

The ministry should also publish a list of all custodial institutions in China which care for unsupported minors, including specialized orphanages, urban "social welfare institutes," and collectively run "respecting-the-aged homes" in rural areas. The list should include the location of each institution and its population on a specified date, as well as all available statistics on child intake and mortality rates in recent years. In future, such basic population statistics for each institution should be published on an annual basis.

Since most abandoned infants and children in China are delivered to the civil affairs authorities by local police departments and hospitals, the Ministry of Public Security and the Ministry of Public Health should begin compiling and publishing regular statistics on child abandonment, including the sex and estimated age of each child discovered. This will provide an independent check on the accuracy of intake figures submitted to the Ministry of Civil Affairs by individual institutions, and will prevent the under-reporting of intakes which allegedly took place in Shanghai during the 1980s.

(2) The Ministry of Civil Affairs should make public its policy on "fostering" orphans and abandoned children in private family care, including details of the screening process, if any, for prospective foster parents, and of monitoring procedures aimed at ensuring that fostered children are treated humanely.

(3) The propaganda organs of the Communist Party should publicize the severe problems in Shanghai's child welfare system, and instruct the state-controlled media throughout China to investigate conditions for children in welfare institutions within their own area of coverage. The Ministry of Civil Affairs should ensure that journalists participating in these investigations receive full cooperation from institute staff, including unrestricted access to all children in each institution. Any abusive or negligent conditions uncovered during the course of journalists' inquiries should be publicly exposed and promptly remedied. Objective reporting on conditions in China's child welfare system should remain a priority indefinitely.

Welfare institutes should permit unscheduled visits by local residents, including both Chinese and foreign nationals. Local civil affairs authorities should encourage public involvement in the care of orphans, particularly by qualified medical personnel.

The United Nations Children's Fund (UNICEF) and established private children's charities from overseas should be granted access on a regular basis to all welfare institutions holding minors.

#### *Management Reforms*

Although the steps outlined above are likely to bring about a sharp reduction of some of the worst abuses within the child welfare system, basic changes in institutional management are equally important in order to guarantee that these initial improvements last. These include administrative measures to strengthen the outside monitoring of children's treatment, as well as improvements in the selection, training and discipline of institute staff. Human Rights Watch/Asia recommends that the Chinese authorities undertake the following reforms:

The leadership of the Ministry of Civil Affairs should publicly state its commitment to improving conditions for institutionalized children, and should emphasize that the directors of welfare institutes and other management-level staff will be evaluated primarily on their success in reducing children's death rates to an absolute minimum. The directors of welfare institutes where

child mortality rates appear to be higher than expected, given normal levels of care, should be subject to investigation and dismissed if mismanagement is shown to be a contributing factor.

The Ministry of Civil Affairs should immediately begin reorganizing its custodial welfare system to ensure that minors and adults are kept in separate institutions. The use of all-purpose "social welfare institutes" to warehouse orphans and other incapacitated persons should be ended as soon as practically possible.

(3) The Ministry of Civil Affairs should cooperate with the Ministry of Public Health and the Ministry of Public Security to ensure that staff of welfare institutions strictly follow all rules and other legal requirements regarding the reporting of inmates' deaths. All deaths of minors in institutional care should be treated as potentially unnatural, and hence subject to reporting, investigation and documentation requirements of the Public Security Bureau, as well as independent autopsies by qualified medical personnel affiliated with the Bureau of Public Health. Local health bureaus which are notified of a significant number of children's deaths in welfare institutions within their jurisdiction should immediately call for an investigation by local authorities.

(4) The Ministry of Civil Affairs should promulgate strict rules prohibiting the abuse of children in welfare institutions, such as excessive corporal punishment, tying of children's limbs, medically unjustified use of drugs to control children's behavior, and all forms of paid or unpaid child labor. The ministry should also promulgate a formal disciplinary policy to be applied by institute management in cases of misconduct by junior staff.

(5) All staff at custodial welfare institutes should undertake a period of formal training, aimed at impressing on newly assigned employees that the protection of inmates' well-being is of paramount importance. Ordinary child-care workers should be trained in basic first-aid techniques, particularly to respond to cases of choking and accidental injuries, and in appropriate feeding methods for infants and small children, especially those with disabilities.

