

held on the floor of the U.S. Senate, during the committee meetings that have been addressing this issue, including the Finance Committee, there is not one scintilla of evidence—not one—that one individual has ever maintained that this was a deliberate act by the negotiators, that this was a deliberate act by the Congress of the United States to carve out this special exemption for a handful of drug manufacturers.

We have competition ready to come to the marketplace. We have cheaper prices ready to be able to come into the marketplace to provide quality drugs at competitive prices—more than competitive prices. For us to believe that we can continue this great windfall, I think is very wrong indeed.

I urge the chairman of the Judiciary Committee to proceed forthwith with a markup for this particular issue. He knows what the issues are.

Mr. President, I further state that at the proper time on the proper legislative vehicle, I will offer to the Senate once again the opportunity to correct the record, once again the opportunity to set things right, because every day that we delay is another \$5 million in profits to the pharmaceutical companies that make Zantac and these other drugs. We are delaying now about another 15 to 20 days at least because we are leaving on a 2-week recess tomorrow. That is another \$75 million to \$80 million for these drug companies in extra profits for them at this time.

We had a vote in December, and we have seen since that time and since that vote another \$450 million of profits being given to them in a windfall nature.

I think the American people certainly are calling on us to be responsible to set the record straight and to admit that we made a mistake.

I am going to give the Senate—and hopefully the other body—an opportunity to correct that mistake in the very near future. I will be offering that on the first legislative vehicle that I see the opportunity to attach it to after we return from our Easter break.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I was dismayed to hear the comments our colleague, Senator PRYOR, just made with reference to the Judiciary Committee's deliberations on the GATT/pharmaceutical patent issue.

My colleague was correct in stating that I wrote him a letter in December indicating the committee would hold a hearing and a markup on this issue.

In fact, we held a hearing on February 27 on the specific issue he raised, and 1 week later, March 5, held another hearing on the more general issue of pharmaceutical patent life at which the GATT issue was also commented upon by a number of individuals.

Perhaps my colleague was not aware, that, on Tuesday, I notified the committee that this would be a possible agenda item for markup this week. However, it was not possible to fore-

cast the arduous, time-consuming immigration markup, which extended much longer than any of us had anticipated. In addition, Senator KENNEDY, the ranking member of the Labor Committee and a top member of Judiciary, expressed concerns about how the Judiciary Committee's agenda was conflicting with the FDA reform markup this week in Labor. Accordingly, at the outset of the Judiciary Committee's deliberations on the immigration bill this morning, I made the following statement:

Finally, let me say a few words the Committee's consideration of how certain GATT transition rules should apply to the generic drug industry—this is the so-called GATT patent issue.

This was the subject of a lengthy floor debate on December 7th and a Committee hearing on February 27th.

As I have stated on a number of occasions, my preference is to achieve some sort of compromise on the issue. But this is a very complex issue that involves the confluence of three interrelated statutes: the GATT implementing law, the Federal Food, Drug, and Cosmetic Act, and the patent code.

I am aware that there are discussions taking place in an attempt to fashion a compromise proposal. I have directed my staff to continue to facilitate these discussions.

Frankly, the Immigration Bill has taken longer than any of us would have liked or could have planned for. It became apparent earlier this week that we would not have time to complete a GATT mark-up before Friday.

We still have many amendments to dispose of on the Immigration Bill. I also know that Chairman Kassebaum's Labor Committee is in the middle of the FDA reform mark-up and that Senator Kennedy wanted to closely coordinate our schedules today. Other members have scheduling conflicts as well.

For these reasons, I am announcing my intent to schedule mark-up on the GATT issue when we return from recess. I would like to consider a compromise that most of us can support. I don't think the PRYOR bill meets that test. I hope we will continue working toward an agreement over the recess.

I wish to make amply clear for the record that Senator PRYOR's staff had informed me that he did not anticipate, nor wish for, a markup on this issue in Judiciary, but rather he wished to pursue a dialogue on the floor. Thus, I was heartened to hear his remarks just now in which he stated he wanted the Judiciary Committee to mark up a bill.

Before closing, I would like to address one specific comment Senator PRYOR made. Those who advocate change in the law argue that the Congress clearly intended to achieve the results of the Pryor/Chafee/Brown amendment when we originally passed the Uruguay Round Agreements Act (URAA). They continue to argue to this day that it was merely a "technical oversight" which led to this "unfair" outcome.

I find it strange that not one person has come forward, that there has been not one shred of evidence, not one memo, nor paragraph of a memo, nor even a sentence in any document supporting Senator PRYOR's contention.

In fact, the Court of Appeals for the Federal circuit, a completely disin-

terested party, could find no definitive evidence on this issue at all. In the November, 1995 Royce decision, the Federal circuit stated:

The parties have not pointed to, and we have not discovered, any legislative history on the intent of Congress, at the time of passage of the URAA, regarding the interplay between the URAA and the HATCH-Waxman Act."

I do not wish to rehash the arguments related to the GATT at this time. It is an extraordinarily complex issue, and is not as simple as it might appear to some. It is no secret to this body that I am not supportive of the Pryor amendment as drafted in December.

What I do want to emphasize is that a fair resolution of this issue remains my priority and, as I said at the markup this morning, I am hopeful we can fashion a compromise that is acceptable to the majority of Senators. I hope that my colleagues Senators PRYOR, BROWN and CHAFFEE, will be willing to work with us in that regard and I look forward to their suggestions for areas in which a resolution can be crafted.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1996 AND 1997—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. MCCAIN. Mr. President, I was one of the first Members of the Senate to support Senator HELMS' efforts to consolidate U.S. foreign policy agencies. This bill does not go as far as I or many of my colleagues on the Foreign Relations Committee had hoped it would in this respect. I, and I know the chairman, had envisioned a consolidation which would require the dismantlement of three agencies—USAID, USIA, and ACDA. But just getting the bill into and out of the conference committee was a major accomplishment and I commend the chairman for it.

I support the bill and I will vote for it. A savings of \$1.7 billion over 4 years and the merging into the State Department of at least one foreign policy agency is a proposition simply too good to pass up.

However, I do want to register my steadfast opposition to one particular provision in the bill. The conference report conditions funding for any expansion in United States diplomatic relations with Vietnam on Presidential certifications in a number of areas related to missing United States servicemen. The Senate wisely refrained from including similar language in its bill, and despite its several efforts to address the issue in previous legislation, the House included only sense-of-the-Congress language.

Given that neither House decided to legislate in this area, I was quite dismayed to find out that somehow during the proceedings of the conference committee, the conferees actually decided to make the House language tougher. One reasonably expects—and common

sense would indicate—that a compromise develops midway between two positions. But in this case, compromise involved not only caving to the House position, but giving House conferees something for their trouble.

This is the third time that I have come to the floor to register my opposition to the same language in different conference reports. I know that conferees often have a difficult time dealing with this issue. On one side of the debate are those who seek to block the President's decision to normalize relations with Vietnam at every opportunity. They are extraordinarily focused and unrelenting. In contrast, those on the other side of the debate either have an understandable predominate interest in reaching a real compromise, or truly see no harm in forcing the President's hand.

As was the case with the CJS conference report, the balance of sentiments on this issue in this conference has contributed to the certainty of a Presidential veto. I know that the President would have likely vetoed the bill anyway. He has fought the idea of State Department reorganization since Secretary Christopher first proposed it. However, I think we have complicated the case for consolidation with this provision on Vietnam. In short, we have given the President one more reason to veto the bill. And unlike some of his reasons, to my mind, this one is legitimate.

When the bill returns to the Senate for a possible veto override, I hope the conference will revisit the issue of United States-Vietnam relations and approve language which reflects the will of at least one House of Congress. Consistent with his constitutional powers, the President last year made a decision to normalize relations with Vietnam. As I have pointed out to my colleagues a number of times, this is a fact. The President should not be constrained in his efforts to carry out his decision. If we cannot respect President Clinton's decision on its merits, we ought to at least respect the power his office entitles him to exercise.

Mr. DODD. Mr. President, I oppose H.R. 1561. I do so for many reasons.

I believe that this bill is not only myopic, but it is dangerous. H.R. 1561 calls upon the President to eliminate one of three foreign policy agencies and includes authorization levels that would force the United States to withdraw from some international organizations. It overlooks the successful efforts the administration has already undertaken to reduce its expenditures. Mr. President, the United States is unquestionably the strongest Nation in the world. These foreign affairs agencies are essential to U.S. leadership. H.R. 1561 undermines our strength and leadership in the world.

