

"(k) NOTIFICATION UPON RELEASE.—Any State not having established a program described in section 170102(a)(3) must—

"(1) upon release from prison, or placement on parole, supervised release, or probation, notify each offender who is convicted of an offense described in subparagraph (A) or (B) of section 170101(a)(1) of their duty to register with the FBI; and

"(2) notify the FBI of the release of each offender who is convicted of an offense described in subparagraph (A) or (B) of section 170101(a)(1)."

### SEC. 3. DURATION OF STATE REGISTRATION REQUIREMENT.

Section 170101(b)(6) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)(6)) is amended to read as follows:

"(6) LENGTH OF REGISTRATION.—A person required to register under subsection (a)(1) shall continue to comply with this section, except during ensuing periods of incarceration, until—

"(A) 10 years have elapsed since the person was released from prison or placed on parole, supervised release, or probation; or

"(B) for the life of that person if that person—

"(i) has 1 or more prior convictions for an offense described in subsection (a)(1)(A); or

"(ii) has been convicted of an aggravated offense described in subsection (a)(1)(A); or

"(iii) has been determined to be a sexually violent predator pursuant to subsection (a)(2)."

### SEC. 4. STATE BOARDS.

Section 170101(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(2)) is amended by inserting before the period at the end the following: "victim rights advocates, and representatives from law enforcement agencies".

### SEC. 5. FINGERPRINTS.

Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by adding at the end the following new subsection:

"(g) FINGERPRINTS.—Each requirement to register under this section shall be deemed to also require the submission of a set of fingerprints of the person required to register, obtained in accordance with regulations prescribed by the Attorney General under section 170102(h)."

### SEC. 6. VERIFICATION.

Section 170101(b)(3)(A)(iii) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)(3)(A)(iii)) is amended by adding at the end the following: "The person shall include with the verification form, fingerprints and a photograph of that person."

### SEC. 7. REGISTRATION INFORMATION.

Section 170101(b)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)(2)) is amended to read as follows:

"(2) TRANSFER OF INFORMATION TO STATE AND THE FBI.—The officer, or in the case of a person placed on probation, the court, shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State Law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit all information described in paragraph (1) to the Federal Bureau of Investigation for inclusion in the FBI database described in section 170102."

### SEC. 8. IMMUNITY FOR GOOD FAITH CONDUCT.

State and Federal law enforcement agencies, employees of State and Federal law en-

forcement agencies, and State and Federal officials shall be immune from liability for good faith conduct under section 170102.

### SEC. 9. REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall issue regulations to carry out this Act and the amendments made by this Act.

### SEC. 10. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall become effective 1 year after the date of enactment of this Act.

(b) COMPLIANCE BY STATES.—Each State shall implement the amendments made by sections 3, 4, 5, 6, and 7 of this Act not later than 3 years after the date of enactment of this Act, except that the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement such amendments.

(c) INELIGIBILITY FOR FUNDS.—

(1) A State that fails to implement the program as described in section 3, 4, 5, 6, and 7 of this Act shall not receive 10 percent of the funds that would otherwise be allocated to the State under section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3765).

(2) Any funds that are not allocated for failure to comply with section 3, 4, 5, 6, or 7 of this Act shall be reallocated to States that comply with these sections.

### SEC. 11. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

## FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAM APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous agreement, the Senator from North Dakota is recognized to offer his amendment. The only second-degree amendment that would be in order is an amendment offered by the Senator from Massachusetts. There is to be 1 hour of debate, with 40 minutes under the control of the proponents and 20 minutes under the control of the opponents.

Mr. DORGAN. Would the Chair please inform me when I have used 20 minutes? I yield myself such time as I may consume.

AMENDMENT NO. 5045

(Purpose: To provide congressional review of and clear standards for the eligibility of foreign governments to be considered for United States military assistance and arms transfers)

Mr. DORGAN. I am offering an amendment on behalf of myself and Senator HATFIELD with cosponsors, including Senators BUMPERS, JEFFORDS, LEAHY, HARKIN, PRYOR, MOSELEY-BRAUN, FEINGOLD, PELL, INOUE, WYDEN, KENNEDY, SIMON, LAUTENBERG and FEINSTEIN.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. HATFIELD, Mr. BUMPERS, Mr. JEFFORDS, Mr. LEAHY, Mr. HARKIN, Mr. PRYOR, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, Mr. PELL, Mr. INOUE, Mr. WYDEN, Mr. KENNEDY, Mr. SIMON, Mr. LAUTENBERG, and Mrs. FEINSTEIN, proposes an amendment numbered 5045.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new title:

## TITLE—CONGRESSIONAL REVIEW OF ARMS TRANSFERS ELIGIBILITY ACT OF 1996

### SEC. 01. SHORT TITLE.

This title may be cited as the "Congressional Review of Arms Transfers Eligibility Act of 1996".

### SEC. 02. PURPOSE.

The purpose of this title is to provide congressional review of the eligibility of foreign governments to be considered for United States military assistance and arms transfers, and to establish clear standards for such eligibility including adherence to democratic principles, protection of human rights, nonaggression, and participation in the United Nations Register of Conventional Arms.

### SEC. 03. ELIGIBILITY FOR UNITED STATES MILITARY ASSISTANCE OR ARMS TRANSFERS.

(a) PROHIBITION; WAIVER.—United States military assistance or arms transfers may not be provided to a foreign government during a fiscal year unless the President determines and certifies to the Congress for that fiscal year that—

(1) such government meets the criteria contained in section \_\_\_\_04;

(2) it is in the national security interest of the United States to provide military assistance and arms transfers to such government, and the Congress enacts a law approving such determination; or

(3) an emergency exists under which it is vital to the interest of the United States to provide military assistance or arms transfers to such government.

(b) DETERMINATION WITH RESPECT TO EMERGENCY SITUATIONS.—The President shall submit to the Congress at the earliest possible date reports containing determinations with respect to emergencies under subsection (a)(3). Each such report shall contain a description of—

(1) the nature of the emergency;

(2) the type of military assistance and arms transfers provided to the foreign government; and

(3) the cost to the United States of such assistance and arms transfers.

### SEC. 04. CRITERIA FOR CERTIFICATION.

The criteria referred to in section \_\_\_\_03(a)(1) are as follows:

(1) PROMOTES DEMOCRACY.—Such government—

(A) was chosen by and permits free and fair elections;

(B) promotes civilian control of the military and security forces and has civilian institutions controlling the policy, operation, and spending of all law enforcement and security institutions, as well as the armed forces;

(C) promotes the rule of law, equality before the law, and respect for individual and minority rights, including freedom to speak, publish, associate, and organize; and

(D) promotes the strengthening of political, legislative, and civil institutions of democracy, as well as autonomous institutions

to monitor the conduct of public officials and to combat corruption.

(2) **RESPECTS HUMAN RIGHTS.**—Such government—

(A) does not engage in gross violations of internationally recognized human rights, as described in section 502B(d)(1) of the Foreign Assistance Act of 1961;

(B) vigorously investigates, disciplines, and prosecutes those responsible for gross violations of internationally recognized human rights;

(C) permits access on a regular basis to political prisoners by international humanitarian organizations such as the International Committee of the Red Cross;

(D) promotes the independence of the judiciary and other official bodies that oversee the protection of human rights; and

(E) does not impede the free functioning of and access of domestic and international human rights organizations or, in situations of conflict or famine, of humanitarian organizations.

(3) **NOT ENGAGED IN CERTAIN ACTS OF ARMED AGGRESSION.**—Such government is not currently engaged in acts of armed aggression in violation of international law.

(4) **FULL PARTICIPATION IN UNITED NATIONS REGISTER OF CONVENTIONAL ARMS.**—Such government is fully participating in the United Nations Register of Conventional Arms.

#### **SEC. 05. CERTIFICATION AND DECERTIFICATION.**

(a) **NOTIFICATION TO CONGRESS.**—In the case of a determination by the President under section \_\_\_\_03(a) (1) or (2) with respect to a foreign government, the President shall submit to the Congress the initial certification in conjunction with the submission of the annual request for enactment of authorizations and appropriations for foreign assistance programs for a fiscal year and shall, where appropriate, submit additional or amended certifications at any time thereafter in the fiscal year.

(b) **DECERTIFICATION.**—If a foreign government ceases to meet the criteria contained in section \_\_\_\_04, the President shall submit a decertification of the government to the Congress, whereupon any prior certification under section \_\_\_\_03(a)(1) shall cease to be effective.

#### **SEC. 06. UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS DEFINED.**

For purposes of this title, the terms "United States military assistance" and "arms transfers" mean—

(1) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to military assistance), including the transfer of excess defense articles under section 516 of that Act;

(2) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training);

(4) the transfer of defense articles, defense services, or design and construction services under the Arms Export Control Act (except any transfer or other assistance under section 23 of such Act), including defense articles and defense services licensed or approved for export under section 38 of that Act.

#### **SEC. 07. EFFECTIVE DATE.**

(a) Except as provided in subsection (b), this title shall take effect October 1, 1997.

(b) Any initial certification made under section \_\_\_\_03 shall be transmitted to the Congress with the President's budget submission for fiscal year 1998 under section 1105 of title 31, United States Code.

Mr. DORGAN. Mr. President, 12 years ago in August, on an almost perfect, beautiful summer morning, I was in the jungle and mountains between

Nicaragua and Honduras and with two other Members of Congress visiting, as the first officials to do so, a contra camp. I will never forget the morning that we walked through this jungle. We had traveled 3½ hours by car, then back up in riverbeds, and finally walked. And I walked into a jungle clearing somewhere between Nicaragua and Honduras.

As I began to see a group of people in that clearing, I saw a very young boy wearing a blue uniform. I found out later that it was a military uniform purchased from Sears. Yes, our Sears. All of those soldiers were outfitted in uniforms from Sears. But it was not so much his uniform that captured my attention. It was seeing a young boy who appeared to be 10 or 11 years old carrying a machine gun. It turns out that the machine gun was in that young boy's hands courtesy of the United States as well.

Well, that conflict and that set of military arms transfers led to a long debate. We debated for years about whether we should or should not have sent arms to the contras. But it got me interested. I wondered, to whom are we sending arms around the world? What kind of arms are we sending? Who gets America's jet fighter planes? Who acquires American-made tanks? Who acquires American guns and cluster bombs? And I discovered that the United States of America is the largest arms merchant in the world. In 1994, we delivered over \$10 billion of the \$20 billion worth of arms spread all over this world, arms used for defense and for killing, in some cases arms provided to both sides of the same conflict by American arms merchants and by our Government.

Fifty two percent of the worldwide arms deliveries were from the United States of America. We offer today an amendment called the code of conduct amendment, a commonsense approach to address the issue of the arms trade.

It is interesting and tragic, I think, that selling arms to some parts of the world comes back to haunt us. American troops in Panama, Iraq, Somalia, and Haiti lost their lives facing weapons made in this country or weapons from technology this country furnished others. Someone made a profit selling arms to someone that should not have received the arms and American uniformed men and women then faced those same weapons in a conflict.

U.S. arms are often turned against innocent civilians. The United States has offered F-16 fighters to Indonesia's military regime despite the fact that U.S. weapons have already been used in the occupation of East Timor. Two hundred thousand civilians have been slaughtered there.

The definition in the dictionary of the word "boomerang" is "an act that backfires on its originator." That is what we find with some—not all, some—of the foreign military arms sales, a boomerang, an arms trade policy that ends up killing American sol-

diers, violating human rights, and giving away American jobs.

