

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

(The remarks of Mr. GLENN and Mr. LEAHY pertaining to the introduction of S. 1660 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized to speak for up to 15 minutes.

THE FOREIGN RELATIONS REVITALIZATION ACT RELATING TO TAIWAN

Mr. MURKOWSKI. Mr. President, last night we had several hours of debate and that debate was around the issue of the Foreign Relations Revitalization Act relating to Taiwan. As we addressed the disposition of the conference report, this particular portion received a good deal of scrutiny. There were a lot of words spoken, a lot of technical interpretations. What I am going to do today is simplify that debate by referring to the Taiwan Relations Act as the law of the land. I will also give a brief explanation of the section that was the subject of the debate, but I will use the actual factual language, as well as definitions, not just personal interpretations.

I was surprised by the debate surrounding one provision in particular, and that was section 1601, which states that sections 3(a) and 3(b) of the Taiwan Relations Act supersede any provision of the 1982 joint communique between the United States and China.

I was surprised by the debate because, obviously, a number of people seem to be cloudy on just what "supersede" means. Allow me to clear up any misconceptions of that term. The Oxford dictionary refers to the term "supersede" specifically as "overrides, takes precedence over." That definition seems pretty clear to me, Mr. President.

The administration indicated it is going to veto the entire conference report, in part because of opposition to section 1601, even though that section only restates reality.

In order to enlighten some of my colleagues on this issue, I have a chart here. I would like to refer to the chart. This is April 10, 1979, section 3(a):

... [T]he United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability."

Section 3(b):

The President and the Congress shall determine the nature and quantity of such defense articles and defense services based solely upon their judgments of the needs of Taiwan. . . .

It could not be any clearer, "solely on their judgments of the needs of Taiwan." That is to say, the President and the Congress shall determine the nature, quantity of such defense articles, et cetera. It is crystal clear. The issue is the interpretation of the United

States-China joint communique. The previous reference was the law of the land. This is a communique. In the communique, August 17, 1982, the administration pledged, "to reduce gradually its sales of arms to Taiwan, leading over a period of time to a final resolution." Paragraph 6.

This pledge to reduce arms sales over time, for those of us who have labored in this vineyard and those in the defense community, we recognize this as the "bucket," so to speak; that is, after the executive branch implemented the pledge by decreasing the amount of defensive goods and services that would be sold to Taiwan. That is readily understood. That was the specific intent.

This is the communique, the other is the law of the land. But you can see the difference. Congress, and the President, clearly have the authority under the law of the land to designate and determine the nature and quantity of defensive arms provided to Taiwan.

Yesterday in the debate, several of my colleagues claimed that section 1601 nullified the entire basis of United States-China policy.

This simply is not true, Mr. President. I should know, this was my legislation. I know what the legislative intent was. As the original author of this legislation, I know the intent of the legislation is simply to reassert the legal primacy of the Taiwan Relations Act as public law over a statement of policy, such as the joint communique.

It is this intent that so many of my colleagues on the other side, and evidently the State Department, are missing. It reasserts the legal primacy of the Taiwan Relations Act as public law over a statement of policy, such as the joint communique, if the two are in conflict. That puts the burden on the President and the Congress where it belongs.

For example, if the threat to Taiwan is increasing, defensive arms sales may need to go up, and this should not be arbitrarily limited by the bucket. It has not been in the past. The bucket is whether it is inside or outside, and we have seen sales outside. Prior administrations have followed the principle and practice, such as President Bush's decision to sell the F-16's to Taiwan, even though they were outside the dollar limits and, therefore, outside that bucket. It is referred to, basically, as decreasing in the amount of collective arms sales to Taiwan.

The point I want to make today is, more important, that Secretary Christopher, in a letter dated April 22, 1994, to me assured me that this administration's position is as previous administrations; the Taiwan Relations Act as public law takes legal precedent over the 1982 Joint United States-China Communique. That is the issue, does it take legal precedent or does it not? The Secretary of State said it did.

Let me make one more distinction, Mr. President. That communique I referred to, has never been ratified by

Congress. The Taiwan Relations Act is the law of the land.

In referring to this letter of April 26, 1994, the Secretary provided that letter and asked me not to release it for the RECORD. I am going to honor that commitment.