In addition to objection to the general direction the bill takes us, there are also specific provisions that are seriously flawed. Specifically, look at how this bill treats relations with Viet-

nam. Section 1214 makes funding for a U.S. Embassy in Vietnam dependent upon a Presidential certification that Vietnam is fully cooperating on the POW/MIA issue. Most certainly we all want to resolve any outstanding POW/MIA cases. However, this provision isn't likely to facilitate that end. This provision, if enacted, could threaten the progress that has already been made on the POW/MIA issue. Moreover, it could restrict the President's ability to pursue our national interests in Vietnam and put United States firms at a competitive disadvantage.

Second, it terms of U.S. participation in the United Nations, this bill provides inadequate funding levels for fiscal years 1996 and 1997. The United States is already \$1.2 billion in arrears to the United Nations. Besides being irresponsible, this outstanding obligation thwarts our influence in the United Nations and impedes our diplomatic efforts to reform the institution. Even Namibia, one of the poorest countries in the world with a GDP 86 times less than the United States, has paid up. That, Mr. President, is shameful.

Third, H.R. 1561 fails to resolve the limitations on U.S. population assistance programs placed in the fiscal year 1996 foreign operations appropriations legislation. Such restriction will have a serious, detrimental impact on women and families in the developing world. These restrictions will cause an estimated 7 million couples in developing countries to be without access to safe, voluntary family planning services. And what will the result be? Millions of unwanted pregnancies and abortions. Mr. President, I am sure that none of my colleagues want to see this happen.

Mr. President, I conclude my statement by reiterating that H.R. 1561 is shortsighted, dangerous, and that I vigorously oppose it. I encourage my colleagues to join me in voting against the conference report.

Mrs. KASSEBAUM. Mr. President, today, we have before us significant legislation which, if it becomes law, will restructure the principal institutions used to conduct America's foreign policy. The process leading to this point may have been less bipartisan and less open than some of us would have desired. But I want to commend the chairman of the Foreign Relations Committee, Senator HELMS, for his determination in shepherding this difficult bill through the legislative process.

The heart of this bill is its reorganization of our Nation's foreign policy bureaucracy. While I still have reservations about the continued deep cuts in our foreign affairs spending—an account that already has sustained deep cuts since the late 1980s—that is not the issue here. Congress made the decision to continue cutting our foreign affairs spending when we passed the budget resolution last year. The purpose of this authorizing legislation is to try to shape those cuts in a manner

that will best protect our ability to carry out the Nation's foreign policy.

I believe this conference report's approach to streamlining and consolidation—an approach dramatically different from the original versions introduced a year ago in both Houses—is reasonable. In essence, this legislation would require the abolition of one of our four principal foreign policy agencies and would require a savings of \$1.8 billion over 4 years. It wisely vests in the President, however, the maximum possible flexibility to determine the details of reorganization.

Because the reorganization provisions are, in my judgment, reasonable, I intend to vote for this legislation. However, I very much regret that the legislation also contains many foreign policy provisions which have been less scrutinized and which, in my view, would have been better omitted. Let me outline my specific concerns with the legislation:

First, the bill contains a number of provisions that may further irritate our relations with China. Most important among these is the provision asserting that the Taiwan Relations Act takes precedence over the 1982 Sino-United States joint communique. The triangular relationship between Washington, Beijing and Taipei is a delicate diplomatic balance in each of its legs, and in this legislation Congress is needlessly seeking to strengthen one leg—the leg between Washington and Taipei—without regard for the effect on the other two.

Second, the bill unwisely reopens the difficult debate about our relations with Vietnam. In 1994, after weighing the arguments on both sides, Congress concluded that normalizing relations with Vietnam best serves America's national interests in that region. I do not believe we should roll back that decision today.

Third, the bill creates a new category of political asylum for persons fleeing coercive population practices. I have opposed this provision from its inception because I believe it may open a floodgate of false claims for immigrants from certain countries not otherwise able to enter the United States.

Fourth, the conference report restores several provisions that require withholding of U.S. contributions to the United Nations—provisions that were struck from the Senate bill at my request. I believe that we have reached the limits of this nickel-and-dime approach to reforming the United Nations and that these narrow withholding requirements have become counterproductive. What is needed, in my view, is a broader approach to reform. Unfortunately, a provision that I added to the Senate bill to require the administration to submit to Congress an overall proposal for reforming the United Nations consistent with several specific objectives has been dropped from the conference report.

Fifth, this legislation has cherry picked the foreign aid authorization

bill, incorporating a small handful of its most politically popular provisions into the broader State Department Authorization bill. This approach ensures that no other foreign aid authorization will be enacted this year. I worry we are creating a situation in which no foreign aid program other than the few in this bill will be authorized and, as a result, funding for any others may be blocked.

Sixth, this authorization legislation does not deal with the difficult population issue of international family planning, despite the compromise reached in the Foreign Operations Appropriations debate stipulating that the matter would be handled in this bill.

Seventh, the legislation ends the United States housing guarantee program, with an exception for our program in South Africa. I tend to believe this is an important program that should not be banned by statute.

Mr. President, this is a long list of objections. To weigh them against the strengths of the bill's reorganization provisions was no easy task. I concluded, however, that the bill on balance is worthwhile—largely because its reorganization provisions will bring an order to the inevitable downsizing of these agencies that otherwise might not exist. I also want to support the Chairman of the Foreign Relations Committee. However, I understand the President has reached a different conclusion and intends to veto this legislation. If that occurs, I cannot give assurances that I would vote to override his veto.

Mr. NICKLES. Mr. President, I want to compliment my friend from North Carolina for moving forward a proposal to reduce the size of government that was opposed by the Administration and those on the other side of the aisle. I think through his persistence we have a bill that may not go as far as most of us in the Senate would like to see, but at least it is a step in the right direction.

I do think, however, that the debate on this bill helps to magnify the fundamental differences between those on this side of the aisle and those on the other side of the aisle.

When this bill was originally proposed it would have eliminated three government agencies, The Agency for International Development [AID], The Arms Control and Disarmament Agency [ACDA] and The United States Information Agency [USIA] and folded these functions back into the State Department. By doing this, the American taxpayer would have saved \$3.66 billion during the next four years.

Now we have a bill that calls for the elimination of these three agencies, but the bill allows the President to issue a waiver for the elimination of two of these three agencies. The result is that the American taxpayer will only realize about half of the \$3.66 billion in savings as originally proposed.

I want to remind my colleagues how we got from the original version of the

bill to the Conference Report. This is especially enlightening because when the bill was originally proposed, it was hailed as the Helms-Christopher plan because the bill mirrored a plan outlined by Secretary of State Warren Christopher to eliminate these agencies.

This is what the January 12, 1995 edition of the Washington Times had to say about this bill:

If imitation is the sincerest form of flattery, then Secretary of State Warren Christopher and Deputy Secretary of State Strobe Talbott ought to be basking in the glow of admiration beaming upon them from Capitol Hill. Jesse Helms and Rep. Benjamin Gilman, chairmen of the Senate and House Foreign Affairs Committees, recently unveiled their plan for the re-invention of the U.S. State Department and—Ta-da—it bore more than a passing resemblance to the plan produced by Messrs. Christopher and Talbott.

However, when Vice-President GORE and his re-inventing government staff got a hold of Secretary Christopher's plan it was fundamentally altered. Instead of adopting it, the Vice-President decided to streamline these agencies. And since then, according to the August 5, 1995 edition of Congressional Quarterly, "the administration . . . has mounted a furious effort to kill the Helms bill."

Once again, I want to compliment my friend from North Carolina for continuing to move this plan as originally proposed forward in the face of opposition. He moved the bill through his committee, but when the bill got to the floor of the Senate, the Democrats here carried the administration's torch and frustrated efforts to eliminate these agencies.

Twice the Senate tried to cut-off debate, and twice, along party lines, the Senate was prevented from moving forward on the bill.

I wish to remind my friends on the other side of the aisle and the American people, that the bill does not eliminate the functions of The Agency for International Development [AID], The Arms Control and Disarmament Agency [ACDA] and The United States Information Agency [USIA]. Some have argued that the bill in its original form would have eliminated important government functions. I ask how? The bill transfers the functions of these agencies to the State Department and eliminates the bureaucracy created by these independent agencies.

I wish to point out again for my colleagues in the Senate, that the first bill of the 104th Congress that would have eliminated three government agencies faced vigorous opposition by the Democrats in its original form. And the watered down version, which we are about to pass which would eliminate only one government agency, faces a certain veto by the President. This despite the fact that in his state of the union address the President said "the era of the big government is over."

I don't think the American people could get a more clear picture of who is

doing what about the size of government.

Mr. COHEN. Mr. President, much of the debate today has addressed issues that are important but peripheral to the focus of this bill, which is the size and organization of the State Department and associated foreign policy agencies.