We do not come to the floor of the Senate suggesting that we not furnish arms anywhere in the world. Allies of ours that need arms to defend themselves should receive those arms. Democracies around the world that need arms to feel safe and secure should receive those arms. The question we ask is, should there not be some minimum standard of conduct that measures whether and when we send those arms?

We propose a commonsense approach in this legislation. And I should add that this kind of legislation is being considered by our allies in Europe and other places in the world, and we hope we will have a safer world if others and ourselves will adopt this kind of code of conduct with respect to arms transfers. Our commonsense approach is this.

First, to be eligible to receive American-made arms, we would expect a government must be promoting democracy through fair and free elections, civilian control of the military, rule of law, freedom of speech and of the press.

Second, we would expect a country receiving our arms to respect human rights. We would expect them not to commit gross violations of internationally recognized human rights.

Third, we would expect that a country receiving our arms would observe international borders and not be engaged in armed aggression against its neighbors in violation of international law.

Fourth, we would expect countries receiving our armaments to participate in the U.N. Conventional Arms Registry, which provides transparency to the world arms market by listing major arms sales and transfers.

We provide that a President may waive the criteria on an emergency basis. I conceive that there are circumstances in which that might well be necessary. We would provide for that waiver. We do not include arms export credit arrangements under Section 23 of the Arms Export Control Act, such as the Foreign Military Financing program.

What we are trying to do is think through the question, is there not some basic standard by which we judge whether an arms transfer to some other part of the world makes sense? Is it only profits? Do we only care that someone can make some additional profits by taking an incredibly sophisticated weapons machine, a jet fighter, for example, and selling it anywhere in the world? Is it only profit or is there some other measure that is important? Senator HATFIELD and I and many others believe there ought to be some measure, and it is called the code of conduct.

It is interesting that the boomerang I mentioned is not just having American-made weapons turned on American soldiers. It is also moving American jobs elsewhere. Lockheed Martin secured a sale of F-16's to Turkey in

exchange for the planes being built in Turkey. What that means, of course, is, to the extent that sale would have made sense in the first place and met the criteria, someone else has the economic advantage of that sale.

But our major concern is not jobs. Our major concern is to promote and create a safer world, and it is not a safer world when we send American soldiers to deal with trouble in the world and they find themselves facing the barrel of an American-made weapon provided to a government that should not have received it in the first instance, provided without any review, without any standard code that we develop that says, "Here are the conditions under which we will transfer these arms shipments."

Those who would oppose this might say we are trying to shut off arms sales. That is simply not the case. There will remain arms sales. Arms manufacturers in this country produce a sophisticated product, in most cases the best in the world. Other countries often want those products for their common defense. We understand and accept that there will be arms transfers, but we believe it is time for this country to adopt a code, a standard, by which we judge whether an arms transfer to this dictator or that dictator or this country or that country makes sense for this country's long-term well-being. The fact is that weapons have been sold in circumstances where the sale has not been in the best interests of United States, and that is why we offer this legislation.

Let me, Mr. President, reserve the remainder of the time, since I see that my distinguished colleague Senator HATFIELD is on the floor. Let me say, before he begins, that Senator HATFIELD has been at this longer than others of us in the Senate. I deeply admire the work he has done in the Senate and for this country, and I feel deeply honored to participate with him in offering this amendment.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I ask for 8 minutes.

Mr. DORGAN. I yield the Senator 8 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 8 minutes.

Mr. HATFIELD. Mr. President, I think it is very obvious I have a problem of laryngitis.

I thank my good friend, Senator DORGAN, for taking leadership on this particular amendment. I feel strongly enough about it to be here to do two things; one, to support the amendment, but the other is to apologize to the chairman of the Subcommittee on Appropriations, Mr. MCCONNELL, for offering a rider to an appropriations bill, which I ask everybody to refrain from doing. So I guess there is no virtue of consistency in this particular environment we work in.

Let me associate myself with the eloquent statement made by Senator DORGAN to explain this bill. I would only try to add perhaps one or two perspectives.

First of all, I think we have to recognize that we are not locking the President out of an action that he might have to take if he has a problem in an emergency situation. In other words, the President would have the power to make a waiver, a waiver of the criteria we have set up in this amendment in case he feels that our national interest is at stake and to make a waiver that is in the interest of our national need and our national security. So it is flexible in that sense.

Let me pick up on Senator DORGAN's examples of how this expands the vulnerability of our own troops when they are sent abroad for peacekeeping activities after we have delivered arms. Let me take a specific. From 1981 to 1991, \$154 million of arms were delivered to Somalia from the United States. Then when you begin to look at how that stimulated the arms race and endangered our national security, ultimately the total cost of arms to Somalia was \$1.2 billion—25,800 United States troops were deployed, 23 were killed in action, 143 were wounded. That is the kind of return we had on that one example, of sending troops.

Also, today we are building more F-16's in Ankara, Turkey, than we are in Fort Worth, TX. It does not help American workers, as some may say, and we, indeed, need to help employment in this country. We find that 88,000 jobs could be created in the United States in offsetting some of this extraordinary subsidy of arms. In other words, we do not lose jobs by cutting down the export of arms. We are creating them in other sectors of our economy, where there is great need.

Mr. President, I was reared in a generation where among our required reading in high school was a book called "Merchants of Death." It was a story of how the Krupp Works and other manufacturers of arms in Central Europe sent their arms out to both sides. In fact, they were sometimes guilty of stimulating conflict in order to sell their arms.

We were reared in a manner of saying that is immoral; surely our Nation would never be guilty of such a crime against humanity. Yet I have to say, since the Soviet Union has become unraveled, we are now unquestionably the No. 1 merchants of death in this world by our export of arms. We not only export them as a market, we go around promoting it. We go around ballyhooing the arms that we have, the arms that are exhibited in the Paris Air Show and many international conferences that supposedly are for some international benefit. It is an arms peddling activity. We even let our Embassies be instructed to facilitate arms transfers as part of their duty in the country in which they are representing the United States. I cannot understand

how people around this country will tolerate much further this kind of export that we have engaged in.

It started with, perhaps, Charles de Gaulle. That is the way he funded his military budget, was to sell arms abroad. Unfortunately, back in 1962, that was the policy of the United States of America. That became the policy in 1962, when the President decided in order to help fund some of our own military budgets, we would export arms. This idea of funding a domestic need by exporting our arms is, to me, immoral and is counterproductive.

So I am very hopeful we will support this particular amendment. It is flexible. It takes into consideration emergencies unforeseen. And it does not lock the President out. In fact, all it does is to say the Congress has some joint responsibility in that kind of policy that was recommended by the President's review commission on arms, that the Congress should have some kind of role in assessing this from time to time.

We have not had a debate on this floor for 20 years on this subject, a comprehensive debate. I am not sure in 1 hour we are going to have it today. But at least it is a small step, I think, in raising this issue so the American public will understand our failure to uphold our responsibilities in governing some of this export of death.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. DORGAN. Mr. President, I intend to yield to the Senator from Massachusetts after I make a couple of observations about the comments of the Senator from Oregon.

In 1993, the United States supplied 75 percent of all weapons sold to the Third World, the countries who can least afford to be buying arms—75 percent of the weapons that went to the Third World came from the United States. According to our State Department and their own human rights report, more than three-quarters of our arms sales in 1993 went to undemocratic governments. In other words, three-quarters of the arms we send around the world goes to governments listed by the State Department as authoritarian governments with serious human rights abuses. The people who live in those areas where these American weapons are coming in have every right to wonder about America. This legislation allows us to develop some standards that move in the right direction.

Mr. President, let me yield 5 minutes to the Senator from Massachusetts, Senator KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

AMENDMENT NO. 5046 TO AMENDMENT NO. 5045

(Purpose: To promote the establishment of a permanent multilateral regime to govern the transfer of conventional arms)

Mr. KERRY. Mr. President, I send a second-degree amendment to the desk

for immediate consideration. I assume that will not come up in time—

The PRESIDING OFFICER. Until the time is used or yielded back, the second-degree would not be in order.

Mr. KERRY. Mr. President, we had a unanimous-consent agreement a few moments ago, allowing for the second-degree to be reported at such time as we deemed appropriate. I ask unanimous consent at this time I be permitted to submit my second-degree amendment, under the 5 minutes I have.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 5046 to amendment No. 5045.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the amendment, add the following new section:

**SEC. . INTERNATIONAL ARMS TRANSFERS REGIME.**

(a) INTERNATIONAL EFFORTS.—The President shall continue and expand efforts through the United Nations and other international forums, such as The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual Use Goods and Technologies, to curb worldwide arms transfers, particularly to nations that do not meet the criteria establish a section 04, with a goal of establishing a permanent multilateral regime to govern the transfer of conventional arms.

(b) REPORT.—The President shall submit an annual report to the Congress describing efforts he has undertaken to gain international acceptance of the principles incorporated in section 04, and evaluating the progress made toward establishing a multilateral regime to control the transfer of conventional arms. This report shall be submitted in conjunction with the submission of the annual request for authorizations and appropriations for foreign assistance programs for a fiscal year.

Mr. KERRY. Mr. President, before I explain my amendment I thank the distinguished Senator from Oregon, Senator HATFIELD, for his extraordinary, long involvement in an effort to help educate and lead the U.S. Senate to a more rational approach to this question of proliferation, nuclear and conventional. When he leaves the Senate there will be an enormous gap with respect to that leadership and his voice, always clear even with laryngitis. I also welcome Senator DORGAN, whose history is not as long, but whose commitment is equally as passionate. I look forward to working with him in the future.

Their amendment embodies a fundamental shift in the way the United States needs to deal with the transfer of conventional weapons to the rest of the world. Like so many other aspects of our national security today, arms sales and other military assistance

needs still to be adjusted to the realities of the post-cold-war world. The central theme of our foreign policy has changed from containment of communism to expansion of democracy. So we no longer need to send these massive amounts of weaponry to our surrogates around the world in an arms race against communism.

Instead, we need to evaluate the effect that arms transfers have on regional stability, on the promotion of democracy, and on the protection of human rights. The legislation in front of us seeks to do that. It makes democracy, human rights, and nonaggression the central criteria for decisions on arms transfers. But equally important, it forces the U.S. Congress to take responsibility for approving such transfers to countries that do not meet the criteria set forth in the legislation.

Under the present system, the President just makes a determination of which countries will receive what weapons. In theory, the Congress could act to disapprove a specific sale, but in practice we all know it is very difficult and extremely rare that happens. We ought to be more involved as a Congress in making these decisions. This legislation gives us a prominent role that is appropriate to the money that we spend on behalf of the taxpayers and to the interests we represent in the world. There still will be cases when it serves the interests of our country to transfer arms to countries that do not meet the criteria of this legislation. But in those cases, the Congress will have to agree with the President that such a transfer bolsters United States national security needs.

These changes in this legislation will focus congressional attention on the question of what really serves our interests and will, I hope, lead to a reduction in the extraordinarily dangerous worldwide proliferation of conventional weapons.

My amendment seeks to simply add one new section to this language. It instructs the President to expand the international efforts to curb worldwide arms sales and to work toward establishing a multilateral regime to govern the transfer of conventional weapons.

The amendment also requires the President to report annually to the Congress on steps that he is taking to gain international acceptance of the principles incorporated in this legislation and on the progress he is making toward establishing a permanent multilateral structure for controlling arms shipments.

I support the goals of this legislation, Mr. President. We ought to stop selling arms to nations, but the fact is that it is not just enough for us to set that example. The French, the Germans, Chinese, the Japanese, a host of other countries will rush in to fill the vacuum that we leave. What we need to do is create an international effort with our leadership that will provide the underlying force for this amendment and to guarantee that we do reduce arms

proliferation in the world and slow the conventional arms race of which we are currently the leader.

