

view, for the significant efforts they have made.

Mr. President, I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. Senator from Arizona.

Mr. MCCAIN. I listened with interest to the statement just made by my friend from Connecticut. And all I can say is it is *deja vu* all over again. I remember the criticism that the Senator from Connecticut leveled at the election in El Salvador that was attended by me and others. And, Mr. President, he might have missed the thrust of my remarks. And that is, that this election, according to the same group, the IRI, that has observed some 48 elections around the world, did not meet high standards. They did not meet minimum standards, I say to the Senator from Connecticut.

I applaud the effort of the people of Haiti for wanting to be involved in the electoral process. I applaud the efforts that have been made by many people. But the fact is, by objective judgment, this election was chaos—chaos.

And, Mr. President, the report of our observers—I will be brief because I know the Senator from New York gets understandably impatient with this issue impeding the progress of the pending legislation. But this is the report of the objective observers, these same observation teams that, as I say, observed 48 other elections throughout the world and judged by the same standards, not high standards, Mr. President, the same standards. Here's what they said:

General: Total breakdown in reception of ballots and tally sheets to counting centers; total abandonment of materials; zero supervision of materials; counting of ballots occurring without supervision.

Tally Sheets: Tally sheets being destroyed deliberately; tally sheets have been created/replaced; tally sheets with opposition parties leading have been destroyed in front of observers; tally sheets and other electoral records are being thrown out as garbage—and trash is being removed from site.

Ballots: Ballots have been burned, both used and unused; ballots have been substituted with newly marked ballots; unused ballots by the hundreds of thousands are readily accessible at counting sites.

Let me repeat that. Perhaps the Senator from Connecticut feels it is a real high standard not to expect unused ballots by the hundreds of thousands readily available at counting sites.

Unused ballots being mixed in with marked ballots; new ballots clearly being marked at counting sites; crumpled ballots, registration materials, and ballot boxes accumulating in trash heaps, inside and outside counting sites.

Ballot Boxes: Ballot boxes universally unsealed; ballot boxes being sealed at counting sites with serial numbered seals that may not correspond to actual voting site number; sealed ballot boxes are being thrown away.

Registration Cards: Registration records in total disarray; registration records being jettisoned into the trash in large quantities; unused registration cards (remember one million missing) found in large quantities.

This is not a result of underdevelopment nor simple mis-

management; this is orchestrated chaos.

Mr. HARKIN. Would the Senator yield for a question?

Mr. MCCAIN. I would be glad to.

Mr. HARKIN. You mentioned—I do not know who IRI is.

Mr. MCCAIN. The International Republican Institute, which was there monitoring this election, as they have some 48 elections throughout the world. I say to my friend from Iowa, there are certain standard procedures used in judging any election, whether it be Russia, El Salvador, Haiti, anywhere else. These minimum standards are what an election is judged by.

Mr. HARKIN. If I could ask another question.

It is the International Republican Institute. I did not know that.

Second, in this institute, did they monitor the elections that were held in Haiti about, if I am not mistaken, a little over 2 years ago when the junta, the military, was in charge and there was an election there?

I am wondering whether they monitored that election and if they drew any comparisons between this election and that election. I only ask that question because—

Mr. MCCAIN. My answer is, as you know, that that election was so fraudulent there was no international observer groups allowed there. But in the words of other people who observed the 1990 election, this was far worse than the 1990 election conducted in Haiti which was observed by international organizations.

Mr. HARKIN. May I ask one more question? Does the Senator know how much money the United States or other nations may have provided and support that we may have provided in order to help that electoral process in Haiti, being a poor country? I just wonder if there are any figures on how much we did in terms of monitoring assistance to help them do the things that the Senator has pointed out were shortcomings in that election.

Mr. MCCAIN. I respond to my friend from Iowa, I do not know the amount of money. I do know what the commitment on the part of the American Government was. But I know the election should have met certain minimum standards. Otherwise, there is no sense in holding an election. And the observers who came in to observe this election and others did not believe those standards were met. I mean, the front page of the Washington Post this morning, "chaos" and other descriptions along those lines clearly indicate that if we did spend money, and I am sure we did, that it was either misplaced or improperly used or something.