Going back to the Nixon administration, numerous reviews have been conducted by the Foreign Relations Committee, its House counterpart, and many executive branch-appointed groups to determine how best to streamline the array of foreign policy agencies that exist. My staff at the Oversight of Government Management has studied this issue, as well. A common theme of these reviews has been that more efficiencies can be achieved, and this probably should include the merging of some existing agencies. The conference report now before the Senate directs, in essence, the elimination of at least one of three agencies—the Agency for International Development [AID], the Arms Control and Disarmament Agency [ACDA], or the U.S. Information Agency [USIA]—with primary focus on AID and ACDA.

The 1989 House Foreign Affairs Committee report coauthored by Congressmen HAMILTON and GILMAN called for AID's elimination. A 1992 report by a bipartisan group appointed by AID, itself, called for AID's merger into the State Department.

A decade ago, I cochaired with Harold Brown a study group at the Johns Hopkins School of Advanced International Studies. We commissioned a paper on why ACDA should not be merged into the State Department. Quite frankly, despite the best efforts of the author who was an advocate of ACDA, the resulting paper produced only weak arguments for keeping ACDA as an independent agency.

Three years ago, Lynn Davis, a protégé of Secretary Browns, was appointed by the Clinton administration to be Under Secretary of State. One of her first initiatives was to push to merge ACDA into the State Department, but her effort failed in the face of congressional opposition.

Last year, Secretary Christopher, himself, proposed merging these three agencies into the State Department, but his proposal was not accepted.

So the concept of merging ACDA, at least, into the State Department is hardly radical. And few would argue that, in after the "reinvention" initiatives undertaken by the current administrator, more must be done to reduce the size and improve the effectiveness of AID.

This bill makes clear the desire of Congress to see genuine streamlining, talked about for so many years, finally and effectively implemented.

At the same time, legitimate questions have been raised as to whether the specific mechanism in the conference report is the best way to go about it. Throughout the Reagan and

Bush administrations, Republicans criticized congressional micromanagement of the President's foreign policy. Some will ask why now, in 1996, we seem to be shifting direction and trying to impose restrictions on the President. Even more than in the case of the reorganization provisions of the conference report, this is true for many of the conference report's policy provisions.

In this regard, I would highlight sections dealing with the Housing Investment Guarantee Program, Vietnamese migrants, and China. Besides being unrelated to the core function of this bill, many such provisions contain unwise policy prescriptions.

We should encourage, for example, aid programs that leverage private international investment, not terminate such programs as the conference report would do. We should encourage enhanced dialogue between United States and Chinese officials, rather than discourage it as the conference report would do.

Despite these deficiencies, however, the bill does make progress on the decades-old project of streamlining the various foreign policy agencies, and so I intend to vote for it.

If the President does veto the conference report, I hope that we can act promptly to rework it into a bill that can be enacted by deleting or modifying these objectionable provisions.

Mr. HELMS. Mr. President, I suggest the absence of a quorum with the time to be charged proportionately.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered. The time will be charged proportionately, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina, managing the bill, was seeking recognition.

The Senator from North Carolina.

Mr. HELMS. Let us be fair about this thing. This is two Democratic Senators. The Senator from Maryland has been waiting around to speak, and I want to be sure that he is agreeable to being preceded.

Mr. BINGAMAN. Mr. President, I yield the floor.

Mr. HELMS. Mr. President, in the case of the Senator from Maryland, will the Chair deem that he has been yielded time by Senator KERRY?

The PRESIDING OFFICER. That is the Chair's understanding. The Senator from Maryland.

Mr. HELMS. Very well.

Mr. SARBANES. Mr. President, I yield myself 10 minutes. How much time is still available to Senator KERRY?

The PRESIDING OFFICER. He has 67 minutes and 45 seconds.

Mr. SARBANES. I yield myself 10 minutes of Senator KERRY's time. I am authorized to do that.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. I thank the Chair, and I thank the distinguished chairman of the committee.

Mr. President, I rise in opposition to the conference report. I regret that should be the case, because I really do think we should make a very strong effort here to develop a bipartisan approach toward our foreign policy. But this bill takes us in so many of the wrong directions that I simply cannot support it.

First of all, we must understand that we are in a new period with respect to foreign policy. Now that the cold war is over, in my judgment the United States needs to bolster its diplomatic, economic, and political capacities to influence events around the world. We need to anticipate and prevent conflicts through mediation and negotiation. We need to promote sustainable development and support human rights in order to avoid conflicts, which would then lead to even larger economic and human costs. We need to protect our citizens—indeed, all of the world's citizens—from disease, environmental degradation, exhaustion of natural resources, the proliferation of weapons of mass destruction, terrorism, and trafficking in narcotics.

These are all issues that transcend national borders. They are sapping the vitality and strength of societies all across the world. And as the focus shifts to economic matters, we need to expand markets for U.S. goods and services and to create a level international playing field for American workers.

Frankly, I think that these things often can be accomplished more safely, more effectively, and at lesser cost through carefully designed foreign assistance programs and skillful diplomatic engagement than by retreat back to our shores, to a new form of isolationism, or by resorting routinely to unilateral military intervention. The reliance on military force is, of course, our ultimate protection. But many of the problems we are now dealing with are amenable to resolution or subject to influence well short of that. This is a major change from the cold war.

This legislation undertakes, in effect, to impose on the executive branch a reorganization of the foreign policy functions of the Government. I am very frank to tell you that I think if the political situation were reversed and there were a Democratic Congress trying to impose this upon a Republican President, my colleagues on the other side of the aisle would be protesting very loudly that this was an inappropriate intrusion into the functions of the Chief Executive, an improper effort to limit the executive's ability to de-

termine the organization of the foreign policy agencies.

Unfortunately, there is not a shared approach on this bill. It was reported out of the committee on a straight party-line vote. It confronted a similar situation on the floor until some concessions were made. Unfortunately, when we got to conference, most of those concessions were abandoned. So the bill now before us is markedly different than the bill that passed the Senate.

I did not support the bill that passed the Senate, and since it has worsened in conference, by definition I would not support the conference report. But for those who did support the Senate bill, I want to underscore the fact that the bill now before us is markedly different from what moved out of the Senate. Moreover, in my judgment, in virtually every instance it is different in the wrong direction. In other words, there is even less reason to support this legislation, and more reason to oppose it.

There are many troubling provisions in this legislation. Let me just touch on some of them. I am not going to try to cover them all. I know the hour is late, and others wish to speak.

I have talked about the reorganization proposal that provides for mandatory elimination of at least one of the foreign policy agencies. I happen to think that these agencies are doing a good job, particularly under the restructuring efforts that are taking place internally, and in that regard I particularly cite for commendation the efforts at AID. Under the able leadership of the Administrator, Brian Atwood, that agency has been streamlined and energized in order to do its job more effectively.

Secondly, this authorization bill would have the effect of providing caps on appropriations—in other words, of setting ceilings on spending—which are far below the levels necessary to conduct foreign policy and to sustain our interests overseas. I think we are going to face important challenges in the coming years. I do not think we ought to hamstring the ability of the Executive to deal with them. I simply offer to my colleagues on the other side the proposition that they have one of their own now seeking to be the Chief Executive, and they ought to stop and think twice whether they would want him hobbled and hamstrung, as I believe this legislation would do.

This legislation imposes very severe cuts in terms of U.S. participation at the United Nations. I know for many people, the United Nations is not the most popular agency, but let me simply submit to you, if we did not have the U.N., we would have to invent it. In many instances, the United Nations helps us to achieve important U.S. foreign policy objectives. Often when a situation breaks out around the world, the first reaction everyone has is, "Well, the United Nations ought to do something about it," and, in many instances, the U.N. has done something about it very successfully.

We are now the largest deadbeat at the U.N. in terms of meeting our dues and assessments. I think for a Nation which constantly asserts that it is the world's leader, this is a sorry state of affairs. Unfortunately, the conference report before us would only exacerbate this situation.

Furthermore, this legislation makes such drastic changes with respect to AID that I doubt very much that that agency would be able to continue to function in any meaningful manner.

In that regard, I ask unanimous consent that a letter from 20 religious and faith-based organizations be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. SARBANES. Mr. President, this is a letter from 20 religious and faith-based organizations urging opposition to H.R. 1561.

Let me quote from that letter urging this opposition to the conference report:

... The bill would eviscerate further the U.S. commitment to self-help development for poor people in the developing world.

We are particularly troubled by the bill's proposal to abolish the Agency for International Development.

They then go on to say that this would be a misordering of U.S. priorities; that support for poverty eradication and self-help development should be a primary objective of U.S. foreign aid and that it should be administered by an independent agency.