(6) Welfare institutes should be staffed with, or (where personnel shortages cannot be resolved) be provided with full and regular outside consultancy services by, an adequate number of fully qualified medical professionals, including specialists in pediatrics. Doctors whose medical educations were interrupted, for example during the Cultural Revolution, should not be employed as institute medical staff unless they have completed the necessary remedial coursework.

(7) The surgical repair of harelips, cleft palates and other correctable birth defects should be one of the highest medical priorities for welfare institutes and cooperating local hospitals. Abandoned infants requiring these relatively inexpensive procedures should receive them as soon as medically advisable, and should be given individual attention in the meantime to ensure that they remain adequately nourished.

(8) Infants and small children should not be classified as "mentally retarded" until they are old enough to undergo appropriate psychological tests. Training programs for child-care workers should emphasize the importance of individual care, attention and stimulation for infants' normal mental development.

#### *Legislative Reforms*

The phenomenon of child abandonment is not unique to China, and many of the factors which lead parents to abandon their children are beyond the government's power to rem-

edy, at least in the short term. Rural poverty, prejudice against the disabled, traditional attitudes towards female children, and the pressures generated by the country's stringent population policy all contribute to the problem. It must be stressed, however, that whatever the reasons for the orphanhood or abandonment, once such children are accepted into state care, the government has an unshirkable duty to provide them with adequate care and protection.

For the foreseeable future, China will need to maintain a system of state-run foster care for some orphans, particularly the severely disabled. However, Human Rights Watch/Asia believes that relatively minor legislative changes would enable most children now living in welfare institutions to be placed for adoption with Chinese families. An effective domestic adoption program would eliminate the need for institutional care for virtually all of China's abandoned children.

Human Rights Watch/Asia urges the Chinese authorities to take the following steps:

(1) China's "Adoption Law" and its implementing regulations should be amended to abolish the legal distinction between "orphans" and "abandoned infants." The provisions of the adoption law which prohibit adults under age thirty-five and couples with children from adopting abandoned infants without handicaps, and which prohibit foster parents from adopting more than one abandoned child, should be repealed.

(2) The State Commission for Family Planning should issue instructions to local family planning authorities, expressly prohibiting any interference in the adopting of children from welfare institutions.

(3) The propaganda organs of the Communist Party should publicize changes in the country's adoption policy through the official media. Both the media and the State Commission for Family Planning should actively promote the adoption of orphans as an alternative for couples seeking larger families than China's population policies allow.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting five withdrawals and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 5:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1124) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The message also announced that the House has passed the following bills, in

which it requests the concurrence of the Senate:

H.R. 2567. An act to amend the Federal Water Pollution Control Act relating to standards for constructed water conveyances.

H.R. 2657. An act to award a congressional gold medal to Ruth and Billy Graham.

H.R. 2726. An act to make certain technical corrections in law relating to Native Americans, and for other purposes.

### MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2567. An act to amend the Federal Water Pollution Control Act relating to standards for constructed water conveyances; to the Committee on Environment and Public Works.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG (for himself and Mr. HARKIN):

S. 1524. A bill to amend title 49, United States Code, to prohibit smoking on any scheduled airline flight segment in intrastate, interstate, or foreign air transportation; to the Committee on Commerce, Science, and Transportation.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself and Mr. HARKIN):

S. 1524. A bill to amend title 49, United States Code, to prohibit smoking on any scheduled airline flight segment intrastate, interstate, or foreign air transportation.

#### THE AIRLINER CABIN AIR QUALITY ACT OF 1996

Mr. LAUTENBERG. Mr. President, I am introducing the Airliner Cabin Air Quality Act of 1996, which would prohibit smoking on international flights to and from the United States by domestic and foreign carriers.

Mr. President, more than 50,000 studies have established the scientific evidence incriminating cigarette smoking as a direct cause of death and disability. Volumes of evidence also document similar health effects as a result of exposure to environmental tobacco smoke. For example, in 1991, the National Institute for Occupational Safety and Health placed environmental tobacco smoke in its most significant category of human carcinogens.