I thank the distinguished Senators from Oregon and North Dakota for their leadership, and I believe that my amendment is acceptable. If so, we can act on it immediately.

Mr. President, I believe there is no further debate. If the Chair is ready, we can act on this amendment.

The PRESIDING OFFICER (Mr. THOMPSON). The question is on agreeing to the KERRY amendment No. 5046.

The amendment (No. 5046) was agreed to.

Mr. KERRY. I thank the Chair. I yield back whatever time remains to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield 6 minutes to the Senator from California, Senator FEINSTEIN.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator, and I commend both the Senator from Oregon and the distinguished Senator from North Dakota, Senator BYRON DORGAN, and the senior Senator from Illinois, Mr. SIMON, who is present on the floor, for their longtime support of this code of conduct.

I am a newcomer to this. Let me tell you what I feel. I am one who votes for defense appropriations. I want to see this Nation strong. I believe there is a deterrent value in having the best equipment, the best training and the most advanced technology for our armed forces. I believe that there is a price for freedom, and it is eternal vigilance.

But I did not come to the U.S. Senate to make the entire world less safe in the future than it was when I arrived. This code of conduct is an enormous addition to a major public policy debate and there are human dimensions to these decisions.

Every time I look into the big round eyes of my little 3-year-old granddaughter, Eileen, it is almost impossible not to ask, "Am I contributing to the kind of world in which I want my granddaughter to live? Is the world a safer place because of what I do in this body?" And I think about what that world will be like when she is 13 and 23 and 33 years old. That is not so long. Technology moves so fast, though. What kind of weapons will there be? Who will have them? How will they be used? Will they be used against her in some way?

I am sorry to say these are not just the ruminations of an overprotective grandmother. These are very real and very frightening questions the people of America must ask themselves, because our country remains the biggest, the boldest and the largest arms purveyor in the world today.

Which brings us to the question that is before us: What should U.S. policy be regarding the sale of weapons?

I truly believe we need to take more time in deciding to whom we sell weapons, not only as a matter of conscience, but as a matter of national security.

What happens to the deterrent value of our military strength when we export technologies and weapons systems that are equal to that which our own troops use?

For example:

Kuwait had the new M1-A2 main battle tank before it was even delivered to U.S. forces. Saudi Arabia now has these tanks as well.

We have exported Patriot missiles to Saudi Arabia, Kuwait and the United Arab Emirates.

F-16 and F-15 fighter planes, almost exactly what our Air Force is currently flying, have been exported to Indonesia, Malaysia, Pakistan, Singapore, Egypt and Saudi Arabia.

Turkey and South Korea, as has been stated, are building F-16 fighters under coproduction agreements with the United States. In fact, there are more people, as Senator HATFIELD said, building these planes in Turkey than there are in the United States.

The upgrades of these F-16's will not even be performed by the United States. They will be done by Denmark, Sweden and Norway.

One of the main reasons the United States overwhelmed Iraq's military in the Gulf War was because our equipment was more technologically advanced. What will be the result the next time we go to war and our troops look across the battlefield at the same tank they are sitting in?

U.S. weapons have already been used against the United States overseas.

During the eighties, we sent Somalia 4,800 M-16 rifles, 84 106-millimeter recoilless rifles, 24 machine guns, 75 81-millimeter mortars and landmines. Guess what the "technical" of Somali warlord Mohammed Farah Aided used to ambush and kill 30 Americans soldiers? Our own weapons.

Iran has deployed the American Hawk anti-aircraft missiles in the Straits of Hormuz, which were exported to the Shah decades ago before the revolution.

Three-hundred U.S. Stinger anti-aircraft missiles provided to Afghani rebels are unaccounted for and are reportedly being sold on the black market.

Although we don't know the cause, wouldn't it be tragically ironic if the downing of TWA Flight 800 was because of a Stinger missile obtained on the black market?

Libya and North Korea may have acquired U.S. Stinger missiles through this very same black market.

How will these weapons be used? How stable are the regions to which U.S. weapons and technology are being transferred? Did you know that Turkey used U.S. COBRA helicopters to destroy small Kurdish villages?

Today, Iran is using the same F-14 fighters we exported to the Shah.

Allies change and governments fall. What happens if the Government of Saudi Arabia falls into Islamic fundamentalist hands?

What happens if tensions between Pakistan and India reach the boiling

point? We are today escalating an arms race between these two countries.

Since the Reagan administration, arms have been treated more as items for international commerce than as tools to advance our national security. I believe this is dangerous and ultimately self-defeating.

The President, any President, is confronted with strong incentives to sell arms abroad, to bolster allies whose security is in our interest, to encourage diplomatic and economic cooperation. I don't believe it is realistic to think that in the face of these pressures, any American President alone is able to unilaterally change course and substantially limit arms sales without strong congressional support and even initiation. That is what we are considering today, initiating a code of conduct.

So it is for these reasons that I believe the code of conduct on arms transfers will help to bring some increased transparency and added consideration to the whole arms sales process. The code of conduct requires the President to develop a list of countries to which our Government may export weapons systems. Their criteria, outlined by the Dorgan/Hatfield amendment, is very basic, reasonable and flexible.

In instances where a country may not qualify, the President has the ability to ask the Congress for a national security waiver, or he may enact an emergency waiver on his own so that nation may receive U.S. arms. In this way, the President maintains the flexibility he needs to deter aggressors and conduct foreign policy.

The United States continues to be the unquestioned leader in weapons technology. However, the United States currently exports 52 percent of all global arms sales, making us the leader in this dubious category as well. If we continue to export advanced and often sophisticated best weapons systems to volatile areas, we put our own troops and our national security at risk maybe not today, but what about next year and the next decade?

I am not saying that the United States should export no arms, but we must have a rational arms sales policy that first and foremost protects U.S. national security, and second does not gratuitously exacerbate a global arms race. I am very afraid that if we continue to export the numbers and kinds of weapons systems and technologies we are currently, we will be less secure in the future, not more.

It is time for the United States to show a different kind of leadership, one encouraging restraint and transparency in the sale of arms around the world. By enacting the Code of Conduct, the United States will take an important step forward in a global effort to make the world a safer place for all.

The PRESIDING OFFICER. The Senator's 6 minutes have expired.

Mrs. FEINSTEIN. I thank the Chair and yield the floor.

Mr. DORGAN. Mr. President, I yield 4 minutes to the Senator from Illinois, Senator SIMON.

Mr. SIMON. Mr. President, first I want to thank Senator HATFIELD and Senator DORGAN for their leadership on this.

I am rounding out 22 years on Capitol Hill. I am a slow learner, Mr. President, but I have learned two things, among others. One is, do not get too cozy with dictators. Eighty-five percent of our weapons sent abroad are sent to nations the State Department identifies as human rights abusers. I think we ought to be careful. Second, I have learned that weapons we send abroad may be used against us. Senator FEINSTEIN mentioned Somalia. We could be mentioning Panama, Haiti, Iraq, and other nations.

Back—I do not know—2 or 3 years ago I was in Angola with Senator FEINGOLD and Senator REID and visited the Swedish Red Cross place where they were fitting artificial limbs for children and adults. I saw the huge numbers of people in Angola being fitted for those limbs in part because of American mines, in part because of American mines purchased with American funds. We are today, as has been pointed out, the No. 1 arms merchant in the world. And 56 percent of the arms sold abroad, are sold by the United States.

While we are the No. 1 arms merchant, do you know where we are in foreign economic assistance to other countries, compared to the other Western European countries, Australia, New Zealand and Japan? We are dead last. One-sixth of 1 percent of our national income goes to help the poor beyond our borders. Norway is above 1.2 percent, and the other nations in between. And when you contrast what we do with weapons and what we do with economic assistance, it is kind of interesting.

From July 11 to 18, the National Basketball Association signed contracts totaling \$927 million for free agents. Do you know what we are doing in providing development assistance for all of Africa, the poorest nation, poorest continent today, when you except Egypt? We are spending a total of \$628 million, less than we spent in 1 week for free agents for the National Basketball Association.

We need some sense of perspective. And for us to spend this amount of money on development assistance for poor countries, and then eagerly get every buck we can get so we can sell arms, and we do not care whether they are dictators or not dictators, that just does not make sense. Without this particular amendment, frankly, we are not going to do anything.

We have not turned down an arms request from another country since the early 1980's when we turned down an AWAC's request from Saudi Arabia.

This amendment would start to put us in the right direction. Again, let me go to the bottom line. The No. 1 lesson

we ought to learn is, do not get too cozy with dictators. And, No. 2, when you sell arms abroad to dictatorships, they may be used against you. I think those two lessons are just fundamental. I hope that we get a good vote on this amendment. I am realistic. Our friends in the defense industry obviously want to kill this amendment. But the merits are so overwhelming I hope we can pass it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, on behalf of Senator INOUE, I ask unanimous consent that privilege of the floor be granted to Roxanne Potosky, from his staff, during the consideration of H.R. 3540, the foreign operations appropriations bill.

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

Mr. DORGAN. Mr. President, I yield 3 minutes to the Senator from Rhode Island, Senator PELL.

Mr. PELL. I thank my Senate colleague.

Mr. PELL. Mr. President, I have been deeply impressed over the years by the strong and unwavering commitment to arms control shown by the senior Senator from Oregon, Mr. HATFIELD. The Senator, who I am pleased to call a friend, has numerous accomplishments in the field of arms control to which he can point with pride.

As only one example, the current multinational moratorium on nuclear testing is essentially the result of an initiative he took several years ago as ranking member of the Committee on Appropriations. As many of my fellow Members are aware, a major effort is under way at the Conference on Disarmament to bring to a successful close negotiations on a comprehensive test ban to follow the international moratorium brought about largely through the efforts of the Senator and others of like mind.

I am pleased, too, that the Senator from North Dakota, Mr. DORGAN, has taken such a strong interest in this amendment, and I note with pleasure that we are joined by a number of cosponsors in support of the Arms Transfers Eligibility Act of 1996.

The purpose of the amendment is to provide congressional review of the eligibility of foreign governments to be considered for United States military assistance and arms transfers and to establish clear standards for arms cooperation.

In effect, the major change proposed in the legislation is to emphasize a requirement for congressional involvement and approval that does not now exist. For 2 decades now, arms sales have been carried out under procedures giving Congress the right to disapprove particular sales if they appear inadvisable. Interestingly enough, in those 20 years, the Congress has come close on

several occasions, but it has never succeeded in getting a resolution of disapproval enacted. This does not mean that Congress has not had a significant role. A large number of sales have been modified or withheld by the executive branch following congressional consultations. As ranking Democratic member and former Chairman of the Committee on Foreign Relations, I can assure you that the dialog on arms sales with succeeding administrations has been detailed and in depth and that a number of risky, threatening or destabilizing transfers have been averted.

I understand and appreciate the Senator from Oregon's deep concern over continued arms races throughout the world and his desire to apply serious limits and controls through the legislation now under consideration. I can also understand why some in this body would prefer a system under which the positive approval of Congress would be required for transfers and assistance to a number of particular counties, as contrasted with the present emphasis on the right of disapproval.

While I very much support the underlying concept of this initiative, as we explore this and other concepts further, we will want to take care to ensure that the legislation is workable in real world situations in its final form. For instance, certain questions are raised by the prohibition on arms transfers and assistance to governments other than democracies. The prohibition would appear to exclude any monarchy, emirate or sheikdom. All of those nations in the Persian Gulf that are scared to death of Iran and Iraq are kingdoms, emirates or sheikdoms, and would thus be ineligible for transfers or assistance, unless given a Presidential waiver and approved by Congress.