They then discuss other matters in the legislation about which they are very concerned. I think this is a very thoughtful letter, and I hope my colleagues will examine it very closely.

Mr. President, the administration has indicated that they will veto this legislation, as I think they should. I have not discussed some of the particular regional matters. A number of my colleagues have discussed the Taiwan Relations Act and the impact that this has on the United States relationship with Taiwan and on our relationship with the People's Republic of China. I do not think the provisions that are in this legislation have been carefully thought through, and if they were adopted we could run a high risk of destabilizing the situation and contributing to heightened tensions in the region.

Others, I know, have talked also about the family planning implications of this legislation and the fact that it misses an opportunity to correct appropriations restrictions that are having a deleterious impact on women and families in the developing world. This is voluntary family planning services that we are talking about. It is not the abortion issue. I am talking about programs that are designed to make family planning information and services safe and accessible, programs that have had a positive impact around the world. In fact, U.S. foreign assistance

does not provide funding for abortion. What we are talking about here are international family planning programs which have been in place for many, many years and traditionally are strongly supported on both sides of the aisle.

So, in summary, Mr. President, I think this legislation falls well short of what we should be enacting into law. I very much regret that the end product is, in my view, essentially a partisan affair. We ought not to be formulating our foreign policy that way, but that is what has happened here.

I would also like to commend Senator KERRY of Massachusetts, who has made a yeoman's effort to reach out in an inclusive way and to try to shape reasonable legislation. I very much regret that that was not achieved, and I urge my colleagues to vote against the conference report.

Mr. President, I yield the floor.

EXHIBIT 1

20 RELIGIOUS AND FAITH-BASED ORGANIZATIONS URGE OPPOSITION TO H.R. 1561, THE FOREIGN RELATIONS REVITALIZATION ACT OF 1995

DEAR SENATOR: We strongly urge your opposition to the conference report on H.R. 1561, the Foreign Relations Revitalization Act of 1995, when it is considered by the full Senate. The bill would eviscerate further the U.S. commitment to self-help development for poor people in the developing world.

We are particularly troubled by the bill's proposal to abolish the Agency for International Development. The harm posed by such a proposal is not undone by the provision allowing a presidential waiver of the requirement to abolish two foreign policy agencies. While we support the reform of AID, we do not believe that transferring its functions to the State Department would accomplish such reform. To the contrary, we believe strongly that U.S. assistance for development should be administered by an agency separate from the State Department so that the long-term needs for sustainable development are not sacrificed for short-term political objectives. Assistance in support of political objectives already accounts for the majority of U.S. foreign aid. This, in our view, represents a serious misordering of the priorities that should govern U.S. foreign assistance. We believe that support for poverty eradication and self-help development should be the primary objective of U.S. foreign aid and that it should be administered by an independent agency.

We are also concerned about the funding levels for a number of programs as authorized in the legislation. We believe that funding for U.S. contributions to international organizations, including the general budget of the United Nations, is inadequate. We also believe that funding for U.N. peacekeeping activities for FY 97 is insufficient. We believe that it is imperative that funding be approved that, at a minimum, will not increase the arrearages in U.S. contributions to the U.N., including peacekeeping activities. Continued U.S. disregard for treaty obligations related to assessed contributions will further undermine U.S. leadership in the world.

We oppose the militarization of the international narcotics control program and are especially concerned that funding would nearly double in FY 97 to \$213 million. The program has proven largely ineffective in reducing the volume of illicit drugs entering the U.S. At the same time it has strength-

ened foreign militaries that have engaged in serious and systematic human rights violations.

The bill contains a number of constructive refugee and migration policy provisions that deserve support. We regret that these provisions may not be enacted because of objectionable provisions throughout the rest of the bill.

We are encouraged by the Administration's statement that the President will veto the bill if it is presented to him in its current form. We hope that there will be sufficient opposition in the Senate to defeat the measure, making such a veto unnecessary. We urge you to oppose the bill.

Sincerely,

David Bechmann, President, Bread for the World; Mark Brown, Associate Director for Advocacy, Lutheran Office for Governmental Affairs, Evangelical Lutheran Church in America; Imani Countess, Executive Director, Washington Office on Africa; Michael Dodd, Director, Columban Fathers Justice and Peace Office; Bill Dyer, Justice and Peace Officer, Missionaries of Africa; Richelle Friedman, Lobbyist, NETWORK, A national Catholic Social Justice Lobby; Jaydee R. Hanson, Assistant General Secretary, Ministry of God's Creation, General Board of Church and Society, United Methodist Church; Maureen Healy, Africa Liaison, Society of St. Ursula; Rev. Dan C. Hoffman, Area Executive, Global Ministries of the United Church of Christ/Disciples of Christ; Rev. Elenora Giddings Ivory, Director, Presbyterian Church (U.S.A.), Washington Office; Kathryn J. Johnson, Interim Director, Asia Pacific Center for Justice and Peace; Jay Lintner, Director, Office for Church in Society/United Church of Christ; Erich D. Mathias, Program Associate, Global Ministries of the United Church of Christ/Disciples of Christ; James Matlack, Director, Washington Office, American Friends Service Committee; Timothy A. McElwee, Director, Washington Office, Church of the Brethren; Terence W. Miller, Director, Maryknoll Justice and Peace Office; Richard S. Scobie, Executive Director, Unitarian Service Committee, Lawrence Turnipseed, Executive Director, Church World Service; George Vickers, Executive Director, Washington Office on Latin America; Kathryn Wolford, President, Lutheran World Relief.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I yield myself up to 6 minutes off the time Senator KERRY has reserved.

Mr. President, I also oppose the Foreign Relations Revitalization Act of 1995. In my view, it is wrongheaded legislation and, if enacted, it will undermine our national interests. The legislation, in fact, does undermine the President's constitutional mandate to conduct the foreign affairs of the Nation. By passing a bill such as this, we would be trying to run America's foreign policy out of this Chamber rather than allowing the Executive to conduct the Nation's foreign policy.

Among my concerns about this act is the forced consolidation of agencies. By passing the act, we would tell the

President that he is required to eliminate at least one foreign affairs agency, either the Arms Control and Disarmament Agency, the U.S. Information Agency, or the Agency for International Development. When the goal becomes putting the Government out of business and wrecking departments and agencies in some haphazard approach without carefully considering the consequences that a particular agency's termination might have, then something has gone very wrong.

Furthermore, the authorization levels that are provided in the bill will force other organizations to retreat further from engagement in world affairs.

America needs to pursue its interests vigorously in international affairs and to assure that the interests of American citizens are promoted. Withdrawing from the world will only help to make our citizens victims of emerging problems to which we will be ill-equipped to respond if this bill becomes law.

The legislation sets authorization ceilings in fiscal years 1996 and 1997 that are far below the levels necessary to conduct the President's foreign policy and to properly maintain U.S. interests abroad in such areas as overseas posts, foreign affairs agencies, arms control and nonproliferation activities, international organizations and peacekeeping, public diplomacy and sustainable development.

In this bill, the Congress is recklessly venturing into an already stressful set of complex problems between the People's Republic of China and Taiwan. By amending the Taiwan Relations Act to state that the act supersedes the provisions of the 1982 joint communique between the United States and China, as the bill instructs, we are certain to pour oil on a smoldering flame. Many commentators and scholars argue that this would be seen as a repudiation of a critical and stabilizing element of the longstanding United States policy toward China.

This bill also expresses the sense of Congress that the President of Taiwan should be admitted to the United States for a visit this year with all appropriate courtesies. We have already gone down that road once. It seems clear to me that it is foolish, if not dangerous, for us to do so once again.

My list of concerns continues in that that bill prohibits any funds from being used to open, expand or operate a diplomatic or consular post in Vietnam unless a number of compliance items are met by Vietnam.

I am not going to debate whether those compliance guidelines are important. I believe that they are probably valid things to pursue, but not as a condition to establishing an embassy or getting it operating. This is cold war legislation that does not appear to recognize that the cold war is over and that the world has moved on. It is not appropriate for this Chamber to micromanage the President's foreign affairs initiatives in this manner.

On other fronts, the Foreign Relations Revitalization Act compels the United States to downgrade its participation in the United Nations, significantly restricts our country's ability to coordinate peacekeeping efforts and intelligence activities, when global stability issues are at stake. Our role in the United Nations is something that certainly deserves national discussion and debate, but this bill presupposes the answer to that discussion.

Mr. President, this act should be rejected. It clearly does not further the best interests of the American public. I urge my colleagues to vote against its passage.

Mr. President, I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 117 minutes.

Mr. NUNN. I will not need all that time. But could I inquire of the Chair what happened to my 3 minutes?

