals of the United States, and America's soldiers have stood tall and fast wherever they have been deployed. From the Minuteman at Lexington with his trusty musket who started the fight for the independence of our Nation, to the G.I. equipped with night vision goggles, a Kevlar helmet, and the battle-proven M16A2 rifle on patrol along the DMZ in Korea, our soldiers have always distinguished themselves. The battle streamers of the Army flag stand as testament to the courage, fortitude, and abilities of those who have fought under this banner: Valley