The real point here, I say to my friend from Iowa, is I do not know how much money was spent. I know money was spent, but I know that these are trained observers who observe election after election after election around the world and judged the election in Russia

to be overall fair, the election in El Salvador to be fair, the election in Nicaragua to be fair, the recent election in Chile to be fair. This is the first time they have judged this election not to be, that I know of, one which was fair and open. But they certainly did not judge the previous election to be in any way acceptable. They did not even go to see it because everybody knew what that election was all about.

Mr. HARKIN. I thank the Senator.

Mr. MCCAIN. I thank my friend. I always appreciate this dialog with my friend from Connecticut. I think he may have misunderstood the point when I made my statement. I also admire the tenacity, desire, the will of the Haitian people to obtain freedom. They are people who deserve, if any one group of people in this hemisphere deserves our assistance and help, and they deserve a freely elected government after all they have suffered through.

I am just saying to my friend from Connecticut that there are certain standards that must be observed, that must be adhered to in any election; otherwise, the people do not have that precious right, and that is to choose their own leadership.

It is not clear to me yet what all the reasons behind this failure were but, in my view, it has been a significant failure.

I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, it had been my intention at this point to offer an amendment, but I ask unanimous consent for time as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

OBSERVATIONS ON ELECTIONS IN HAITI

Mr. GRAHAM. Mr. President, I was in Haiti on Saturday and Sunday of this weekend, and I would like to share with my colleagues some of my observations. I intend to submit a more formal statement later, but for this afternoon, I would like to talk about some of the things that I saw.

Frankly, to my good friend from Arizona, who was represented in Haiti, he and the IRI, by another good friend, Congressman PORTER GOSS of my State of Florida, I was concerned about my first experience in Haiti this weekend. I got off the plane Saturday morning at approximately 11 o'clock, and at the foot of the plane were several U.S. reporters, including a representative of one of the major networks. The first question that was asked was what did we think about the report that had been issued a few hours earlier on Saturday morning—this is the day before the election—by the IRI criticizing the election that had not yet taken place?

Obviously, we were in no position to comment on a report that we had not

seen about an election that had not yet taken place.

Mr. MCCAIN. Will the Senator yield to me to respond to that?

Mr. GRAHAM. I would like to complete my comments and then yield.

Mr. MCCAIN. The Senator made a serious charge. I would like him to let me respond.

Mr. GRAHAM. That is not a charge. It is a factual statement.

Mr. MCCAIN. As the Senator knows, it is the preelectoral process and, to be fair, the Senator from Florida ought to say that. They did not comment on the election itself, they commented on the preelectoral process. Let us not distort the record here, I say to my friend from Florida.

Mr. GRAHAM. I am not distorting the record. They were commenting and made a conclusionary statement as to what they thought the status of the election was 24 hours before the election took place.

Mr. MCCAIN. I say to my friend from Florida, I have the document in my hand: "Preelectoral Assessment of the June 25, 1995, Election."

Mr. GRAHAM. You do not have the document in your hand.

Mr. MCCAIN. Preelectoral.

Mr. GRAHAM. Because the document was approximately 300 pages long, assessing an election that was 24 hours yet before it was to commence.

Mr. MCCAIN. I have the executive summary of the 300-page document, and it clearly states "preelectoral." Preelectoral.

Mr. GRAHAM. It seems to me that it would have—and this is just my assessment, this is my editorial judgment—that it would have been more appropriate to have made such an assessment after the election had taken place as opposed to the morning prior to the election taking place. And it would have been more appropriate to have deferred to what has been the tradition of American politics, which is that partisan politics end at the Nation's boundaries.

The reality is—

Mr. MCCAIN. Will the Senator yield again? Is the Senator impugning the integrity of Congressman GOSS, who was the leader of that organization, saying that he took partisanship past the water's edge? If the Senator has evidence—

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. GRAHAM. I am not impugning anyone's integrity. I am suggesting that I believe that where the United States sends organizations to a foreign country to serve as objective election observers, that both in terms of their objectivity as election observers and in the spirit that partisan politics end at the Nation's boundaries, that it would be appropriate to defer observations on the election until after the election has taken place.

There is a suspicion raised that the purpose of issuing a report on an election 24 hours before it commences is to

either influence the election in that country or to influence domestic politics within the United States. I do not think that the process of American political party involvement is advanced by issuing a report of 300 pages on the morning before the election. That is my judgment. I would not recommend that that be done. Others may have different assessments as to the propriety of doing so, and I would not state that my values on this are biblical or absolute, but they are my values.