The PRESIDING OFFICER. There were three quorum calls, equally divided. Each one took 1 minute.

Mr. NUNN. I thank the Chair. I can assure my colleagues I will not need all of my time.

Mr. President, I rise in strong opposition to the conference report on H.R. 1561, the Foreign Relations Authorization Act for fiscal years 1996 and 1997. Although I have a number of problems with the conference report, Senator BINGAMAN from New Mexico and others have identified a number of problems that I will identify myself with. I would like to focus my remarks on the provisions relating to China.

Mr. President, I am relieved that tensions in the Taiwan Strait appear to be easing in the aftermath of Democratic elections in Taipei. We are already very proud of what occurred in Taipei and proud of the people in Taiwan for carrying out their democratic elections under great pressure from the mainland.

I am pleased that the Governments of the People's Republic of China and Taiwan are now making conciliatory statements. I hope a high level of dialogue between these two Governments can take place in the near future.

Mr. President, it would be truly ironic if China and Taiwan begin moving down the road to improving their relations while we take actions in the U.S. Congress that will further the deterioration in the relations between the United States and China. I would find that very ironic. But I am afraid that that is what this act will do.

Before I discuss the specific provisions of this conference report, I would note that the Senate passed a concurrent resolution last Thursday expressing the Sense of Congress regarding missile tests and military exercises by China. As I noted in my floor speech on that concurrent resolution, which had bipartisan support and passed by a vote

of 97 to 0, it was "well-reasoned and responsible and * * * designed to make a constructive contribution to the situation."

The concurrent resolution reviewed the history of the three joint communiqués under three different Presidents, noted the adherence to a one-China policy by the administrations of Presidents Nixon, Ford, Carter, Reagan, Bush, and Clinton, and "deplored" China's missile tests and military exercises as "potentially serious threats to the peace, security, and stability of Taiwan, and not in the spirit of the three United States-China Joint Communiqués."

The concurrent resolution went on to cite provisions of the Taiwan Relations Act and ended by stating that—

The Government of Taiwan should remain committed to the peaceful resolution of its future relations with the People's Republic of China by mutual decision.

Mr. President, the concurrent resolution the Senate passed last week was responsible and was designed to make a constructive contribution to the situation. Unfortunately, the China provisions of the conference report are, in my view, not responsible and not constructive.

I will just go into detail on a couple of the most troublesome provisions. Section 1601 of the Foreign Relations Authorization Act now pending would amend the Taiwan Relations Act to provide that the Act supersedes the provisions of the 1982 Joint Communique issued under President Reagan.

Mr. President, if it is a matter of law, and it is, that the Taiwan Relations Act supersedes the communique, then that already happened without any declaration of the Senate. Less than a week after the Senate, without one dissenting vote, specifically pointed to the three United States-China Joint Communiqués, this act, if it becomes law, could be interpreted as nullifying the validity of one of those joint communiqués.

Just to go into details of the 1982 Reagan Joint Communique, it stated in part that—

The Chinese Government reiterates that the question of Taiwan is China's internal affair. The message to compatriots in Taiwan, issued by China on January 1, 1979, promulgated a fundamental policy of striving for peaceful reunification of the motherland. The Nine-Point Proposal put forward by China on September 30, 1981, represented a further major effort under this fundamental policy to strive for a peaceful resolution to the Taiwan question.

Then section 5:

The United States Government attaches great importance to its relations with China, and reiterates that it has no intention of infringing on Chinese sovereignty and territorial integrity, or interfering in China's internal affairs, or pursuing a policy of "two Chinas" or "one China, one Taiwan."

Then section 6:

Having in mind the foregoing statements of both sides, the United States Government states that it does not seek to carry out a long-term policy of arms sales to Taiwan,

that its arm sales to Taiwan will not exceed either in qualitative or quantitative terms, the level of those supplied in recent years since the establishment of diplomatic relations between the United States and China, and that it intends to reduce gradually the sales and arms to Taiwan, leading over a period of time to a final resolution. In so stating, the United States acknowledges China's consistent position regarding the thorough settlement of this issue.

Mr. President, I believe it is instructive and very important for the Senate, because this is an important vote—I do not know whether people are listening. I do not know whether people have studied this act. I do not know whether people understand the far-reaching implications of this, but this is one of the most important votes we will make this year.

I believe it is instructive, particularly for colleagues on the Republican side of the aisle, to note that President Reagan issued a statement in conjunction with the 1982 Joint Communiqué, which was prepared by the Reagan administration.

In that statement President Reagan stated that—I am quoting—

Regarding future U.S. arms sales to Taiwan, our policy, set forth clearly in the communiqué, is fully consistent with the Taiwan Relations Act.

Mr. President, if President Reagan was right in that carefully crafted statement—this was not a speech off the cuff or a remark he made on television or anything of that nature. This was a very carefully crafted statement by President Reagan in 1982, that went along with the communiqué with China.

Again, I want to point out the most important sentence that he said in that statement that relates to this act tonight. He states:

Regarding future U.S. arms sales to Taiwan, our policy, set forth clearly in the communiqué, is fully consistent with the Taiwan Relations Act.

Mr. President, the pending legislation strongly implies that President Reagan was wrong in this carefully crafted statement in 1982. If the Taiwan Relations Act is inconsistent with the 1982 Joint Communiqué, President Reagan was wrong, and this act would be viewed as creating a new interpretation of United States-China policy.

Make no mistake about it: If President Reagan was right in his statement, then there is absolutely no need for this act to refer to any kind of superseding of the joint communiqué—if he was correct. If he was wrong, all these years under both President Reagan, President Bush and under President Clinton, then we have had a communiqué which the State Department, our policy, our three Presidents, have felt was consistent with the Taiwan Relations Act and which we have been following regarding arm sales and so forth, that, in effect, is now being implicitly overruled.

Do we really want to implicitly take a step tonight that could be viewed and certainly will be viewed by China and

by others in the world as creating a new interpretation of United States-China policy by law? Are we prepared to do that? That is what this legislation does. If that is what the Senate wants to do tonight, people can go right ahead and vote for it. It will pass, and the President will have to decide what to do.

I do not believe the Senate of the United States is focused on this, and I do not believe my colleagues thoroughly understand the very profound implications of this, in effect, declaration, or implied declaration, that the Taiwan Relations Act is inconsistent with President Reagan's joint communiqué with China of 1992.

To continue quoting President Reagan in the statement he made after the joint communiqué, not part of the joint communiqué: "Arms sales will continue in accordance with the Act and with the full expectation that the approach of the Chinese Government to the resolution of the Taiwan issue will continue to be peaceful."

Do we want to implicitly overrule that sentence? Do we want to implicitly overrule the first sentence that I have already read twice, but will read again, "Regarding future United States arms sales to Taiwan, our policy, set forth clearly in the communiqué, is fully consistent with the Taiwan Relations Act?" Which of those sentences do we want to implicitly state has been superseded by the Taiwan Relations Act?

"Arms sales will continue in accordance with the Act and with the full expectation that the approach of the Chinese Government to the resolution of the Taiwan issue will continue to be peaceful." Is that statement wrong? Is the first statement wrong? That seems to be what we are saying.

"We attach great significance," again, President Reagan's statement, "We attach great significance to the Chinese statement in the communiqué regarding China's 'fundamental' policy; and it is clear from our statements that our future actions will be conducted with this peaceful policy fully in mind."

Continuing from President Reagan, "The position of the United States Government has always been clear and consistent in this regard. The Taiwan question is a matter for the Chinese people, on both sides of the Taiwan Strait to resolve. We will not interfere in this matter or prejudice the free choice of, or put pressure on, the people of Taiwan in this matter. At the same time, we have an abiding interest and concern that any resolution be peaceful. I shall never waiver from this fundamental position."

Mr. President, this legislation, in effect, says that President Reagan did not know what he was doing when he made that statement, that the Taiwan Relations Act itself superseded the joint communiqué, because it was inconsistent with it. There is no reason for it to supersede the joint communiqué unless there is an inconsistency.

If there is no inconsistency, there is no reason to say it supersedes it, because the consistent joint communiqué would not be overruled by a consistent United States law, which the Taiwan Relations Act is—it is law. There is no doubt about that.

President Reagan made it clear in his Presidential statement that the reduction in arms sales to Taiwan is based upon the premise, as expressed in the joint communiqué, that the Taiwan question will be settled peacefully.

Mr. President, China believes that Taiwan has acted in ways that are inconsistent with the one-China policy. No question but that is what China believes and is the basis of a lot of their action. Taiwan contends it does not seek independence. President Li has said that. President Li has also restated his desire for peaceful reunification with the mainland.