We will also want to make sure that we do not create a situation in which our decisions on transfers and some assistance are less balanced and deliberate and more chaotic or haphazard. It is very important that our defense industry and its thousands of American workers understand that we want both to improve the standards under which transfers are allowed, but that we will remain dedicated to our national security interests and to the security of our friends and allies throughout the world.

I am sure that these and other concerns can be met and strong, positive legislation that earns solid, bipartisan support can emerge. I would hope that is the case because much more needs to be done to put a lid on the continuing, desperately costly arms competition throughout the world.

For the moment, I think it is important that we affirm our belief that democratic values, respect for human rights, avoidance of armed conflict in violation of international law, and participation in the U.N. register of conventional arms are all reasonable standards by which we should judge whether we wish an arms relationship with another country.

Thank you, Mr. President.

Mr. LEAHY. Mr. President, as a cosponsor of the Congressional Review of Arms Transfers Eligibility Act I support the amendment of the chairman of the Appropriations Committee, Senator HATFIELD, and the Senator from North Dakota, Senator DORGAN.

The world is awash in weapons, and there is not a political leader from any of the world's major arms sellers who has not made speeches about the evils of the arms trade.

Unfortunately, their rhetoric is not matched by action. In the United States, the defense industry, backed by the Pentagon, is using every trick in the trade to expand arms exports. The competition is fierce. Our allies, the Russians, the Chinese, and many others, are doing the same thing.

One would think that our experience in the Persian Gulf, where our troops came under fire by Iraqi soldiers armed with weapons we gave to Iraq during its war with Iran, or in Somalia where our troops were killed by United States-made weapons, would give us pause.

The weapons we sell have repeatedly fallen into the wrong hands. If they have not been used against us, they have often been used to commit abuses against innocent people elsewhere. In Afghanistan today, United States and Soviet weapons are being used to destroy what little is left of that country. Liberia is suffering the same fate. Turkey has used our weapons against Kurdish civilians. Indonesia, which faces no external threat, uses our weapons to crush internal dissent. In Central America, our weapons were used to commit unspeakable atrocities.

In the period since the end of the cold war and despite the collapse of the Soviet Union, we have exported \$83 billion worth of military equipment, an increase of 140 percent. Most of this equipment has gone to developing countries, including to undemocratic governments whose armed forces have been among the worst abusers of human rights. U.S. arms account for almost half of the weapons exported to those countries.

The governments of many developing countries cannot even feed their own people, and have no discernable enemy. Yet because of the political clout of their armed forces, scarce funds that might be available for education and health care and other social services are spent on weapons.

One would hope that the days of selling arms to dictators would be over. But this amendment would not prevent us from selling or giving arms to a dictator, or even to a government that engages in gross violations of human rights.

What this amendment would do, is define basic criteria for the transfer of arms. Even if a government is not democratic, violates human rights, and fails to participate in the U.N. registry of conventional arms, it would still be eligible for U.S. military equipment

under this amendment, if the Congress agrees.

I suspect if we asked the American people, the majority would say this amendment does not go far enough.

What could possible be wrong with giving Congress a say over these decisions? Haven't we had enough of our own weapons coming back to haunt us?

Some have argued that this amendment would hurt the arms industry. Baloney. It is a well-kept secret that the economic burdens of arms transfers is costing taxpayers billions of dollars, including both direct and indirect costs. By the end of this decade, more than half of U.S. weapons sales will be paid for by American taxpayers.

The real issue is what is right for national security. That is the primary criteria for arms transfers, and this amendment does not alter that one bit.

Mr. President, it is long overdue for Congress to exercise some meaningful review of decisions to sell arms to governments that do not meet the most elementary standards of conduct. That is all this amendment does. It should have been the law a long time ago.

Mrs. KASSEBAUM. Mr. President, today I will cast my vote in favor of the Hatfield amendment to prevent U.S. arms exports to countries that are undemocratic or that violate human rights—unless, of course, our national security interests override those concerns.

I am well aware of this legislation's shortcomings, and I do not cast this vote lightly. But today I dissent from those who would continue to expand America's arms exports.

We cannot stand by indefinitely as the current international arms bazaar continues to grow. And we must in honesty acknowledge that America's arms export policy has substantially contributed to the problem. Fully half of all international weapons transfers in 1994 came from the United States. A year later, in 1995, we more than doubled the number of major conventional weapons that we sent abroad.

Arms transfers can serve important American interests and, indeed, the majority of our shipments go to our NATO allies or to our major strategic allies in other regions of the world. These important transfers that serve our national interests would withstand closer scrutiny by Congress.

But too often we have seen arms we transferred abroad used to repress democracy and human rights rather than to support freedom. As chairman of the Africa Subcommittee, I have seen teenagers in Liberia and Angola who have learned to shoot before learning to read. I have seen countries whose meager coffers have been drained to purchase weapons of war while their people suffer an unconscionable standard of living. Perhaps during the cold war, when we were locked in a global struggle with communism, considerations such as these were necessarily secondary. But no more.

We cannot be responsible for the misconduct of other governments. But we

can refuse to participate in arming repressive regimes or strengthening the hand of those who grossly violate human rights. We can encourage the forces of liberty abroad—in countries friend and foe alike—by making clear that the price for American arms includes progress on human rights and democratic government.

The liberal transfer of arms abroad puts our national interest at risk. Our soldiers already have faced American weapons in combat. More often, they have faced weapons supplied freely by other major arms exporters. Yet, as long as we are the world's largest seller of arms, we have little leverage to press other exporters to curtail transfers we oppose.

Mr. President, I am under no illusion that this legislation will become law. But for that very reason, I view this as a vote not just about the specific language and procedures in this amendment but about the overall direction of America's arms export policy. I believe that policy, on the whole, is headed in the wrong direction. For that reason, I am voting for a change.

#### THE DORGAN-HATFIELD CODE OF CONDUCT AMENDMENT

Mr. JEFFORDS. Mr. President, I rise in support of the amendment offered by my colleagues the Senator from South Dakota, Mr. DORGAN, and the senior Senator from Oregon, Mr. HATFIELD. This amendment would significantly reform the criteria by which U.S. arms sales are evaluated and enhance the roll of Congress in the process.

Under the Arms Export Control Act, arms sales are reviewed for their compliance with several criteria, including whether a foreign government respects human rights and avoids acts of international aggression. Under this amendment, consideration would also be given to whether a government adheres to democratic principles and whether it participates in the United Nations Register of Conventional Arms. And under this amendment, Congress would review and pass judgement on any sale that the Administration has approved to a nation that did not meet these requirements.

While Congress technically has the option to disapprove of any sale that does not meet the criteria of the Arms Export Control Act, in fact, it rarely exercises that right, and little attention was paid to many controversial sales. At no time was a comprehensive review of pending arms sales actively examined and approved by Congress. This process is no longer acceptable, and the changes that this amendment would bring to this process are welcome.

Yes, the Cold War is over, but we all realize that in many respects, the world does not seem like a safer place, in part because American arms are helping to fuel conflicts around the world that we then must try to resolve. An obvious way to reduce the frequency of this happening is to more closely scrutinize the sales being made

to countries who do not share our basic ideology and respect for human rights. And the Congress should be given a greater role in this process.

I urge my colleagues to support the Dorgan-Hatfield amendment.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. How much time remains for the opposition to this amendment?

The PRESIDING OFFICER. Twenty minutes.

Mr. McCONNELL. Mr. President, I will not use that. I understand Senator DOMENICI is lurking and may be available to offer his amendment. And there is a little more debate on the Burma amendment. And we may well stack three votes for around 6 o'clock, or thereabouts, just to give an overview of where we are.

Let me say, Mr. President, with regard to the Dorgan amendment, the Clinton administration is strongly opposed to the amendment on the grounds that human rights and democracy are relevant criteria but not the only criteria about which arms sales should be evaluated. Regional security and stability may be overriding considerations in making a decision to proceed with a transaction. Arms transfers serve key foreign policy concerns and no single issue can be the only or primary consideration.

Let me give you an example, Mr. President. The amendment could well cut off the transfer of arms to key allies in the Middle East, for example, or in central Europe. And so the question arises, is this really in our best interest to make this kind of certification process a precondition for the transfer of arms to key allies?

So, Mr. President, I hope that the amendment will not be approved. Rarely do I find myself speaking on behalf of the Clinton administration, but my suspicion is that any administration would be opposed to this, that it would not be in our Nation's best interests.

I hope that the amendment will not be agreed to.

Mr. President, I am prepared to yield back the balance of my time, if I can locate Senator DOMENICI. 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. McCONNELL. 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. DORGAN. Mr. President, is the Senator from Kentucky yielding back his time? If so, I will take the remainder of my time.

Mr. McCONNELL. I yield back the balance of my time.

Mr. DORGAN. Mr. President, I have 3 minutes remaining, is that correct?



The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, I suspect most administrations oppose this kind of proposal because it does not allow them complete and unrestrained freedom to do whatever they want wherever they want in the world.

However, this proposal has an enormous amount of common sense. We are not proposing something that would restrict critically needed arms transfers to our allies in the Middle East, for example. We specifically have a provision in this amendment that resolves that issue. That cannot be argued.

I say this: With respect to arms transfers that have occurred in other parts of the world over all of these years, this country ought to start to rethink these issues. We sold Iraq cluster bombs for its war against Iran, and only because of our superior air power did American troops not face those same American-made cluster bombs in the Middle East.

We sold Somalia 4,800 M-16 rifles, 8,400 6-millimeter recoilless rifles; 24 machine guns, 75 81-millimeter mortars, landmines. Guess what happened? Mr. Aided would use them to kill 23 American soldiers.

This has really gone on long enough. There ought to be some basic standard by which we measure whether it is in our country's interest to continue shipping arms to every single dictator in the world, to country after country, dictator after dictator, without regard to how those countries behave or without regard to whether American men and women wearing our uniforms may face those same weapons made by American workers again at some point in the future.

We are not proposing anything radical. We are proposing something that says arms transfers ought to be made in circumstances where they are promoting democracy, where they are respecting human rights, not killing innocent people, where they are observing international borders, not attacking their neighbors, and where they participate in the U.N. conventional arms registry. That makes a lot of common sense.

It is especially now time for this country to lead. It is time for America to provide leadership on this issue. Frankly, this chart is appalling. This country, the symbol of freedom, the torch of liberty for the world, ought not be the world's arms merchant. No one ought to be able to point to a chart and say the United States of America provides 52 percent of all the arms transfers in the world. And a substantial majority go to countries in which the State Department says those countries are countries with authoritarian governments who are abusing human rights of people in their own countries.

I do not ever want to be able to point to a chart like this in the future. I want foreign arm sales and military sales and arms transfers to be made when it represents good common sense,

when it is in our interest, when it is in the world's interest. If we can provide leadership and the Europeans can provide leadership to develop a code of conduct on when arms should be transferred, this will be a safer world—yes, for the children that Senator FEINSTEIN talked about, for my children, your children and all children.

To keep doing what we are doing makes no good sense at all for anyone in this world. It provides a more unstable and a more unsafe world. This amendment, if adopted, would provide for a safer, more stable world. I hope the Senate, when it votes this evening, will finally, after some two long decades of having this discussed, take the first step to say this is the right direction, this is a step toward a safer world, this is a step toward American leadership to do what is right.