Mr. President, after having gotten off the plane and responding to that series of reporters' questions, we then went to a series of sessions in which we were briefed as to what we might expect on election day and some of the preparation for this election.

Let me say, this election is one that originally was supposed to have taken place in February or March of this year, coincident with the completion of the term of all of the members of the lower house of the Haitian Parliament and approximately half of the members of the Haitian Senate. Because of a variety of difficulties in getting the election organized, it was postponed several times and finally took place last Sunday.

There will be a runoff election towards the end of July in those races where there was not a majority of the vote secured by any candidate.

I think it is important—and I say this not in an attempt to create an unduly positive sense of the atmosphere, environment, but the reality of conducting an election in Haiti.

First, you are dealing with a nation that has a very high proportion of its population that is illiterate. Because of that, the ballots that were printed were some of the more complex ballots that I have ever seen. They were multicolored, in order to depict the parties by being able to fully illustrate the party symbols. If it was a rooster, it was a red rooster, with all of the coloration of the rooster. They also had pictures of all of the candidates for the Senate. And in the first voting precinct that I visited in Cite Soleil, one of the large slum areas in Port-au-Prince, there were 29 candidates for the Senate from that particular district, two of whom would be elected. There were 29 pictures of each of those candidates for the Senate. These are logistically difficult steps to take in order to assure that people, many of whom cannot read and write, would be able to cast an informed ballot.

We are also dealing with a country which has had only two elections within a whole generation. People do not have much experience—those people who are running the election, those people who are participating in the election. Basic electoral infrastructure is largely missing. Highways are extremely substandard. Telephone and other means of communication are often nonexistent.

So those are some of the practical circumstances under which an election

was held. Many of the shortcomings which were cited by the Senator from Arizona and the Senator from Georgia were the result of an attempt to increase the democracy of the elections. They may have been attempts which exceeded the capability of those responsible for administering the election. As an example, a decision was made that no precinct would have more than 400 registered voters. The theory was that they did not want to overburden the people who were at the precinct and had the responsibility for managing by having an excessive number of voters at each precinct. The number 400 was selected as a manageable number.

The problem with that was that they ended up with over 12,000 precincts in order to have everybody in a precinct with no precinct more than 400. Even more than that, because of the attempt to allow as many people a chance to register as possible, registration did not close until a few days before last Sunday's election. So you had many people who registered late, who were assigned to one of these precincts with no more than 400 people, where they did not have the time or the logistical capability to get the ballots printed out to those precincts that were created in order to accommodate the late registrants. Probably, in retrospect—and maybe this will be a lesson to be applied at the runoff election next month and at the Presidential election at the end of the year—they will close the registration books earlier to assure that there is an adequate amount of time to process all of the registered people and get the materials to those precincts.

That is an example of the kind of circumstance which started from a good motive, to get as many people registered and participate as possible, which ended causing the kinds of problems that have been cited.

I talked to IRI—International Republican Institute—people who were actually out in the field in the precincts and small towns. I talked to OAS representatives in Port-au-Prince, and to others who were observing the election. I asked, "Is there any evidence that these problems were intended to benefit a party or a set of candidates?" The answer was, from all sources, "no." The problems, the shortfalls, were as a result of incompetence, maybe an overreaching in terms of the desire to extend the election to all of the people, and to the kind of basic circumstances that are the atmosphere, the environment for any election in a country like Haiti. But there was no evidence that those were intended to serve partisan political advantage.

As some have said, we are going to have an early opportunity to see whether some of the lessons learned last Sunday will be applied, because there are going to be a second round of elections in just a matter of 4 weeks. It will be the opportunity for those responsible for the electoral process to

incorporate some of those lessons that have been learned, in seeing that the next round of elections are more orderly.

Let me just recite some of the vignettes that stick in my mind of this election. In 1987, there were elections scheduled in Haiti, and as people lined up at 6 o'clock in the morning to vote, the Tontons Macoutes came by with machine guns and slaughtered people in the voting lines. You would think that kind of circumstance that occurred less than a decade ago would create a sense of anxiety and apprehension for people to go out and vote on a Sunday morning in 1995. That was not the case. People were, in fact, joyful in their attitudes. They were enthusiastic about the opportunity to vote. At 6 o'clock in the morning in Cite Soleil—the same place people were being shot down 8 years ago—40 people were standing in line waiting to be able to be the first to vote at that particular precinct. It was an exciting exhilarating experience to see people who wanted so much to participate in democracy.