But now the administration seems to say it is ready to veto the entire conference report, and one of the reasons, in part, is because of a provision that simply acknowledges their prior position. If they are going to veto it, that is their own business, but let us be up front about the veto, if other rationale is the driving force.

Why is this being selected? I do not know. Has the administration been pressured to change some of its positions? I am sending a letter to Secretary Christopher today asking him to clarify his position: Does the administration stand by the April 22, 1994, letter or not? If not, then why not? It is my hope to share that answer with my colleagues.

This is important, because many on the other side are very uncomfortable now as they recognize what the law of the land says and the fact the law of the land supersedes the communique if the two are in conflict. Very few people seem to have picked up on that difference and its significance.

Some of my colleagues have asked why this provision was necessary and if it was. My response is simply this: it sets legal precedent. This is a reason I think my colleagues on both sides of the aisle will appreciate. Sometimes it is necessary to remind the executive branch that the Executive policies cannot ignore the law of the land, and that is where we are today. The Taiwan Relations Act is the law of the land.

So, Mr. President, this administration cannot ignore Taiwan's defensive needs nor the role of Congress in determining these needs, even if some in China demand it. That is what this legislation is really all about.

Some of my friends in this body may imply that this language somehow suggests that former President Reagan was wrong when he signed the communique. That is certainly not my interpretation, nor my intention. But the reality is, this is 1996, not 1982, and this language dictates that if the threat to Taiwan is greater now than in 1982, arms sales may go up accordingly.

So that is where we are, Mr. President. I hope that sheds some light on the debate over this language. I simply stated what was actually written, and hope my colleagues on the other side of the aisle will recognize this.

(Mr. CRAIG assumed the chair.)

THE BUDGET

Mr. MURKOWSKI. Mr. President, I would like to make reference, in my remaining time, to some facts on the budget.

It is rather curious, but in the last 13 months, President Clinton has sent up

to the Congress nine separate budget bills. We have one now, like the others, containing, in my opinion, some fairy-tale numbers, some rosy scenarios. They propose economics and delays into the next century when the spending cuts are actually going to take place, when it will be reduced.

Mr. President, 60 percent of the President's spending cuts are in the years 2001 and 2002 when we know, regardless of what happens this year, President Clinton will not be in office.

Spending will increase 25 percent from \$1.5 trillion this year to \$1.9 trillion in the year 2002. Spending will increase 25 percent, and the national debt will rise by more than one-third, from \$4.9 to \$6.5 trillion.

Think about that, Mr. President. From \$4.9 trillion to \$6.5 trillion we are increasing the debt. That is like increasing the balance on your credit card or increasing the overdraft, if your bank holds such an overdraft.

Although the deficit drops to \$158 billion this year under the President's proposed reelection budget, the deficit goes up to \$164 billion next year. This is our annual deficit. This means every year we are spending more than we are generating in revenue. We will spend \$164 billion more than we generate in revenue, yet we mandate the American public balance their checking accounts. The Federal Government goes through a budget process. Everything it needs, beyond what it generates in revenues, it gets by adding to the deficit to the tune now of increasing it from \$4.9 trillion—that is the total accumulated debt that has arisen as a consequence of the debts each year—we are going to increase that up to \$6.5 trillion.

I spent a little bit of time in the banking business before I got in the business of being a Senator from the State of Alaska. Interest costs are, I think, one of the most interesting and underrated considerations in this process, certainly among the more deceptive elements of the President's budget.

This year we are going to spend 14 cents of every \$1 of Federal spending on our \$235 billion interest bill—14 cents out of every \$1 of Federal spending. That costs us \$235 billion. Next year the interest costs are going to rise to \$238 billion. That is about 14.5 percent of the budget.

Interest is like having a horse that eats while you sleep. It continues throughout the night eventually eating faster than you can feed it. Interest does not employ anybody, does not provide any new jobs, and does not pay any taxes in that sense. It has to be addressed if you have debt. The United States has debt.

There is a rather curious process going on here. I will try and wind this up because I see my friend from Tennessee is on the floor as well. But the administration says that by the year 2002, interest costs are only going to be 12 percent of the budget and interest

spending will be down to \$223 billion. How is it possible for debt service costs to go down while the debt goes up from \$4.9 trillion to \$6.5 trillion? Is it lower interest costs? The President assumes flat interest rates at 5 to 10 percent on 10-year notes. So that is not it.