I yield the floor and I yield back the balance of my time. I ask for the yeas and nays on our amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCONNELL. I ask unanimous consent the Dorgan amendment be temporarily laid aside to take up an amendment of Senator DOMENICI and Senator D'AMATO.

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

The Senator from New Mexico.

#### AMENDMENT NO. 5047

(Purpose: To restrict the availability of funds under the Act for Mexico until drug kingpins are extradited or prosecuted)

Mr. DOMENICI. Mr. President, I send an amendment to the desk in behalf of myself, and Senators D'AMATO, HUTCHISON, FEINSTEIN, MURKOWSKI, SHELBY, HELMS, HATCH, GRAMM of Texas, BINGAMAN, KEMPTHORNE, and FAIRCLOTH, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. D'AMATO, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. MURKOWSKI, Mr. SHELBY, Mr. HELMS, Mr. HATCH, Mr. GRAMM, Mr. BINGAMAN, Mr. KEMPTHORNE, and Mr. FAIRCLOTH proposes an amendment numbered 5047.

Mr. DOMENICI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 198, between lines 17 and 18, insert the following new section:

#### PROSECUTION OF MAJOR DRUG TRAFFICKERS RESIDING IN MEXICO

SEC. \_\_\_\_ (a) REPORT.—(1) Not later than 30 days after the date of enactment of this Act, the Administrator of the Drug Enforcement Administration shall submit a report to the President—

(A) identifying the 10 individuals who are indicted in the United States for unlawful trafficking or production of controlled substances most sought by United States law enforcement officials and who there is reason to believe reside in Mexico; and

(B) identifying 25 individuals not named under paragraph (1) who have been indicted for such offenses and who there is reason to believe reside in Mexico.

(2) The President shall promptly transmit to the Government of Mexico a copy of the report submitted under paragraph (1).

#### (b) PROHIBITION.—

(1) IN GENERAL.—None of the funds appropriated under the heading "International Military Education and Training" may be made available for any program, project, or activity for Mexico.

(2) EXCEPTION.—Paragraph (1) shall not apply if, not later than 6 months after the date of enactment of this Act, the President certifies to Congress that—

(A) the Government of Mexico has extradited to the United States the individuals named pursuant to subsection (a)(1); or

(B) the Government of Mexico has apprehended and begun prosecution of the individuals named pursuant to subsection (a)(1).

(c) WAIVER.—Subsection (b) shall not apply if the President of Mexico certifies to the President of the United States that—

(1) the Government of Mexico made intensive, good faith efforts to apprehend the individuals named pursuant to subsection (a)(1) but did not find one or more of the individuals within Mexico; and

(2) the Government of Mexico has apprehended and extradited or apprehended and prosecuted 3 individuals named pursuant to subsection (a)(2) for each individual not found under paragraph (1).

Mr. DOMENICI. Mr. President, this amendment is an amendment that is urging Mexico, is pleading with Mexico, to cooperate to bring to justice the 10 most wanted, previously indicted drug lords living in Mexico.

Now, Mr. President, anyone in the Senate who has read the record over the past 10 years of what the Senator from New Mexico has said and done with reference to Mexico would know that I have been a staunch advocate of those policies in Mexico which are calculated to create a better standard of living for the Mexican people and to increase their economic prosperity.

I have from time to time even bragged too about the quality of the Mexican leadership, as it looks in hindsight. I do not regret that one bit. Frankly, my State is one of those States that borders on Mexico, and we know better than the rest of America that unless and until Mexico prospers and their standard of living for their average people goes up, the problem of illegal activities on the border can never be controlled.

What I do today is not a very major monetary measure. There is no great big money denial. The economic package that is in place is not taken into account. We do not assault it and remove pieces of it, we just take a tiny program worth \$1 million in foreign aid for military education and training. The amendment provides that it shall not be delivered to the Mexican Government unless and until they cooperate with us to do some things.

Let me talk for just a little bit with the Senate and with the people who are observing this, and yes, I might say to the leaders of the Republic of Mexico, we have some very distinguished Senators who are very pro-Mexico who are



on this amendment. You will note a couple are from the State of Texas, my immediate neighbor. You will note one is from California, another major border State.

I will start by asking a couple of questions: Do you know how much good law enforcement work and taxpayers' money it takes to get an indictment of a major drug trafficker or drug kingpin? An indictment is a grand jury's written accusation issued after it has heard significant evidence. The next step in the judicial process is supposed to be a trial. Getting an indictment is the sum of surveillance, interdiction of evidence, usually massive quantities of drugs, wiretaps, untangling the money-laundering networks. It is not uncommon for a border agent or two to lose their lives in a case where an indictment is sought and obtained.

According to the Department of Justice, there currently are 99 outstanding U.S. extradition requests for 110 criminals known or believed to be in Mexico who have been indicted in the United States—107 Mexican nationals have been indicted under our Federal drug kingpin statute, which is a very large number, at a very large expense, and a very major risk of life.

This has not occurred because anybody is picking on Mexico. This has occurred because we know in the United States that the enormous growth in drug trafficking through Mexico, which I will delineate with more specificity shortly, is having an enormous negative affect on Americans, and that unless we take some of those kingpins, some of those multimillionaires, who have huge cartels that are growing as fast as the cartels did in Colombia a decade ago, and we put some of those people in jail—whether it is Mexican jails or American jails—then at least one-half of the equation of trying to get drug trafficking under control is going untended. We are leaving a huge portion of it unattended and doing nothing about it.

Now, many of these requests, Mr. President, are for violent individuals involved in the drug trade. They include the top leaders of four major Mexican cartels. In the U.S., we get indictments, but the indictments are not worth the paper they are written on because the Mexicans won't try these people in their own courts, and they will not honor our extradition requests.

Now, Mr. President, I know that Mexican officials will say they are trying, and they will say we must be understanding, and that they are having difficult times. Well, let me suggest that this Senator understands that. What I am trying to do with this amendment is to let the Senate go on record saying to Mexico: Do something about it. Your friend from the north, the United States, wants to be helpful. If you need more help in terms of apprehending these criminals and trying them, if you need more help from the

executive branch of our Government, speak to us and ask us for it.

Obtaining indictments is a dangerous business when you are dealing with drug lords and drug kingpins. In fact, last year, 140 Border Patrol agents were assaulted while apprehending illegal alien drug smugglers. So you ask, why don't we do more on the border by way of patrols? Why don't we put more people there? I will tell you pretty soon that we have done pretty well at putting in more. But 140 of these agents were assaulted while apprehending illegal alien drug smugglers. All of this money has been spent in efforts needed to culminate in bringing these drug dealers to trial.

All of this is necessary if we are ever going to stop the drug trade. Only after Senator D'AMATO held hearings on this issue in the Banking Committee in March did Mexico finally extradite its first national—actually he had dual citizenship—to the United States. Since then, drugs have continued to invade our border, causing crime and despair. The "unextraditables," as the drug lords call themselves, live comfortably. This is unacceptable. The situation at the border is getting worse. Drug seizures used to be measured in ounces and pounds. Now they are measured in tons.

Several years ago, the smugglers cut the ranchers' fences and caused mischief at night. For anyone who has seen our border, it is a couple of strands of barbed wire that border between Mexico and America. In many places, it is two single strands of barbed wire. There is Mexico on one side and America on the other. Here is a rancher from Mexico on this side and a rancher on this side.

Now, instead of just cutting fences and doing mischief at night, heavily armed Mexican drug gangs terrorize the ranchers in broad daylight. Some of the ranchers have sold their ranches, according to information we have, to the gangs or to their front men.

Several years ago, an El Paso customs inspector was killed by a drug smuggler who was running the border. More recently, a 12-year-old girl was injured when a drug smuggler was trying to run through the border crossing at one of the crossings in El Paso, TX. These smugglers now have 18-wheelers and 727 jet airplanes. They own them, travel around in them, in defiance of everyone.

Just yesterday, in the Washington Post, Ricardo Cordero Ontiveros, who quit the Mexican attorney general's office, charged that corruption and inaction at the border had prevented key drug-related arrests. He cited two examples: an intentionally unacted upon case. Even though there was a reliable tip, no action was taken, and they could have captured Ismael Higuera Guerreo, when he was in the community of Los Cabos in Mexico. It was clear that he could have been arrested. He went unattended. He is the right-hand man of the Tijuana drug cartel

run by Benjamin and Ramon Arellano Felix.

On another occasion, Mexican officials had been advised that a jet carrying 20 tons of cocaine was going to land on an airstrip known to be used by the drug dealers. The Mexicans knew about it ahead of time. In addition, the plane was unable to lift off again after landing. But believe it or not, even after landing and being unable to take off, the cocaine was never intercepted.

Caro Quintero, who heads up the cartel at Guadalajara and is one of the top ten most wanted, openly admitted on a Mexican radio program that Mexican authorities "don't find me because they don't want to. I go to banks, I drive along the highways, I pass through military and Federal police check points, and it doesn't matter that they know me. Everybody knows me, and nothing happens," says this kingmaker.

Mr. President, I offer this amendment concerning Mexico, which I, unfortunately, believe should be added to this bill. I say "unfortunately" because it is not often that I come to the floor of the U.S. Senate to criticize our neighbor from the south. Mexico has, in recent years, made tremendous progress on a number of issues concerning its relationship with the United States. I believe we are still quite appropriately called their best friends.

Northern Mexico is becoming, however, a land of laundered drug money, riddled with corruption and violence. I have been a longtime friend, and I don't cavalierly say these things. It bothers me greatly. It is a country with a young and vibrant population and has the potential for a real future. But drug-driven cartels are threatening the very sovereignty of Mexico.

For many Mexican residents, the map of northern Mexico is determined by the frequently changing territories controlled by drug-trafficking organizations. There is one area where I believe there has not been enough progress, and that involves Mexico's failure to capture, prosecute, or extradite to the United States known major drug traffickers under indictment in the United States.

This amendment—I read off the sponsors—would at least send a signal that this concerns us greatly, not that we are trying to tell Mexico what to do, but essentially that we are worried. We hope the leaders of Mexico are worried. We see what has happened to other countries, and it is going to happen to Mexico.

All this amendment does is prohibit the release of a small amount of money which was going to be appropriated under this bill. It says it will not be released until they either turn over to the U.S. for us to prosecute, or until Mexico apprehends and prosecutes the 10 most-wanted of the already U.S.-indicted drug kingpins living in Mexico. This drug trade is \$100 billion a year as a business operation in Mexico.

The State Department estimates that Mexico supplies 20 to 30 percent of

the heroin, 80 percent of the marijuana, and 70 percent of the cocaine coming into the United States. One drug dealer reportedly makes \$200 million a week from sales to the United States to our children across this land. In my State of New Mexico, use of drugs by teenagers is skyrocketing because the two interstates transverse our State, and they are used as a communication link to take the cocaine and other serious drugs from their border habitats across this land.

These cartels are like multinational companies with sophisticated operations that rival any of the Fortune 500. They have advanced networks of drug distribution channels. One drug baron is called "The Lord of the Skies" because he has a fleet of 747's at his disposal. He is headquartered in Juarez, not far from my state.

Mr. D'AMATO. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield.

Mr. D'AMATO. Does the Senator really believe that the number of outstanding requests, 99 criminals, have been identified and indicted?

Mr. DOMENICI. The Senator is correct.

Mr. D'AMATO. Some of these go back 3 and 4 years with these extraditions?

Mr. DOMENICI. They are longstanding.

Mr. D'AMATO. Is it not true that there has only been one Mexican-national who has been extradited to this country out of all of those requested?

Mr. DOMENICI. That is correct. That happened after the hearings were held.