The Environmental Protection Agency estimates that environmental tobacco smoke causes some 3,000 lung cancer deaths and 12,000 other cancer deaths each year. In addition, the EPA believes that 70 percent of the lung cancer deaths attributable to environmental tobacco smoke are due to exposures outside of the home.

Environmental tobacco smoke exposure leads to coughing, chest discom-

fort, and reduced lung function in non-smoking adults. While these symptoms may seem minor in nature, their effects on individuals can have permanent health and financial consequences. It is estimated that flight attendants lose about \$10,000 per year in salary if they are unable to work on international flights on which smoking is still allowed.

Mr. President, in September 1992, the International Civil Aviation Organization [ICAO] passed a nonbinding resolution urging governments to take the necessary steps to ban smoking on all international flights as a safety and health measure. The resolution calls for the ban to be in place no later than July 1, 1996. I am hopeful, but not confident, that the ICAO resolution will be successful.

This past summer, ICAO released a working paper on the progress being made toward the implementation of its international smoking ban resolution. While developing the working paper, ICAO asked its more than 300 members to indicate their intentions with respect to implementation of the smoking ban. Of the 67 replies, 34 countries gave either no indication of their intentions or indicated they were going to delay implementation. Another 10 countries indicated implementation plans were under study. Only 24 countries stated that they would implement the smoking ban. Based upon replies to this questionnaire, some have estimated that just 13 percent of all ICAO members will take the steps necessary to ban smoking on international flights.

Mr. President, from the perspective of the United States, the potentially low rate of participation of other countries in an international smoking ban should be unacceptable. The United States and its carriers have repeatedly demonstrated their support for an international smoking ban. As the result of an agreement between the United States, Canada, and Australia, passengers traveling between these countries need not suffer through a smoke-filled flight.

About a year ago, the Department of Transportation provided eight U.S. carriers with an antitrust waiver so they could discuss implementing a voluntary transatlantic smoking ban. Despite their unanimous resolve to move toward a smoke-free environment, the participating carriers were unable to reach an agreement. Many were unwilling to ban smoking because of perceptions about competitive pressures from foreign carriers who are unwilling to voluntarily ban smoking.

Mr. President, I have been active for many years in efforts to ensure clean cabin air for airline passengers. In 1988, I sponsored legislation that banned smoking on domestic flights of 2 hours or less. This law protected approximately 80 percent of all domestic passengers from the documented effects of environmental tobacco smoke. In 1989, based upon the success and popularity

of the 2-hour smoking ban, Congress expanded the ban to include nearly all domestic flights.

Mr. President, this legislation would extend the protection now enjoyed by domestic passengers and flight attendants to those who fly into and out of this country. I wish other countries would enter into multilateral smoking-ban agreements on their own so this bill would be unnecessary. However, that does not seem likely. Therefore, this bill is needed to demonstrate the U.S. Congress' resolve and continued leadership on this issue. The bill would create a level competitive playing field for carriers utilizing our market. And, most importantly, it would protect the health and safety of all those who fly internationally.

I urge my colleagues to support this legislation.

### ADDITIONAL COSPONSORS

S. 877

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 877, a bill to amend section 353 of the Public Health Service Act to exempt physician office laboratories from the clinical laboratories requirements of that section.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1295

At the request of Mr. HELMS, the name of the Senator from Tennessee [Mr. THOMPSON] was added as a cosponsor of S. 1295, a bill to prohibit the regulation of any tobacco products, or tobacco sponsored advertising, used or purchased by the National Association of Stock Car Automobile Racing, its agents or affiliates, or any other professional motor sports association by the Secretary of Health and Human Services or any other instrumentality of the Federal Government, and for other purposes.

S. 1418

At the request of Mr. PRESSLER, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 1418, a bill to provide for the more effective implementation of the prohibition against the payment to prisoners of supplemental security income benefits under title XVI of the Social Security Act or monthly benefits under title II of such Act, and to deny such supplemental security income benefits for 10 years to a person found to have fraudulently obtained such benefits while in prison.

S. 1421

At the request of Mr. SIMON, the name of the Senator from Illinois [Ms.