China, in my view, has greatly overreacted to its perceptions by conducting missile launches and military exercises which I believe are inconsistent with the other fundamental principle of settling the Taiwan question peacefully. I happen to believe that what China has done in recent weeks is counterproductive to its own purpose, which is, as stated, eventual peaceful reunification.

The Taiwan Relations Act of 1979 was enacted at the time of the establishment of diplomatic relations between the United States and China, a diplomatic act which established the principle of one China. The Taiwan Relations Act was needed to create a foundation for dealing with Taiwan in the aftermath of the end of diplomatic relations with the Republic of China. It did not, nor did it need to, refer to the one-China principle, because it focused instead on ensuring that the Taiwan question was settled peacefully by ensuring that Taiwan had the means to defend itself.

Enactment of section 1601 of this act pending before us now, which is the pending conference report, could be interpreted—and I say would be interpreted by many—to say that the Taiwan Relations Act is inconsistent and even supersedes the principle of one China. I do not believe that is what the authors intended to do here. Perhaps they can clarify that.

I am fearful that a number of people in the world, including China itself, could very well interpret this legislation as superseding the principle of one China. This is a complex, complicated area where words really do matter. I think we should be very careful this evening.

Mr. President, I believe China's provocative military actions have been dangerous and counterproductive to China's interest and certainly to the interest of stability in that area of the world. I believe that China has greatly overreacted on the subject of Taiwan. The enactment of this conference report will make the situation worse because it would undercut one of the two

main principles of our relationship with China and could give the Chinese—probably would give the Chinese—the impression that the United States was no longer willing to live up to its commitments as set out in the three joint communiques by President Nixon, President Carter, and President Reagan, and followed by the other Presidents, including President Bush and President Clinton.

Mr. President, I believe this legislation, if it passed and became law, would be a very, very serious mistake, one of the most profound mistakes this Congress has made and probably any Congress has made in recent years. I think it would take our troubled relations with China and turn them into a real downward spiral of additional trouble.

Mr. President, I also would like to call the Senate's attention to section 1702 of the act, the Declaration of Congress Regarding U.S. Government Human Rights Policy Toward China. Within this section, it is expressed in the sense of the Congress that "The President should decline the invitation to visit China until and unless there is a dramatic overall progress on human rights in China and Tibet and communicate to the Government of China that such a visit cannot take place without such progress."

Mr. President, this is exactly what we have done in this country under two Presidents, President Bush and President Clinton, for the last 7 years. It does not appear to be working very well. This is basically a freezing, if we took the sense of the Congress seriously—if the President did—a freezing of the status quo.

Mr. President, while I believe it is counterproductive to our own goals to make human rights in China the centerpiece and the be-all and end-all of United States-Chinese relations, I do not think we further our goals when we do that, including our human rights goals. The United States has a strong interest in seeing respect for human rights improve in China and, indeed, all over the world. The enactment of this provision or any provision similar to it would run counter to the very actions the United States must take in order to address and help constructively resolve the differences between the United States and China, including, but not limited to, progress on human rights.

Mr. President, I think a lot of people forget that the United States has 38,000 troops in Korea. We have the most isolated regime in the world, North Korea, that is not only on a quest—or has been up until the last year—to become a nuclear power, but also has, according to reports, increasing problems with starvation, including predictions by most organizations that the problems are going to get worse in the next 3 or 4 months.

Mr. President, one of the things that people do not recognize is that China has been very, very constructive in

terms of the United States' position on the Korean Peninsula, both in terms of encouraging North Korea to behave in the nuclear area and also encouraging the parties there to resolve their differences with dialogue and without a war.

This is a dangerous situation in Korea. We have 38,000 troops there. In our relationship with China, we appear to forget altogether about the connection between China and the situation in Korea.

I do not see how we can do that and keep our minds on our duty to our own military forces that are stationed there. But it seems to be completely ignored in all of our debates about China. I would say, on the one side, people on the left seem to believe that, in China, 10 dissidents is on the same level, at least, with the whole United States question on the Korean Peninsula. People on the right seem to believe that we can take positions that basically unravel, or at least implicitly unravel, communiques entered into by Presidents Reagan, Carter, and Nixon, and we can do that with impunity, and we can forget any relationship between what we do vis-a-vis China in terms of keeping our agreements, and what they may do regarding helping us resolve the Korean situation peacefully.

There are a lot of other mutual interests we have with China, but they get lost in this atmosphere. Perhaps they will continue to get lost until we have the kind of high-level dialogue between the President of the United States and the President of China, and between our Secretary of State and their Foreign Minister, that can begin to talk about mutual interests and resolve the differences, which are differences of considerable importance, within the framework of working as partners with mutual interests. That is not possible in the current atmosphere.

But what this bill says is that we should place human rights in China and in Tibet above anything else. The Korean Peninsula, the nuclear quest for arms in Korea, the 38,000 American troops that are in Korea, the stability of Northeast Asia, and even Taiwan-China relations. We are saying—if you take this seriously—that the President should not have any kind of visit to China until they act, in American terms, acceptably on human rights both in China and Tibet.

Mr. President, on human rights, I think the United States is unique. But we will really be unique if we take this resolution seriously, because we would be the only country in the world that takes that position. Not a single ally—not one—has taken the position that their head of State should not visit China. That is what we are saying here—that the President should not visit China.

Mr. President, maybe we do not take these sense-of-the-Congress resolutions seriously. They are not law, and would not be binding the President. If we do not take them seriously and they are

not important, how do we expect anybody else to take them seriously? Unfortunately, when we put resolutions like this in the bill, the only people that take them seriously are the people they affect adversely. And they react adversely. So I do not know what we are really trying to say here. But I know it is counterproductive. It would postpone, if not preclude, efforts to establish a much-needed strategic dialogue between the United States and China. Clearly, the dialog with China is more important than ever at this time—unless we really want to go into a period of years of cold war and dangers of something far worse than cold war, in that part of the world.

For the strategic dialogue between the United States and China to be successful in working to resolve our differences, participation is required on the highest levels of leadership. That means the President of the United States has an active role to play, whether it be President Clinton or President DOLE in 1997. How soon this resolution would apply to "President" DOLE, saying to him, "You should not have any Presidential visit or dialog with China until they meet our terms on human rights"—I really have a hard time believing that we are serious about saying this.

So whichever President is elected in 1996, that is what this resolution is saying. This is indefinite. This resolution says we do not think you should ever visit China until you have resolved the human rights questions in China and Tibet to our satisfaction.

Mr. President, we have not treated any other country in the world this way. We do not treat Russia that way right now. We expect the President of the United States to meet with President Yeltsin, but most of us deplore what is happening in Chechnya, the continued killing of a tremendous number of innocent people there. We do not say to the President, "Do not visit Russia."

Mr. President, people forget that we are very proud of what Taiwan has done. Taiwan had an election under very serious pressure. We are proud of their economic progress. All of us have very close friends in Taiwan. These are some of the most productive, energetic people in the world. And this country is always going to have a very friendly relationship with the people in Taiwan.

We were very patient with Taiwan. They were not a democracy, in our sense of the word, for years and years. We are celebrating democracy now. For 35 years, we supported Taiwan when they were not a democracy. We have had the same thing with the South Koreans. We celebrate what is happening in South Korea now, with the democratic election of a President. We went for years and years and years, where we spent literally billions of dollars helping defend South Korea when they did not meet our definition of human rights. It is only in recent years that they have. And now we single out China and say, "We do not want our

President talking to you, or visiting you, or having any dialogue with you, until you meet our definition of human rights."

I really do not believe the Senate of the United States wants to say this tonight. That is what we will say if we pass this resolution.

Mr. President, 7 years have passed since an American President, or Vice President, has journeyed to Beijing, or the President, or premier, of China has been in Washington. This provision would say to the President: "please do not change this situation. This is a great policy. It is really working." Well, is it working? Does anybody think that helped our relations? I think this is a fundamental error that would be damaging to United States-China relations and United States foreign policy.

This conference report's provisions attempt to deal with differences with China by prohibiting initiatives and efforts that would help resolve the very differences that we are frustrated about.

Quoting from a speech I gave on China about 3 weeks ago:

Not only must our expectations be realistic, but we cannot wait to engage extensively with China until it has become more like us. . . . We must engage with China and its current leaders now. . . . China's transition and its potential impels America, insofar as possible, to be actors on the scene.

Mr. President, China is determined to preserve the areas it considers part of China, including Taiwan, Hong Kong, Macao, and Tibet. Passage of this legislation will inevitably cause China to harden its position. We should not make miscalculations regarding this.