I was particularly impressed with the number of young people. I just read an article about the low participation in American elections by our youngest voters. In Haiti, the youngest voters seem to be the most participating. I made a point, through a translator, of asking a number of these young people why they were doing this. Why was this 18-year-old out on a Sunday morning standing in line to vote? The answer was, "This is my country, this is my future. It is important to me and my country that democracy work."

That is exactly the kind of spirit that will drive this country into a better future, the kind of spirit that will begin to eradicate those circumstances that have made holding an election in June 1995 so difficult.

So, Mr. President, as I said, I will be submitting a fuller report at a later time, but I wanted to put in context what is happening in this country. I do not intend to be naive or Pollyannaish about the difficulties, including the difficulties of this election. But I believe that we, as Americans, can take pride in what we have accomplished, taking a country which a year ago was under one of the most brutal dictatorships in modern history in the Western Hemisphere, where bodies were showing up every morning butchered as a result of the previous night's brutality by agents of a military dictatorship; and now we have people standing upright, proud of their country, optimistic of their personal future, desirous of being a part of the future of their nation and seeing democracy as the means by which that future would be achieved.

I think we should take some pride in that and that we will be able to look back, I hope, at this experience last Sunday as an important step in what will be a long path toward the emergence of Haiti as a fully committed,

operative democracy with an economy that provides opportunity and a future for its people and a government which respects the rights and dignity of each individual citizen of Haiti.

(Ms. SNOWE assumed the chair.)

Mr. DODD. If my colleague will yield. Madam President, I want to commend our colleague from Florida, who took the time, once again, as he has on numerous other occasions, to personally participate and observe routine, watching the elections in Haiti.

Senator GRAHAM of Florida has a consistent and longstanding interest in Haiti, and I think it is worth our while. We anticipate and await a more detailed report.

I was particularly interested in hearing your firsthand accounts of what actually occurred this past weekend, with all of the shortcomings that occurred.

I read with some interest the departure statement of the U.S. Presidential delegation who observed the Haitian elections and the number of places that the delegation—some 300 polling sites—observed complicated balloting procedures involving elections for more than 2,100 legislative, mayoral and local council offices, 25 political parties, and it goes on how complicated this process was.

The delegation notes here that:

Despite repeated misunderstandings over the actions of election officials at all levels, the delegation saw little evidence of any effort to favor a single political party or of an organized attempt to intentionally subvert the electoral machinery. At many points, the Provisional Electoral Council's actions and public statements raised questions about the credibility of the process. The most significant of the problems was the failure to explain the reasons candidates were rejected. Political parties raised these and other concerns relating to the transparency of the elections in their contacts within the delegation.

It goes on. I think it points out the success of this delegation.

Last, Mr. President, in the Miami Herald, Monday, June 26, edition, "Haiti: Ballots, Not Bullets." I think it is a worthwhile headline to note, Ballots Not Bullets.

Historic vote is mostly free of violence. Democracy scored a fragile victory Sunday as Haitians trooped to the polls under a blazing sun and a cloud of confusion to vote on all but 10 of the country's 2,205 elected offices.

I ask unanimous consent to have the article printed in the RECORD.

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

HAITI: BALLOTS, NOT BULLETS

(By Don Bohning and Susan Benesch)

PORT-AU-PRINCE.—Democracy scored a fragile victory Sunday as Haitians trooped to the polls under a blazing sun and a cloud of confusion to vote on all but 10 of the country's 2,205 elected offices.

Perhaps most important, the election was virtually free of the violence that marred previous ones.

Sunday's was the first and most complicated of three crucial electoral tests in

the wake of the U.S.-led military intervention in September that restored President Jean-Bertrand Aristide to office after three years of exile.

The next test comes July 23, with a runoff for Senate and Chamber of Deputies candidates who did not win a majority in Sunday's balloting. All 83 seats in the lower house and 18 in the 27-seat Senate were contested.

Both Sunday's vote and the July 23 runoff are curtain-raisers for year-end presidential elections.