Mr. D'AMATO. That person was a child molester. It was right to send him here. But none of the others who have been indicted for murder or drug dealing—have any of them at all been extradited?

Mr. DOMENICI. To our knowledge, statements that I made here would indicate that they have not—except for Juan Garcia Abrega who had dual citizenship. I know of the Senator's genuine interest. I praise him for actually starting this. The Senator from New York started this in a hearing that had to do with the certification of Mexico a "fully cooperating" with the drug effort. They were certified by our U.S. Department of State. We did not succeed in not getting them decertified. That was not the case. I am not here trying to do that. But I think it is quite appropriate that the Senator from New York is on the floor as this amendment is offered, because he has had great concern about this issue.

I want to suggest to him and to those who are listening that as a border State of New Mexico next door to Texas we are becoming the victims of this drug wave from Mexico in ways you cannot believe. I told you that our border is the barbed wire fence. There is evidence that, in the State of Texas, the kingpins or their followers with their money are buying the ranches on

the border so they will have a habitat, a place of refuge, in America on an American ranch on the American side of the border. It is already tough to get rid of them and apprehend them and to arrest them. What if they own the place?

I have asked that a serious investigation of that take place. I for one recognize property rights. But it would not take much for me to be in favor of a statute that would take that land away from them. If we can find any relationship to drug money, we ought to confiscate those ranches under our forfeiture statutes. Those ranchers may have been paid. I do not know. It seems like some have been scared to death. But I believe they have been paid.

Mr. D'AMATO. With drug money?

Mr. DOMENICI. With drug money. What else? They are there with that money all night long.

Mr. D'AMATO. In some cases they have paid many times the value.

Mr. DOMENICI. We understand that there are, at least anecdotally, a couple of stories around that they were paid much more than the value of the land. I do not see why they would not. That land is cheap. These ranchers are in big trouble. As you know, we have had a drought. The price of grain is very high. The cattle are at the lowest price in many decades. So they are hurting financially. You put these drug smugglers and their threats on top of that financial burden to make these ranchers really hurt and you do not have much life on that border.

In addition, in a city like Albuquerque, which is on the main highway, an interstate to go east out of El Paso, TX, and Juarez, we are just literally feeling the pressure in many of our neighborhoods where gangs now all have drugs; where cocaine is everywhere. That is just the spillover in transit across America to probably get it up to New York where they can sell a lot more of it.

Mr. D'AMATO. Seventy percent of the cocaine in the streets of America come right through the passageway from Mexico that the Senator has described.

Mr. DOMENICI. Mr. President, in 1993, GAO reported that Mexico had become the primary transit country for steering Colombian cocaine into the United States.

These cartels are like multinational companies, with tremendously sophisticated operations that rival those of any of the Fortune 500. They have advanced networks of drug distribution channels.

One drug baron is called the Lord of the Skies because he has a fleet of 747's at his disposal. He is headquartered in Juarez, not far from my State.

Some estimate that the Mexican cartels budget close to a half a billion dollars per year to pay bribes to corrupt officials, including officials in the United States.

The wealth, combined with the violence inherent in the drug trade, has

proven deadly in Mexico and I fear that if these drug lords are not brought to justice, the violence may spill over into the United States.

In Juarez, one young drug smuggler was found shot in the head 23 times—the victim of a violent attack carried out on the orders of one of the drug lords.

A recent Los Angeles Times story reported how wealthy Mexican drug smugglers have intimidated ranchers and infiltrated police and sheriff's departments, drug task forces and even the court system on both sides of the west Texas/Mexico border.

These last reports are particularly troubling to me, because my home state lies just to the west of Texas and because citizens in New Mexico are beginning to see many of the same problems faced by their Texas neighbors.

Without an effective drug control and interdiction strategy involving help from the Mexican government, the 175 miles of shared Mexico/New Mexico border can, and does serve as a huge segment of the pipeline through which illegal drugs flow into the United States.

According to the DEA, in the past 2 years, law enforcement officials seized over 60,000 pounds of marijuana, 3,000 pounds of cocaine and 51 pounds of heroin at the major points of entry from Mexico into New Mexico.

These numbers pale in comparison to the quantities of drugs which actually make it into the United States; law enforcement officials estimate that we stop only around 10 percent of the drugs that smugglers bring to our borders.

One drug baron offered the police chief of Tijuana \$100,000 per month to "turn a blind eye" to drug trafficking in that city. When the chief refused and instead got tough with these drug dealers, he was brutally murdered on a highway in Tijuana.

In 1993, Catholic Cardinal Juan Jesus Posadas-Campos was gunned down at the Guadalajara airport. Many believe that his murder was an accident, related to a feud between violent drug groups. The Cardinal however was an outspoken critic of the cartels, and some believe that his murder may not have been an accident.

Congress has continuously funneled resources to the Southwest Border in an attempt to control drug smuggling, but without Mexico's cooperation, the United States cannot possibly control the flow of drugs into the country.

Patrolling the border costs taxpayers a lot of money. Funding for the Border Patrol has increased by \$183 million or 42 percent in the last three years. Congress has increased Border Patrol staffing to add at least 700 new agents each year for the past 3 years and we now have 5,253 border patrol agents in the field; 328 of those agents are on board in New Mexico.

Despite this stepped-up law enforcement presence at the border, the amount of drugs entering this country

from Mexico continues to grow. As we all know, more drugs lead to more crime.

A group which I helped establish, called New Mexico First, recently published a report on crime in New Mexico. The report notes that the "common and recurring characteristic—of those committing crime in New Mexico—is substance abuse."

When President Zedillo was elected in 1994, he stated that drug trafficking was the single greatest threat to his nation's security. These statistics demonstrate that Mexican drug trafficking also is a threat to our security.

Mr. President, my amendment will restrict a small amount of United States aid to Mexico until the President certifies that Mexico has either extradited or prosecuted themselves, the DEA's 10 most wanted Mexican drug kingpins.

The amount of aid to Mexico is not the issue here. What is at issue is whether Mexico will cooperate more completely with our attempts to capture and imprison these drug barons.

I wish my colleagues would invite them to the border to better understand the situation. The drug cartels are well equipped. They have out planned, out manned, and outgunned the U.S. Border Patrol, Customs Service and DEA.

The Clinton administration claims that one of its new drug policies is to attack drugs at their source.

While this is not a new idea, I would suggest that the best way to attack the source of drugs in the United States is to go after the major suppliers in the country which sends us the vast majority of our illegal narcotics.

There is no greater threat to our borders and our population than the threat that drugs will continue to flow unimpeded into our country from Mexico. This amendment goes right to the top of these drug cartels and calls upon Mexico to get tough.

I hope that my colleagues on both sides of the aisle, particularly those from border states, will join with me in support of this amendment.

I want to say, so that anybody listening who might think that we are not doing our part, that the U.S. Government has indicted these criminals. That is not easy. That is costly. We put our best people on it. They take risks, and they get hurt.

We have dramatically increased our Border Patrol. This year, we will increase it still more. But until some of them know they are going to jail and their property confiscated, it is a losing battle. We cannot put up a fence between our two countries. It has never been there. It will never work. But we surely can together cooperate in a new kind of fence—a fence of cooperation in terms of getting rid of the criminals.

This will not do much. Mexico can say, who cares about that little million dollars? I did not put \$50 million in or \$20 million of the aid going to them. I just said, let us give ourselves a little

bit to hang this on and let it be a signal, a message, to our friends. Let us try to put some of these people in jail.

My last admonition, before the Mexican officials react and say we should not be doing this, I hope they understand that Americans are very worried about the increase in drug use in this country. They are looking around. They are going to be easily convinced that we should do everything we can on these borders in apprehension and trial of these kinds of people and we want Mexico to know that you cannot let yourself be corrupted by it because it is going to destroy your country. We are really not here as gringos from the north trying to tell you what to do. We are really trying to be helpful, and I hope it is taken in that context.

In any event, I hope we start seeing some trials or returns to America for trial of some of these already known criminals who have been indicted.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I do not want to interrupt the debate on this very important amendment.

In fact, I ask unanimous consent that I be added as a cosponsor to the amendment by the Senator from New Mexico.

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

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, let me first say that I think it is obvious over the years that the senior Senator from New Mexico has demonstrated repeatedly that he is one of the most discerning, knowledgeable, and thoughtful of all of our Members on both sides, and as the record indicates—not the rhetoric of Senator DOMENICI; the record—there has been no greater friend to the people of Mexico, no greater friend. As a matter of fact, I attempted to get his support on some legislation that I have proposed that would take tough action for the inaction of the Mexican authorities in a number of cases, and the Senator felt it went too far, it was too harsh, that, indeed, these are our allies, these are our friends, these are our neighbors, the Mexican people in particular.

There is no one who has greater empathy for the plight of those Mexicans who are attempting to earn a living, and he has been supportive in terms of making moneys and resources available to help the Mexican economy. So I think it means that there is a point at which even the strongest of friends, the greatest of supporters must say to their friends and to their allies, "You are not doing enough," and that is what Senator DOMENICI's amendment says.

It does not act in a manner in which it could in terms of being much more punitive, but it sends a signal—and it is an important signal, and it is about time that we say it to our friends, be-

cause we are talking about friends—of one country recognizing the sovereignty of another country and recognizing our responsibility as good neighbors and being there. This Congress of the United States was there, the President was there, Republicans and Democrats were there in Mexico's time of need. I myself had great reservations, but my colleague said, no, it is important that we give to the Mexican Government and more importantly to the people an opportunity to be able to pay their debts, to meet their obligation, to work their way out. There they were. There was Senator DOMENICI, a supportive friend and ally.

But there comes a point in time when you have to say, how is it that you can protect drug smugglers, criminals, people involved in killings, in murders, in the distribution of billions of dollars worth of cocaine and crack that is creating havoc in the streets of America? How can you as an ally protect these people?

Mr. President, we have 99 warrants outstanding and 110 people identified over a period of 4 years, since 1992, and only one Mexican national has been extradited. There are some who we could go into detail about who prance around, who live openly without fear of apprehension because the police and the Mexican Government in control of the various provinces, indeed, are part and parcel of the cartel—only one attempt to extradite, only one attempt. And when they do go through some of the process, it is rigged. No successful extradition of a Mexican national except one, when they heard of a hearing of the Banking Committee in March of this year. We say wonderful for that one. That was a child abuser.

Talking about abuse of children, what is creating more havoc with our young people than the menace of drugs entrapping people?

The State Department by its own report says—this is not Senator DOMENICI or Senator D'AMATO. This is the U.S. Department of State, Bureau for International Narcotics and Law Enforcement Affairs, International Narcotics Control Strategy Report, March 1996. Senator DOMENICI referred to part of that—page 140:

No country in the world possesses a more immediate narcotics threat to the United States than Mexico.

I am not going to read the rest, because then it goes into detail and talks about the tons and tons of drugs and we cannot get one of these Mexican traffickers extradited. We have indicted them—killers, murderers.

Let me give you the testimony of a border agent just this March, testimony of a brave person, because there are some people who did not want him to testify before our committee. Senator FEINSTEIN and I had a hearing on proposals that would, yes, impact on Mexico because we do not think our friend and ally is doing nearly enough. It is really giving aid and comfort to killers, to terrorists, to people who are

terrorizing our communities, to the drug lords.

This is the testimony of T.V. Bonner. He is the National President of the Border Patrol Council, those people who are out there, the agents out there. Let me just read to you this little part of his testimony because this is real. This is what is going on. T.V. Bonner says:

On January 19, 1996, Border Patrol Agent Jefferson Barr was shot and killed while intercepting a group of drug smugglers in Eagle Pass, Texas. One of his assailants was wounded in the exchange of gunfire. The individual fled to Mexico where he was captured.