From the Chinese perspective, Tibet, like Taiwan, is considered to be an issue of sovereignty to be resolved internally by China and Tibet. In the Foreign Relations Authorization Act pending before us, it is expressed as the sense of Congress that "Tibet * * * is an occupied country under the established principles of international law." That is what we are saying in this bill.

Mr. President, as a matter of fact, longstanding United States policy is that Tibet is part of China. That is not a new policy by the Clinton administration. We have had that policy through a number of administrations. This is also shared by every member of the United Nations. Even the Dalai Lama does not go as far as this conference report. What are we doing? What are we doing? Do we know?

Mr. President, I view with concern section 1303 of the act, which advocates establishing a special envoy for Tibet. That is what we are voting on. This provision would have the United States establish a level of official relations with Tibet—if you take it seriously—that undermines our longstanding, established Tibetan policy. More important, this provision would weaken our ability to influence Chinese policies in Tibet and would greatly weaken our influence to protect the people in Tibet

from abuses, which we all know have occurred.

My specific concerns are as follows: The proposed duties of the special envoy would duplicate and, I believe, greatly undercut responsibilities already being discharged by the United States State Department—that is, promoting dialog between the Dalai Lama and the Chinese Government concerning the religious and cultural integrity of Tibet and discussing the human rights problems in Tibet with Chinese Government officials.

The President has already appointed, the Senate has confirmed, and the Chinese Government has accepted an envoy to all of China—and that is the United States Ambassador, resident in Beijing—our former colleague, Ambassador Sasser.

The Chinese Government, in my view, would refuse to accept a special envoy for Tibet, and would in all likelihood make regular travel to Tibet impossible for United States diplomats.

Is that what we want? Do we want to imply that Tibet is separate from China, and do we want to have a separate United States envoy, and probably in all likelihood result in virtually cutting off access of the United States to Tibet? Is that what we want? Because that is what we are voting on.

Mr. President, this provision in my view would be counterproductive to its intended purpose. I am sure the purpose of the provision is to help the people of Tibet. My view is that it would be totally counterproductive to that end. The United States can maintain and promote good relations between the Dalai Lama and his representatives. We can promote the need for substantive negotiations to take place between the Dalai Lama, or his representatives, and senior members of the Government of China. We can coordinate United States Government policies, programs, and projects concerning Tibet, and we can carry out any other actions the President deems necessary with regard to Tibet without the need to establish a special envoy in the process.

The United States cannot solve the question of Tibet on the floor of this Congress. Only the people in Tibet and the people all over China, including Tibet, can resolve their differences. A special envoy could neither contribute to this dialogue nor foster a solution, but is likely to be totally counterproductive.

I will close by making just one additional observation on another provision, without getting into detail. Some of my other colleagues have already spoken on this. Section 1708 of the pending authorization bill states that "the President of Taiwan should be admitted to the United States for a visit in 1996 with all appropriate courtesies." Mr. President, this provision, to say the least, is unwise at this point in time—unless we want to deploy our aircraft carriers, several of them, to the region, and spend a great deal of

the next several years in the Taiwan Strait.

PRIVILEGE OF THE FLOOR

Mr. NUNN. Mr. President, I ask unanimous consent that Maurice Hutchinson, legislative fellow of my staff, be admitted privileges of the floor during the consideration of the bill.

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

Mr. NUNN. Mr. President, I reserve the remainder of my time.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. NUNN. Does anyone else have time at this point?

The PRESIDING OFFICER. The Senator from Massachusetts has 52 minutes, and the Senator from North Carolina has 37 minutes.

Mr. NUNN. I yield to the former chairman of the Foreign Relations Committee and ranking Democrat, Mr. PELL, whatever time he desires.

Mr. PELL. Mr. President, I thank my colleague.

Mr. President, I regret that I am unable to support this conference report on H.R. 1561, the Foreign Relations Authorization Act, fiscal years 1996 and 1997. I recognize that House and Senate Republican conferees have attempted to find a middle-ground between the respective bills passed by each House and that this conference report is an improvement over the House-passed bill. Although there are some provisions in the bill that I support, I believe the bill is fundamentally flawed in four areas—reorganization of the foreign affairs agencies, funding for the Arms Control and Disarmament Agency and for our contributions to the United Nation, and American policy toward China.

This bill requires the President to abolish one of the foreign affairs agencies—AID, USIA, or CDA. There is no doubt that this is an improvement over the original language in the House bill, which mandated the abolishment of all three of these agencies. However, this conference report falls far short of the Senate bill, which sought to force consolidation through savings rather than the mandatory abolition of agencies. The Senate bill preserved the President's constitutional right to determine how to organize those agencies which carry out the foreign policy directives of the President of the United States. The conference report takes that away. I cannot support a bill which crosses this line and abolishes an important foreign affairs agency simply for the sake of abolishment. On an issue such as this I feel it is important for the Congress to acknowledge the prerogative of the President to organize the foreign affairs agencies in a manner which best serves the nation's interests and the President's foreign policy priorities.

As a strong supporter of ACDA and its mission, I am deeply disturbed by the inadequate funding levels for ACDA in this bill. The fiscal year 1996 authorization of \$35.7 million represents a 28

percent reduction from the fiscal year 1995 level. The fiscal year 1997 authorization of \$28 million is not only a 44 percent reduction from the fiscal year 1995 level, but cuts ACDA so deeply that it can no longer carry out its core missions, such as being our watchdog on proliferation, verifying arms control agreements, and monitoring compliance with new agreements. This is a foolish and costly approach at a time when our needs in the area of arms control are increasing, not decreasing.

The conference report also fails to authorize the necessary funds for the United States to pay assessed contributions to the United Nations and its related agencies. I agree that we need to do all that we can to force the United Nations to adopt serious management and financial reforms but failing to meet our treaty obligations is not the way to achieve this goal. It simply diminishes our influence and encourages other nations to take the same, ill-advised approach.

Finally, section 1601 of the conference report amends the Taiwan Relations Act [TRA] of 1979, to say that the provisions of the Act relating to arms sales to Taiwan supersede any provision of the joint communique, signed between the United States and China in 1982, limiting such arm sales. I believe this provision was added out of genuine concern for the people of Taiwan, a concern I share. But I also believe that this is the wrong approach to Taiwan's security problem and the wrong time to take it.

Our relationship with the People's Republic of China is at one of its lowest points in history, certainly the lowest point since the Tiananmen massacre. We have major disputes with the Chinese on a number of serious issues, ranging from trade to human rights to proliferation of weapons of mass destruction. While we will not back away from any of these issues, it is important that both governments act prudently and not unnecessarily damage the relationship further. But this bill does the opposite, by undercutting the basis for United States-Chinese relations. Section 1601 constitutes a unilateral revision of one of the cornerstones of the bilateral relationship. Adopting a measure like this would certainly cause a backlash from Beijing, by playing into the hands of hard liners in the Chinese leadership and aiding them in their attempt to promote an anti-Western, anti-United States agenda.

I also think this approach is likely to fail in its fundamental purpose of advancing Taiwan's security. For almost 3 weeks, we saw tensions rise in the Taiwan Strait as China tested M-9 missiles and held massive military exercises in an attempt to intimidate a Taipei it fears is heading toward a declaration of independence, aided by foreign powers. Just this week, after Taiwan's historic presidential election on Saturday, we are seeing some initial positive signs that both governments are reaching out to each other in order

to move back toward a more stable relationship. A reversal of U.S. arms sales policy at this time would certainly hamper those efforts. It is very much in Taiwan's security interest that all three capitals work to defuse tensions, not inflame them. Section 1601 would further damage already strained relations with Beijing and likely endanger, rather than strengthen Taiwan. It is the wrong policy at the wrong time.

Mr. President, for these reasons, I intend to vote against this conference report. The President has indicated that he will veto this bill over the issues I have discussed as well as some others, and I ask unanimous consent that the administration's statement to that effect be printed in the RECORD.

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

STATEMENT OF ADMINISTRATION POLICY H.R. 1561—FOREIGN RELATIONS REVITALIZATION ACT OF 1995

If the conference report on H.R. 1561 is presented to the President in its current form, the President will veto the bill. While steps have been taken to improve the bill, it still contains numerous provisions which do not serve U.S. foreign policy or U.S. national interests.

The principal reasons for the veto are:

Forced Consolidated of Agencies. The legislation interferes with the President's prerogatives to organize the foreign affairs agencies in a manner that best serves the Nation's interests and the Administration's foreign policy priorities. This bill mandates the abolition of at least one foreign affairs agency, and includes authorization levels that would force other organizations to retreat further from engagement in world affairs. The Administration has already implemented significant reinvention of and reductions in international programs and is working towards further streamlining and reorganization. H.R. 1561 fails to provide, however, the necessary flexibility for the Administration to manage the agencies that implement foreign policy, which is essential to United States leadership.