"We're voting for democracy to advance," pronounced a smiling Aristide after voting near his residence on the outskirts of Port-au-Prince.

Dressed in blue jeans and a white polo shirt with green trim, the diminutive Aristide, buried in a phalanx of security officials and aides, walked the half-mile from his home to the polling station at the St. John Paul II church and school complex.

Aristide emerged 15 minutes later, showing a crowd of journalists and admirers his thumb coated in indelible ink, a sign he had voted.

A far greater problem than the few scattered and mostly minor incidents of violence across the country, were the almost universal complaints of snafus at the 10,000 polling stations.

Many polling places opened late, some by several hours. In others, ballots and other voting materials were missing. In some cases, so were poll workers. Transportation was a problem, with all but official and public vehicles banned from the streets. The ban also applied to all commercial airline flights.

For the most part, Haitians waited patiently outside polling stations as electoral officials scurried to correct the deficiencies.

With about 80 percent of Haitians illiterate, many voters struggled to decipher a multitude of party symbols on the ballots. Independent candidates were identified with a Haitian flag. Voters also got help from election officials in marking their ballots and depositing them correctly.

Electoral officials estimated that about 90 percent of eligible Haitians—3.5 million—had registered to vote. There were no immediate figures available of how many actually voted, but turnout appeared to be heavy, although not equal to that of the December 1990 election that swept Aristide to office.

Results for the local, district and the first round of parliamentary elections are not expected for at least a week, because the ballots have to be counted by hand.

FOREIGN ASSESSMENT

The tentative assessment was that Sunday's vote probably met at least the minimum standards for a credible election. A final verdict is expected today, when up to 1,000 foreign observers offer their assessment. And it's likely that even they might not agree.

"There were the kind of administrative problems we anticipated, but Haitians as a whole voted without intimidation or fraud in the electoral process," said a Clinton administration official participating in the 20-member U.S. presidential delegation witnessing the vote.

"I have been in many African countries for elections and they are doing very well here," was the midmorning assessment of Sen. Jacques Goillet, member of a French parliamentary observer delegation.

POSITIVE SIDE

While the credibility of the election may be debated, on the clearly positive side there were no reports of major election day violence.

The most serious incidents of election-related violence occurred overnight Friday in

the northern areas of Limbe, Le Bourgne and Dondon. Sunday's vote was called off in all three places, with the expectation it would be rescheduled in conjunction with the July 23 runoff.

In Limbe, somebody threw a firebomb into the electoral offices, destroying thousands of ballots. In neighboring Dondon, election officials decided to shut down to prevent problems. And in Le Bourgne, a mob attacked the electoral offices, stealing seven boxes of election materials. They were later recovered but in unusable condition.

There seems to be little doubt the election violence was held to a minimum by 6,000 foreign troops—including 2,400 Americans—remaining here as part of a United Nations force. Along with about 1,000 international police monitors, they were deployed nationwide.

Florida Sen. Bob Graham, observing the vote, said he was "pleased by what I have seen so far."

Almost to a voter, Haitians in line in Cite Soleil, a Port-au-Prince slum, said they were voting for the candidates of the ticket known as The Table, who are favored by Aristide.

Mr. DODD. I want to commend my colleague for his efforts and for sharing his observations here. This was not perfect by any standards. Given what we have seen over the years here, this does offer at least some significant hope—that the comments you heard from young people about what they wish for, why they were going through the process of voting, is something that we can get behind and nourish and try to encourage in the coming years.

I thank my colleague for his efforts.

Mr. McCAIN. Madam President, while my friend from Florida is on the floor, International Republican Institute has similar preelection reports from Nicaragua, China, El Salvador, Slovenia, just to name a few. The National Democratic Institute has issued preelection reports in the course of their monitoring of elections.

For the Senator from Florida to somehow believe that this is an unusual or inappropriate measure is simply, I think, incorrect, in light of the fact that it is a normal, standard procedure for electoral observation teams to make these reports.

I will be glad to provide for the RECORD all those that the National Democratic Institute also completed.

Because this report was very critical in no means, in my view, invalidates it. I would like to point out I know that the Senator from Florida knows that Congressman GOSS, of all people, is highly qualified. He is a former member of the CIA—I think the only member of the other body that is a member of the CIA.