They captured him.

The FBI interviewed the suspect in a hospital in Mexico, and the United States subsequently charged him with murder and sought his extradition. The Government of Mexico has refused to extradite the accused. Even though the United States has an extradition treaty with Mexico . . . , not a single Mexican national has been extradited to date, despite numerous requests.

That is not totally accurate because when Senator FEINSTEIN and I had a hearing before the Banking Committee, the same day or the day before, they announced: "We are going to extradite someone," an unnamed person. They would not even tell us who it was. We said, "Who is it?" "We don't know, but we are going to extradite someone."

Now, what does it take to get the Mexican Government—and this is the Mexican Government. This individual who shot and killed a U.S. border agent was arrested and yet we have not been able to get him extradited. How outrageous.

I think this amendment of the Senator is so thoughtful. I believe we have to go further. But at some point in time we have to say we are not going to continue to do business as usual. We have an obligation to provide for domestic tranquility. Our country is failing miserably. Republicans and Democrats, for years.

Oh, during every campaign we get more border agents, more this, more that: Show business. After the campaign—I saw it happen in the last administration and the administration before that—after the election is over everything is forgotten, the agents do not get the support, they do not get the equipment, and it just dwindles down.

It has happened with this administration. We went from 100-plus people in the White House working on international drugs and domestic drugs down to nothing. Election time comes, they see on the scope that this is an important issue, that drug use is up, so they bring in a respected leader, General McCaffrey, terrific and respected, and I do not want to demean him and his efforts, but we should not be part-time warriors, fighting for domestic tranquility in our communities, to keep our streets safe.

We ought to be ashamed of ourselves for allowing the plight of Americans, to be held captive in so many commu-

nities where they are afraid to go out, to take a walk in the park, to go to church in the morning, to use mass transportation in off-peak hours because they may become a victim. And so much of it, 70 percent of it the FBI Director estimates, is powered by illegal drugs: 50 percent of the violent crime. And here our ally is giving aid and comfort to drug dealers and killers.

We could go into example after example. Because I think it is so poignant, although Senator DOMENICI referred to it I am going to take the liberty of referring to it again, that is the article that appeared yesterday—yesterday. How prophetic.

This amendment, by the way, was prepared long before this article, long before this article. How prophetic that it appeared in the Washington Post yesterday. Let me just read part of it. Listen to these words:

It's a joke for the people of Mexico and for the people of the United States who think Mexico is fighting drugs.

Do you know who makes that statement? The former agent in charge, Ricardo Cordero Ontiveros. He was the former head of the National Institute for Drug Combat branch in the border city of Tijuana.

Do you know what he said, the former head, because, you see, he would not succumb to the payments that they offered him, he refused to turn his head another way? This article goes on to report that at one point he was told by his superiors: Why don't you keep quiet. Do you know how many people want this job? Somebody is willing to pay as much as \$3 million for this job that you have—\$3 million. Then he was told you could make \$100,000 a month. Just keep quiet.

Let me go on. He says:

The only thing they are fighting for is to make them disappear from the newspapers.

Brandishing official memos and tape recordings that . . . proved his points, Cordero said that [the attorney general] cut him off when he tried to present evidence.

He says:

Lozano told me that people would pay \$3 million to have my job. . . . He was so angry I thought he would hit me.

Here is what the attorney general's office says.

Mr. Cordero Ontiveros is obliged to prove the seriousness of his allegations, not just to go to the news media. . . .

What do you think somebody does when the attorney general tells him to keep quiet, when the record demonstrates clearly we cannot get proven killers and murderers extradited when they actually have them in custody of the Mexican Government? Our own border agents are wondering about our commitment to this war when they see our U.S. agents being shot and killed and a total failure of our Government to be able to get our friends and our allies to cooperate and have the murderers and have the drug dealers turned over.

I compliment Senator DOMENICI for his thoughtful amendment. I think it

should serve as a harbinger of things we are prepared to do with our friend and ally, unless they begin to treat us as friends; unless they begin to respect us and our rights and the rights of our citizens and our youngsters who are being victimized every day as a result of their failure to even enforce basic, fundamental law.

I yield the floor.

Mr. MURKOWSKI. Mr. President, I rise to support Senator DOMENICI's amendment. This amendment would restrict all International Military Education and Training [IMET] funds to Mexico until the Mexican Government extradites the leading drug trafficking figures hiding there.

It is clear that there is a flood crossing our borders that threatens the very health and lives of all Americans—a flood of drugs, crime, and money laundering. The source of that flood is Mexico.

At a joint Finance Committee and Senate International Narcotics hearing Senator GRASSLEY held earlier this week, I brought the deteriorating situation in Mexico to the attention of Secretary of the Treasury Robert Rubin. At that hearing I raised the issue of Mexican cooperation in apprehending and extraditing drug traffickers wanted in the United States. I also questioned whether Mexico is really making any effort to enforce its own laws on official government corruption or if it is just spinning its wheels in endless prosecutions that never result in convictions. I am expecting answers to the questions and more in the coming week as we hold another hearing on this issue.

The dramatic increase in drug trafficking from Mexico is one of the unfortunate by-products of NAFTA trade liberalization and our success in getting tough on drug smuggling in the Caribbean. Reacting to the pressure of U.S. efforts such as "Operation Gateway" in Puerto Rico, drug smugglers have found even greater access to the U.S. in Mexico. The Mexican Attorney General has estimated that traffickers accumulate \$30 billion in revenues each year. Mexican traffickers or their front companies have also purchased numerous ranches or Maquiladora plants in Mexico and the United States to ferry drugs across the Rio Grande.

The impact is undeniable. Only ten years ago, almost no cocaine came across the border from Mexico. Today, nearly 70 percent of all cocaine coming into the United States passes through Mexico. Mexico also supplies between 20-30 percent of the heroin consumed in the U.S. and up to 80 percent of the imported marijuana. In fact, the Drug Enforcement Administration [DEA] estimates that Mexico earns over \$7 billion a year from the drug trade, making illegal drugs Mexico's third largest export to the United States.

The United States response to this escalating crisis has been inadequate. While the President talks tough on drugs and crime—backing it up in the

case of Colombia—when it comes to Mexico he has bent over backwards to accommodate failure. Based on mutual declarations of cooperation at the Summit of Americas and the limited success of Mexican and United States efforts to seize large drug shipments, President Clinton certified to Congress on March 1, 1996 that Mexico was “fully cooperating” with U.S. counter-narcotics efforts. This allowed \$38.5 million in bilateral aid to continue to go to the Mexican government in addition to the \$20 billion of U.S. taxpayer funds provided in the tesobono bail-out last year.

Our good intentions and assistance have produced few results. Mexico's efforts to eliminate corruption among government officials and capture the worst drug offenders have produced thunder but no rain. To date, there have been no convictions in the hundreds of ongoing prosecutions for corruption among officials in the Mexican Attorney General's office. There has been little more success within the Ministry of Finance or federal police. Laws which have been on the books for years to end government corruption have been ignored while hundreds of cases have been thrown out of court over minor technicalities.

Even more glaring is the lack of a bilateral extradition treaty between the United States and Mexico. As of April 15, 1996, there were 99 outstanding formal extradition requests by the United States to Mexico involving 110 different individuals. Mexico has acted on only one of these requests—that of Juan Garcia Abrego who is being held without bond in Texas in advance of his September trial. He faces a life sentence. I have asked Secretary Rubin to provide detailed information on the current status of all the United States requests, especially for members of the drug cartels that have been indicted in the United States and are fugitives in hiding in Mexico—Denjamin Arellano-Felix and his brothers Francisco, Ramon and Javier; Amado Carillo Fuentes; and, Miguel Caro Quintero.

Enough is enough. It is time to get tough with Mexico just as we did in the Caribbean. The United States must send a strong message to Mexico that there are limits to our patience. We must continue to strengthen our partnership to stop the drug trade. But we cannot continue to flail in endless investigations and prosecutions nor can we continue to allow criminals to avoid extradition to the United States to face judgment. We must ratchet up the pressure on the government of Mexico to clean up this tide of drugs, crime, and official corruption or risk our neighbor becoming another Colombia.

This amendment by Senator DOMENICI provides that message. It provides a targeted and flexible response to the building problems in Mexico. It also serves notice that the Mexican Government must improve the enforcement of its laws and agreements. We must make clear that our relationship can-

not continue to be one where the United States gives and gives while Mexico takes and takes. This was not acceptable with Colombia and it should not be with Mexico either.

Mr. President. If Congress and the President are really serious about keeping Mexico from “becoming Colombia” and reducing international crime and drug trafficking, we must take action now. I urge my colleagues to support Senator DOMENICI's amendment.

Mr. HELMS. Mr. President, I am pleased to join Senators DOMENICI and D'AMATO in introducing the pending amendment. The United States has a stake in Mexico—as our neighbor, as a key trading partner, and as the recipient of a \$20 billion loan underwritten by American taxpayers. Mexico's problems often become, in a very real way, our problems. No problem affecting our two nations is more critical than drug trafficking because it directly effects the lives of millions of Americans.

At the same time, we must not forget that for many, many years, the U.S. State Department turned a blind eye to widespread drug corruption in Mexico. In its latest International Narcotics Control Strategy Report, the U.S. State Department admits that in 1995 “endemic corruption continued to undermine both policy initiatives and law enforcement operations” in Mexico. The report adds that “official Mexican Government corruption remains deeply entrenched and resistant and comprises the major impediment to a successful counter-narcotics program.”

So, Mr. President, it is no surprise that Mexico is the gateway to the United States for smuggling in massive amounts of cocaine and heroin. Mexico is also a major producer of methamphetamine, one of the most dangerous drugs available. Many corrupt officials in the Mexican Government have long had an open door policy for the Mexican cartel kingpins, providing protection for a price. Mexican President Ernesto Zedillo has made some positive gestures to combat drugs and drug corruption, including appointing an Attorney General from the opposition PAN party and supporting money laundering legislation.

Nor is it a surprise that violent crime in the United States is increasingly linked to drugs. The Justice Department estimates that over one-third of violent crimes are committed by people in illegal drugs.

Regrettably, over the past 5 years, cocaine and heroin seizures in Mexico, as well as arrests of Mexican drug traffickers, have dropped by 50 percent. Seventy percent of cocaine enters the United States through Mexico, all too often with the assistance of corrupt Mexican police officers. Drug kingpins spend an estimated \$500 million annually to buy politicians and law enforcement officials. There are too many credible allegations that these officials assist kingpins' efforts to expand their power and conceal ill gotten gains.

While Zedillo administration officials may not be accomplices, they are supposedly responsible for the investigation and prosecution of these drug traffickers and corrupt officials.

Yet each year, in exchange for empty promises and well publicized anti-drug speeches, the U.S. administration certifies that the Mexican Government has “cooperated fully” in the war on drugs and continues to provide military equipment, technical assistance, and precious foreign aid.

Mexico is indeed our neighbor and a sort of business partner. The State Department is obviously nervous about offending Mexican Government officials by pushing them to take strong measures to fight drugs and corruption. Foggy Bottom must get over its nervousness. The United States has no greater national interest than to protect the safety and security of American people, especially the most innocent—our children and grandchildren.

It won't help either the Mexican or American people for the U.S. Government to make the tragic mistake of providing unrestricted assistance to a corrupt, morally bankrupt 67-year-old regime. This amendment will send the message that we demand cooperation with the Mexican Government—but real, effective cooperation, not more empty promises.