As I said, I used to be a banker. It does not take a rocket scientist to figure out that if the size of your debt rises by a third and interest rates are flat, the amount of interest you are going to pay has to go up.

Why does that not happen under President Clinton? I wonder if we have rejected some of the principles of mathematics. The answer, Mr. President, is hidden in the back of the President's budget. I think this deserves the light of day. During the next several years, trust fund surpluses, especially the surpluses in the Social Security trust fund, rise by nearly \$1 trillion. For every \$1 of surplus, the Federal Government issues a special debt note—a debt note—to the trust fund that is not counted as interest under our budget rules. I would ask the Chair why. I am sure the Chair would have the same difficulty in explaining it.

But for every \$1 of that Social Security trust fund, which is going to be somewhere in the area of \$1 trillion, for every \$1 of surplus, the Federal Government issues a special debt note to the trust fund that is not counted as interest under our budget rules. That is \$1 trillion of debt service not counted in the President's budget.

If you counted the interest we will pay the trust fund on the \$1 trillion in new debt we owe the trust fund, as a consequence of that, going into the interest formula, the real interest figure would look more like \$350 billion as interest on the debt in the year 2002 instead of \$225 billion, which is what the administration would have us basically accept or believe in this proposal.

My point is, Mr. President, the administration projects the interest at 14.5 percent, or 14.5 cents on the dollar, when in reality it is 18 percent as a consequence of borrowing from the trust fund.

Mr. President, I will attempt to pursue this after the recess with some charts that I think will more visually show just what is going on here. The American public better be concerned because, as we look at greater portions of our total budget going for interest on the debt, we recognize we are going to have less for social needs and other priorities in our country.

This must come to a halt. It could only come to a halt by adopting a balanced budget. We still have not been able to convince the White House of the realism of a real balanced budget that will actually cut spending.

I thank the Chair and wish the Chair a good day.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

ORGAN DONOR AWARENESS

Mr. FRIST. Mr. President, I rise today to bring attention to an issue that is literally an issue of life and death. Mr. President, any one of the Senators here today or any member of our families, whether through accident or misfortune, could find ourselves needing a life-saving organ transplant operation tomorrow. If that should happen, we would be placed on a waiting list to join about 43,000 other Americans who right now, this very second, are waiting their turn—or their death if they never get that turn.

Since 1990, the number of people diagnosed as needing an organ transplant has doubled. Today, every 18 minutes a new name is added to this list of people waiting. By the end of this year, the list of people waiting for a transplant will be over 50,000 people long. But those are just the people that we know about, people who are lucky enough to have made it into the medical system, who have jumped through the financial hurdles of diagnosis and have been recommended to a transplant center.

The real numbers are even more staggering: Approximately 100,000 people—100,000 people—need an organ transplant this very year. Yet, only a small fraction of that 100,000 people will receive a transplant to live or to have a better quality of life.

In fact, every day eight people die because a donor, an organ donor, does not become available. We have 100,000 people that could benefit from transplantation, yet only one in five, about 20,000, will actually receive a transplant.

Why? Is it because donors must be a certain age or race or blood type or physical condition? Is it because of outdated State laws or Federal regulations? Or is it because it is difficult to qualify or to designate one's organs for donation? The answer to all three of those questions is no.

The reason can be summed up in four simple words: lack of public awareness. There are no limits for organ donation for any of the reasons I just mentioned. Every person is potentially a donor. Even those under the age of 18 can sign up with a parent's permission. Yet, tragically, there are only about 5,000 actual donors every year. Experts estimate that organ donation could be increased by 80 percent simply through better public education and awareness.

I began my training to become a heart and lung transplant surgeon 22 years ago. At that time, I could only dream of the science and the technology and the medical know-how that today is routinely used to save people's lives through transplantation or to give people a better quality of life. It is no longer an experimental procedure, but a life-saving, life-improving medical operation that is performed routinely in centers all over this country. Yet, today, for people who need a heart transplant, about one out of four die needlessly, senselessly because an organ donor is not available.