I would say to my friend from Florida, at no time, in 4 years of observing 48 elections, has the International Republican Institute or the National Democratic Institute, been challenged on the basis of party bias. If they did, if there was any of that, they would have no credibility.

While we are looking at newspapers, here is a picture at a counting station in downtown Port-au-Prince. "Monique Georges reacts to the state of ballot

boxes deposited by angry election workers who said they had not been paid."

The Washington Post reports:

Parties and election observers across the political spectrum—from the government of President Jean-Bertrand Aristide—today criticized as chaotic and disorderly elections Sunday that were considered a key step in establishing democracy in this impoverished nation.

To be fair I should go on:

But most said the disarray did not invalidate the voting, and even the Republican observer team said the irregularities were not enough to prompt a cutoff of U.S. aid.

Nor am I seeking a cutoff of U.S. aid.

"The process is very badly organized, and we, the government, are not proud of it," said Jean-Claude Bajeaux, the Minister of Culture, in a radio interview. "Instead of improving on the 1990 elections, we have done worse."

Now, this is the Minister of Culture in Haiti.

Madam President, we are wasting the time of the Senate in a way, because the facts are going to come out on this election. These are the first initial observations made by qualified observers, and I think more and more evidence is pouring in that this election did not meet the minimum standards in order to judge an election as fair and equitable and that the people are allowed to select their leadership.

I just want to emphasize, Madam President, that this election was observed by unbiased observers. I will provide for the RECORD the names of those individuals who made the observations.

There being no objection, the ordered printed in the RECORD, as follows:

OBSERVATION DELEGATION

CHAIRMAN OF THE DELEGATION:

U.S. Representative Porter J. Goss: Congressman Goss (R-FL) is serving his fourth term in the House. He has a particular interest in Latin American policies and served as an election observer to the 1990 electoral process in Nicaragua. Congressman Goss is a member of the Select Committee on Intelligence, the House Ethics Committee, and the House Rules Committee.

DELEGATION (IN ALPHABETICAL ORDER)

Cleveland Benedict: Mr. Benedict represented the Second District of West Virginia in the U.S. House of Representatives from 1980-1982, and he has served as the state Commissioner of Agriculture, as well as a Deputy Assistant Secretary of the U.S. Department of Agriculture. He is the President of Ben Buck Farms in Lewisburg, West Virginia.

Jeff Brown: Mr. Brown is Director of Grassroots Development with the Republican Party of Virginia. Prior to joining the state Party, he served in Governor Allen's Administration as Director of the Commission on Citizen Empowerment and was with Empower America.

Malik M. Chaka: Mr. Chaka is the Director of Information for Free Angola Information Service in Washington, D.C., and editor of Angola Update, an internationally distributed monthly newspaper. As a Tanzanian-based free lance journalists in the 1970's, Mr. Chaka has observed the advance of democratic processes in southern Africa.

George Dalley: Mr. Dalley is a partner with the Washington, D.C. law firm of Holland

and Knight. He is a former Counsel and Staff Director to Congressman Charles Rangel (D-NY) and was a Deputy Assistant Secretary of State in the Carter Administration.

Mary Dunea: Ms. Dunea is Assistant to Governor Jim Edgar of Illinois. She directs cultural and international initiatives for Governor Edgar and serves as his liaison with groups involved in developing international trade.

George A. Fauriol, Ph.D.: Dr. Fauriol is Director and Senior Fellow, American Programs with the Center for Strategic & International Studies in Washington, D.C. At CSIS, he directs the program in engaging policy makers in Canada, the United States, Mexico, Latin American and the Caribbean in pivotal issues of common concern, such as trade, democratization, and security matters.

Ronald Fuller: The owner of an advertising and public relations firm in Little Rock, Arkansas, Mr. Fuller serves as a consultant on governmental and media relations to businesses, trade associations, and political candidates. He served as a communications and political party trainer on an IRI mission to Latvia and Lithuania.

Rich Garon: Mr. Garon is Chief of Staff of the U.S. House of Representatives Committee on International Relations. He is a longtime assistant to Committee Chairman Ben Gilman (R-NY) and has extensive experience in developing foreign policy legislation.