Authorization of Appropriations. The authorization levels included in the bill for FYs 1996 and 1997, which constitute ceilings on appropriations, are below the levels necessary to conduct the President's foreign policy and to maintain U.S. interests overseas in such areas as operating overseas posts of foreign affairs agencies, arms control and nonproliferation, international organizations and peacekeeping, public diplomacy, and sustainable development. In addition, these levels would cause reduction-in-force (RIFs) of highly skilled personnel at several foreign affairs agencies.

Taiwan Relations Act. Section 1601 amends the Taiwan Relations Act to state that the Act supersedes the provisions of the 1982 Joint Communique between the United States and China. This would be seen as a repudiation of a critical and stabilizing element of long-standing U.S. policy towards China, increasing risks at a time of heightened tensions.

Relations with Vietnam. Section 1214, concerning the use of funds to further normalize relations with Vietnam, unduly restricts the President's ability to pursue national interests in Vietnam, and in particular could threaten the progress that has been made on POW/MIA issues and put U.S. firms at a competitive disadvantage. Legislation which re-

stricts the opening of missions also raises constitutional concerns.

U.S. Participation in International Organizations. Provisions related to U.S. participation in the United Nations, which provide inadequate funding levels for FYs 1996 and 1997, and unworkable notification requirements would undermine U.S. diplomatic efforts to reform the U.N. and to reduce the assessed U.S. share of the U.N. budget. Furthermore, the provisions could interfere with ongoing Executive-Legislative Branch discussions aimed at achieving a consensus on UN funding and reform issues.

Housing Guaranty Program. Section 1111 would terminate several worthwhile country program, such as those in Eastern Europe and would eliminate any future programs, including those for South Africa. Additionally, this provision could inadvertently cause the cut-off of development assistance to many of the poorest countries of the world, as well as the cut-off of Economic Support Fund (ESF) anti-crime and narcotics-related assistance.

Family Planning. The conference report fails to remedy the severe limitations on U.S. population assistance programs placed in the FY 1996 foreign operations appropriations legislation. These restrictions will have a major, deleterious impact on women and families in the development world. It is estimated that nearly 7 million couples in developing countries, will have no access to safe, voluntary family planning services. The result will be millions of unwanted pregnancies and abortions.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HELMS. Mr. President, I am going to suggest the absence of a quorum, but I want to ask unanimous consent that all quorum calls henceforth be charged proportionately.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HELMS. Mr. President, this has been cleared on both sides. I ask unanimous consent that the vote on the conference report occur at 9 p.m. tonight, with the time between now and the vote to be divided as follows: Senator BIDEN, for up to 20 minutes, and all remaining time under the control of Senator DOLE, the majority leader, or his designee.

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

Mr. HELMS. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE RUSSIAN POULTRY MARKET

Mr. BIDEN. Mr. President, I have two comments I would like to make. I first would like to respond very briefly to a speech earlier in the day made by one of my colleagues before I discuss the foreign relations authorization bill pending before the Senate. I would like to address briefly the earlier comments of my good friend, the distinguished Senator from Arizona, regarding the President's involvement in resolving our trade impasse with Russia. The distinguished Senator suggests that it was inappropriate for the President to impress upon Mr. Yeltsin that the poultry industry is important to Mr. Clinton's home State, as well as to many other parts of America; I must say forthrightly, the single most important industry in my State.

Since Russia announced over a month ago that it was banning the import of all American poultry, I have been in daily contact with the White House, our Trade Ambassador Mickey Kantor, and our Agriculture Secretary Dan Glickman, to keep this \$500 million market open to American poultry growers.

Fortunately, the hard work of the administration has paid off. Just this week the Russians announced that they are backing down. This would not, in my view, have been possible without the direct involvement of the President, the Vice President, Ambassador Kantor and Secretary Glickman.

Since 1982, Sussex County, one of our counties in Delaware, has remained the No. 1 broiler-producing county in the United States of America. The Delmarva peninsula is home to 21,000 poultry workers, and produces more than 600 million birds per year. It is a major supplier of the Russian poultry market.

Last year, for example, one major Delaware producer exported 1,300 tons of frozen poultry to Russia. Another exported \$10 million worth of poultry products.

Those of us who understand this industry know that it is under increasing competitive pressure as grain prices soar and the price of other meats fall. But, they know how to prosper in a competitive environment. That is why we can ship higher quality poultry to Moscow and Saint Petersburg and still beat their prices. In turn, it is the responsibility of this and, I believe, every administration to maintain the open international markets that they need, not only for American poultry but for all American products. Keep in mind that Russia's market was closed as recently as 1991. Now, Russia purchases \$500 million worth of poultry every

year, and the market has been growing. This is just one of the many products they purchase.

This has been a real success story for American exports. Of American exports, the agricultural community is the only real success story in American exports of continuing, year-in-and-year-out consequence.

I, for one, think it is perfectly appropriate, as a matter of fact absolutely necessary, for the President of the United States, in this case President Clinton, to let President Yeltsin know just how important these exports are. I cannot think of any better way for a President to drive the point home than to make this issue personal.

I wanted very much for the President to successfully resolve this problem of the poultry industry. As any negotiator on the floor of this Senate understands, the one way in which, on a close call, we all appeal to our colleagues ultimately is we say: This is personal to me. This is personal to me.

Mr. Yeltsin is a politician. Every world leader is a politician. Politicians in international relations react no differently than politicians on the Senate floor.

I think it was perfectly appropriate and necessary for the President to use everything in his arsenal to convince the Russians not to violate international trade agreements with regard to poultry or anything else.

Mr. President, I believe that the people who disagree with the President acknowledge he is a master communicator. You can bet Yeltsin got the message.

So let us keep the big picture in mind and not get hung up on questions of style. The results, which are keeping 500 million dollars' worth of export markets open, speak for themselves. I think this is an important achievement on President Clinton's part and an important international trade issue. Had he failed, it would have set the precedent for significant trade consequences for the United States, and not just in poultry. I think most Americans, regardless of political party, feel the President did the right thing. I know I think he did the right thing.

AGAINST BACKDOOR ISOLATIONISM

Mr. BIDEN. Mr. President, I would now like to register my strong opposition to the question we are about to vote on, the conference report on H.R. 1561, the Foreign Relations Authorization Act.

In spite of some modifications, this report still, in my view, suffers from the fatal flaws that afflicted the Senate bill which we voted upon in December and I voted against.

This conference report would abolish three agencies that continue to serve the interests of the American people: The Arms Control and Disarmament Agency, the U.S. Information Agency, and the U.S. Agency for International Development.

While unwisely folding these agencies into the Department of State, it would severely cut funding for diplomatic activities, thereby further undermining our ability to carry out a coherent foreign policy.

The report also includes a sadly inadequate sum for foreign assistance, contains language that would be extremely damaging to POW/MIA identification in Vietnam, unwisely tampers with the 1982 joint communique with China, and generally attempts to give the impression that it is an internationalist piece of legislation.

Mr. President, the intent and impact of this legislation is not internationalist at all. No, the report is, in fact, yet another attempt at backdoor isolationism, in my view.

The legislation has its genesis in a deeply flawed ideological belief that no matter what the objective facts are, less Government tomorrow is better than whatever level of Government we have today. Following this simplistic logic, we have three independent agencies today so let us have two, or one, or even none tomorrow.

Never mind that all three agencies—ACDA, USIA, and AID—have all made significant strides in restructuring their activities and saving large sums of money and large sums of taxpayer dollars on their own accord.

Never mind that the missions of all three of these agencies are even more important today than they were during the cold war.

Less is more, so hack away. If this act were anything more than a numbers game, it would not blithely give the President a waiver authority to save up to any two agencies of his choice. It is like picking draft choices. I will trade you one and you pick any two you want.

It has nothing to do with anything other than the notion that less is better. For, if it were otherwise, we would say, "Mr. President, you must deal specifically with this agency or that agency." This, however, is like giving up future draft choices.

The legislation appears at first glance to have been crafted in blissful ignorance, both of what has been going on in our foreign policy apparatus for years and what it takes to conduct American foreign policy around the globe today.

How else could one explain ignoring ACDA's increasingly critical watchdog role in nuclear nonproliferation. It does not matter that the cold war is over. We now face the danger of nuclear weapons in the hands of several new countries, including rogue States like Iran and Libya.

Moreover, terrorist groups threaten to get ahold of nuclear material for the purpose of blackmailing entire cities and potentially nations. Now, more than ever, we need the proven expertise and independent judgment of ACDA.

Can we really believe that the drafters of this legislation are unaware of USIA's technologically sophisticated