Kevin T. Lamb: Mr. Lamb is a partner and chair of the creditors' rights, business restructuring, and bankruptcy practice group at Testa, Hurwitz & Thibault in Boston, Massachusetts. Mr. Lamb represents major lending institutions and venture capital funds in corporate reorganization and work-out arrangements.

Kirsten Madison: Ms. Madison is Senior Legislative Assistant to U.S. Representative Porter Goss (R-FL). She manages the Congressman's initiatives regarding U.S. policy toward Haiti, as well as has oversight responsibilities involving other foreign policy legislation.

Roger Noriega: Mr. Noriega is a professional staff member on the U.S. House of Representatives International Relations Committee, responsible for issues involving U.S. interests in Latin America, the Caribbean, and Canada. He has actively monitored the situation in Haiti since the 1991 coup and has visited Haiti twice in the last six months and met with President Aristide. Before joining the House committee, he served at the State Department, the Agency for International Development, and the Organization of American States.

Martin Poblete: Professor Poblete is the permanent adviser on Latin American Affairs at the Northeast Hispanic Catholic Center in New York. He is also Chairman of Columbia University Seminar on Latin America and a Professor of History at Rutgers University.

Steve Rademaker: Mr. Rademaker is Chief Counsel of the Committee on International Relations of the U.S. House of Representatives. Prior to joining the committee staff in 1993, he had served as General Counsel for the Peace Corps and Associate Counsel to the President and Deputy Legal Adviser to the National Security Council during the Bush Administration.

Therese M. Shaheen: Ms. Shaheen, who has wide-ranging experience working in Asia, the Middle East, and Europe, is President, Chief Operating Officer and Co-founder of U.S. Asia Commercial Development Corporation in Washington, D.C. U.S. Asia develops and manages commercial projects for American firms in Asia.

Tim Stadthaus: Mr. Stadthaus is Legislative Assistant and Assistant Press Secretary

to U.S. Representative William F. Goodling (R-PA). He monitors foreign relations matters and oversees related legislation initiated by Congressman Goodling, who is a member of the House International Relations Committee.

John Tierney Ph.D.: Dr. Tierney is a member of the faculty at Catholic University in Washington, D.C. and also teaches at the University of Virginia and Johns Hopkins. He has served as Director of the U.S. House of Representatives Caucus on National Defense, as a consultant to the Heritage Foundation, and as a Special Assistant with the U.S. Arms Control and Disarmament Agency during the Reagan Administration.

Jacqueline Tillman: Ms. Tillman is Senior Staffer for National Security Affairs and Director of Issue Advocacy for Empower America in Washington, D.C. Before joining Empower America, she was Executive Vice President of the Cuban American National Foundation, Director of Latin America policy with the National Security Council during the Reagan Administration and an assistant to U.S. Ambassador to the United Nations Jeane Kirkpatrick.

Mr. McCAIN. People can honestly disagree on what they observed. But to allege that somehow agreement or disagreement with administration policy concerning Haiti would somehow affect one's view of this election, I think, does great disservice to the people who took their time and their effort.

The Senator from Florida certainly knows how unpleasant the conditions are down there. They may disagree with the Senator from Florida as to the veracity of the elections, but I cannot, without any evidence, accept any allegation that the observation of these elections and the conclusions that were reached by these observers were in any way colored by their view of United States policy toward Haiti.

I am sure that my friend from Florida would not intimate such a thing. I want to make the record clear and I want to thank the Senator from Florida for his many-year-long involvement in the issue of Haiti, for his strong advocacy for freedom and democracy in Haiti, and his continued knowledgeable and informative manner as far as the region is concerned. I yield the floor.

PRIVATE SECURITIES LITIGATION REFORM ACT

The Senate continued with the consideration of the bill.

Mr. D'AMATO. Madam President, I know the distinguished Senator from Florida, Senator GRAHAM, is about to offer an amendment.

It would be my intent when the ranking member returns, Senator SARBANES, to offer a unanimous-consent agreement, the nature of which is we would have 1 hour equally divided on Senator GRAHAM's amendment, and we then would proceed to Senator BOXER's amendment.

I see Senator SARBANES is here. I yield the floor to Senator GRAHAM so he can start and offer his amendment, and at some point in time he might break to propound the unanimous-consent agreement.

Mr. GRAHAM. Could I ask the Senator from New York a question? Your unanimous consent—are you going to provide some time in the morning prior to the vote for a brief statement for those who may not be able—

Mr. D'AMATO. It would be our intent to vote this evening, probably by about 8 o'clock.

Mr. GRAHAM. I am sorry. From earlier comments, I understood it was suggested otherwise.

Mr. D'AMATO. We had attempted to get an agreement to stack the votes, but there was an objection to stacking more than a certain number. It is my intent to dispose of the Senator's amendment prior to disposing of the Boxer amendment.

May I ask at this point unanimous consent that when the Senate considers the Graham amendment, there be 1 hour for debate, to be equally divided in the usual form, and no second-degree amendments be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Madam President, I further ask that following the conclusion or yielding back of the time on the Graham amendment, that the amendment be laid aside and Senator BOXER be recognized to offer an amendment regarding insider trading, on which there would be 90 minutes for debate to be equally divided in the usual form, and no second-degree amendments to be in order.

Mr. SARBANES. Madam President, I will have to object to that request.

The PRESIDING OFFICER. Does the Senator object? Objection is heard.

Mr. D'AMATO. Well, then, we proceed to the Graham amendment.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 1479

(Purpose: To provide for an early evaluation procedure in securities class actions)

Mr. GRAHAM. Madam President, before I offer my amendment, I would like to make a few comments relative to this legislation. When I approach a piece of legislation, I like to do so by asking some basic questions, the first of which is: What is the problem? What is it that we do not like about the status quo that has caused us to propose some alteration of the status quo?

In this case, that diagnosis has been very consistent, clear, and trumpeting, and it is that we have too many frivolous lawsuits that relate to securities fraud.

I cite as my evidence of that an ad which appeared on page A7 of today's Washington Post, under the headlines, "Who Profits? 'A Coterie of Lawyers'."

This ad was in support of S. 240, and it was placed by "America Needs More Investors, Not More Lawsuits," under the sponsorship of American Business Conference and American Electronics Association.

What did the proponents of this legislation say was the reason that we have S. 240 before us this evening? Quoting from the ad:

Specialized securities lawyers win big bucks by filing meritless lawsuits against many of America's most promising companies. The securities lawyers profit handsomely, but Americans with money in stocks, pensions and mutual funds are the losers in the deal.

This is what editorial writers across the Nation are saying about securities lawsuit abuse:

And then the ad quotes a number of newspapers which have taken a position in support of this legislation. It happens that the first of those newspapers is from my State, the Tampa Tribune, June 25, 1995:

The situation now is that all investors are paying the costs of settling lawsuits that should never have been filed. . . . [T]he time has come to pull the legal leeches off the backs of corporations that have done no wrong.

That is from the Tampa Tribune.

The next is from the Rocky Mountain News:

. . . the nogoodniks suffer at the same rate as the straight-shooters. Meanwhile, who profits? A coterie of lawyers with stock charts and fill-in-the-blanks fraud complaints.

That is the January 18, 1995, Rocky Mountain News.

The Chicago Tribune of March 29 of this year:

. . . groundless lawsuits by shareholders alleging fraud . . . are often merely a way of extorting settlements from corporations whose stock prices have dropped.

Madam President, I ask unanimous consent the totality of the ad from today's Washington Post be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. GRAHAM. Madam President, that is the stated problem: Frivolous, meritless lawsuits. But what do we have? Is that the prescription that has come out in S. 240? Is it legislation which is targeted at eradicating the tumor of meritless lawsuits? Unfortunately not.

If I may quote from another newspaper, the Miami Herald of yesterday, which stated, under the headline, "License to steal":

Practically everyone in Washington, to some degree or other, has blamed "frivolous or abusive lawsuits" for sapping America's economic vigor. And judging from anecdotes, the complaint has some merit. But more often than not, the proposed cures turn out to be far more debilitating than the disease. A perfect illustration is a bill moving through Congress that supposedly protects the securities industry from "frivolous" suits by investors.

The bill may come to a Senate vote today. It would bar, among many other things, charges of fraud against those who make false projections of a company's likely performance. By granting "safe harbor" to all statements of a "forward-looking" nature, it essentially tells companies and brokers: Go ahead, lie about the future. As long as you're not misrepresenting the past, you can fleece investors in any way that your imagination allows.

Madam President, I ask unanimous consent the editorial from the June 26,