Mrs. FEINSTEIN. Mr. President, I am pleased to join with the distinguished chairman of the Budget Committee and the distinguished chairman of the Banking Committee in offering an amendment which I think is of great importance.

As my colleagues know, the problem of drugs coming into our country from Mexico has reached epidemic proportions.

Seventy percent of all illegal drugs entering the United States, including three-quarters of all the cocaine and 80 percent of all foreign-grown marijuana, are smuggled through Mexico. Ninety percent of the precursor chemicals used to manufacture methamphetamine are smuggled into the United States from Mexico.

We need cooperation from Mexico in many aspects of counternarcotics: from border control, to cracking down on money laundering, to combating corruption.

There has been some progress in these areas, but not nearly enough, and much more is needed. Perhaps the most basic area in which we need cooperation is in cracking down on the drug lords who run the smuggling rings. Mexican drug lords are getting rich poisoning our kids, and the Mexican Government must help us do something about it.

That means extraditions. Although the United States has had an extradition treaty with Mexico since 1978, Mexico has never extradited a Mexican national to the United States for drug charges.

Juan Garcia Abrego was not extradited—he was deported as an American

citizen. And extradition orders have been signed for one Mexican national, Jesus Emilio Rivera Pinon, but he remains in a Mexican jail. Ninety-nine outstanding formal extradition requests have not been acted upon.

This amendment is designed to create additional incentive for Mexico to move forward with the extradition of our most wanted drug lords. If Mexico does not arrest them, they should at least arrest and prosecute these drug lords themselves.

If Mexico fails to take these steps, the United States will withhold funding for the International Military Education and Training Program with Mexico. This is a reasonable, and not overreaching, point of leverage to encourage the Mexicans to do what they should be doing anyway.

If Mexico will comply with these extradition requests, it will be an important step toward addressing the problem of Mexican drug trafficking.

I strongly urge my colleagues to support this amendment. Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, parliamentary inquiry. If we are finished, do we then proceed to a vote? What is the situation, I ask the manager of the bill?

Mr. MCCONNELL. My plan is to lay aside the Domenici amendment and go to the Brown amendment. It is the plan to stack several votes. That we would take them up, again this is just a guess, an estimate, around 6 o'clock. It would be my plan. I understand no one wants to speak in opposition to the Domenici amendment. Has the Senator gotten the yeas and nays?

Mr. DOMENICI. No.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, let me just summarize very quickly so no one will think these indictments that the American Government has put all these resources in are just indictments of people who are out there dealing in a few ounces of cocaine. I want to give just four names, with a brief biography, that are under indictment, that it is incredible to this Senator that Mexico does not know about and could not, if willing, to either apprehend and try in Mexico or extradite them to the United States.

Here is one:

Tijuana cartel, Arellano-Felix organization: Benjamin Arellano-Felix and his brothers Francisco, Ramon and Javier head Mexico's most violent drug family. They are responsible for the murder of Catholic Cardinal Juan Jesus Posadas in Guadalajara in 1993. Some believe that the Mexican Cardinal was killed by accident during a violent confrontation between rival drug dealers, but others believe he may

have been killed because of his vocal opposition to the drug trade.

Let me move on to the Jaurez cartel: Amado Carillo Fuentes is now considered the wealthiest and most powerful drug baron in Mexico. He has a strong relationship with Miguel Rodriguez Orejuela, the leader of the Colombian Cali cartel. Carillo is known as the "Lord of the Skies" because he owns a fleet of 727's which allows him to transport drugs from Colombia to Mexico. His drug operations are estimated to bring in \$200 million a week.

I ask unanimous consent that a more complete biography of these cartel leaders be printed in the RECORD.

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

#### LEADERS OF THE MAJOR MEXICAN DRUG CARTELS INDICTED IN THE UNITED STATES

##### TIJUANA CARTEL (ARELLANO-FELIX ORGANIZATION)

Benjamin Arellano-Felix and his brothers Francisco, Ramon and Javier head Mexico's most violent drug family. They are responsible for the murder of Catholic Cardinal Juan Jesus Posadas in Guadalajara in 1993. Some believe that the Mexican Cardinal was killed by accident during a violent confrontation between rival drug dealers, but others believe he may have been killed because of his vocal opposition to the drug trade. The Arellanos also are responsible for the murder of Federico Benitez Lopez, the Tijuana police chief who vowed to clean up the city and refused to accept a \$100,000 per month bribe from the brothers. The cartel controls the 1,000 miles of border between Tijuana and Juarez. The DEA estimates that the cartel generates around \$15 million every two weeks and has a \$160-400 million net worth. The Arellanos, once known for publicly flaunting their protection from local Mexican police and federales, now are fugitives in hiding in Mexico. Benjamin and Francisco have been indicted in San Diego for drug trafficking.

##### JUAREZ CARTEL (CARILLO FUENTES ORGANIZATION)

Amado Carillo Fuentes is now considered the wealthiest and most powerful drug baron in Mexico. He has a strong relationship with Miguel Rodriguez Orejuela, the leader of the Colombian Cali cartel. Carillo is known as the "Lord of the Skies" because he owns a fleet of 727's which allows him to transport drugs from Colombia to Mexico. His drug operations are estimated to bring in \$200 million a week. Murders in Juarez have increased since he took control of the organization, and in 1995 the leader of a juvenile gang Carillo used to smuggle drugs across the border was found shot 23 times in the head. Carillo is the nephew of Ernesto Fonseca Carillo, who was imprisoned in Mexico in 1985 for the torture and murder of DEA Special Agent Enrique Camarena. Carillo has been indicted in Miami for heroin and marijuana trafficking, and in Dallas for cocaine distribution.

##### SONORA CARTEL (CARO QUINTERO ORGANIZATION)

Miguel Caro Quintero now heads the group made up of remnants of the old Guadalajara Cartel, best known for their involvement in the brutal 1985 torture and killing of DEA Special Agent Enrique Camarena. The Sonora Cartel was among the first Mexican organizations to transport drugs for the Colombian kingpins. The group's main trafficking routes run through Arizona border area

known as "cocaine alley" with movements also coordinated through the Juarez Cartel in the territory controlled by that organization. Caro Quintero openly admitted on a Mexican radio program that Mexican authorities "don't find me because they don't want to . . . I go to banks. I drive along highways, I pass through military and federal judicial police checkpoints and it doesn't matter that they know me—everybody knows me." Miguel's brother Rafael is serving time in a Mexican maximum security prison for his involvement in the Camarena murder, but reportedly runs the cartel from jail. Miguel has been indicted in Denver and Tucson on drug trafficking charges.

##### GULF CARTEL (GARCIA ABREGO ORGANIZATION)

Juan Garcia Abrego was the first major Mexican cartel leader expelled to the United States for trial. In January 1996, Mexico claimed that his dual U.S./Mexican citizenship allowed them to deport him to the U.S. to face his indictment. Mexico's government had offered a \$1 million reward for his capture, and the FBI offered an additional \$2 million. Members of Garcia Abrego's group remain in Mexico and continue to smuggle narcotics. The Gulf Cartel was the first to begin accepting payment from Colombian drug lords in cocaine rather than cash and they at one time were responsible for half of the cocaine entering the United States from Mexico. The Gulf Cartel also shipped bulk amounts of cash across the U.S. border and during a four-year period (1989-93) the U.S. seized \$53 million in cash belonging to the organization. Two American Express bankers in Brownsville, Texas were indicted for laundering \$30 million for Garcia. Garcia Abrego is currently held without bond in a west Texas prison awaiting trial in September. If convicted, he faces life imprisonment. Seventy members of his organization have been prosecuted in the U.S.

Mr. DOMENICI. Mr. President, drugs are the engine of violence. According to the DEA, 50 percent of all violent crime happens because people are on drugs. One-third of all homicides in the United States have a relationship to narcotics. The relationship to this amendment, 70 percent of the cocaine comes across from Mexico; 50 percent of the marijuana, and much of the other substances that we fear so much. In fact, substantial amounts of Mexican-grown heroin is sold here.

In summary, we go through a great effort to indict Mexican drug kingpins and the indictments are not worth the paper they are written on because 99 outstanding extradition requests, 110 individuals are under indictment from us, and the Mexican Government will do nothing about it so far.

Mexico is the safe haven for drug smugglers. Indicted drug lords live an open life in a notorious style, in many cases, in many parts of Mexico. When the DEA Administrator was in Mexico in April, one of the top three most wanted barons called in to a talk show and stated, as I have said before: "They don't find me because they don't want to. I go to banks, I drive highways, I pass through Federal judicial policy check points, and it doesn't matter."

Mr. President, I hope this discussion today, and the vote, which I think will be overwhelming, will indicate to Mexico we are gravely concerned about our country and at the same time we are gravely concerned about theirs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent the Domenici amendment be temporarily laid aside. As I indicated earlier, it is my intention to take it up for a rollcall vote along with some other amendments that have been laid aside, probably around 6 o'clock.

I yield the floor.

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

Mr. BOND. Mr. President, due to a failure to communicate, I did not convey to the floor manager of the bill my very strong opposition to the Dorgan amendment. The time was yielded back.

I ask unanimous consent that I may be recognized for 5 minutes prior to the vote on the Dorgan amendment, which I feel is fatally flawed and will have very serious consequences. I would like to have the opportunity to have appropriate time to address that amendment.

I ask unanimous consent for 5 minutes.

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

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I wonder if the Senator from Kentucky will yield for a question.

Mr. McCONNELL. Yes. I am happy to respond to a question of my friend from Georgia.

Mr. COVERDELL. Is it not true that my amendment which would restore the funding level for the international narcotics funding was seconded under regular order?

Mr. McCONNELL. It is my understanding. It is my recollection that the Senator from Georgia came over last night and first offered the amendment that would restore the drug funding level to the request of the Clinton administration.

Mr. COVERDELL. That is correct. We have now, it is my understanding, disposed of 24 amendments?

Mr. McCONNELL. Yes.

Mr. COVERDELL. There is an amendment which I have pending, but we have been unable to get the other side to agree to a time for debate, which is holding up this amendment which restores their President's, our President's, funding for international narcotics.

Mr. McCONNELL. I say to my friend from Georgia, we had hoped that his amendment would be first voted on this morning since he was first to the floor last night to offer a very respon-

sible amendment, which I happen to support.

Mr. COVERDELL. I appreciate the response of the Senator from Kentucky and for, of course, his work on this bill and assistance on this amendment.

Mr. President, I ask unanimous consent that following consideration of this amendment, my amendment No. 5018 be the regular order and that there be a time agreement of 1 hour equally divided.

Mr. McCONNELL. Mr. President, reserving the right to object, obviously, I do not object, but I do not see anyone on the Democratic side in the Chamber. In fairness to them, I feel they should be given an opportunity to respond.

Mr. INOUE. Mr. President, in behalf of Senator LEAHY, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

#### AMENDMENT NO. 5019

Mr. D'AMATO. Mr. President, I think maybe it is appropriate, when we speak about those countries that are responsible in large measure—and it is not countries, it is governments, corrupt governments, corrupt officials who give aid and comfort to drug dealers, traffickers, growers, money launderers, the whole cartel—probably no case cries out for this country taking action more than the nation of Burma on behalf of the people of Burma and on behalf of the citizens of my State and the citizens of this country.

When we look at the record as it relates to drugs, in 1994, Burma was responsible for 94 percent of the opium produced worldwide. It is estimated that 60 percent of the heroin that comes into the United States originated in Burma.

When we look at the record of not only the question of narcotics and the dismal record in terms of counternarcotics efforts, there is only one thing that is even worse, and that is its record with respect to human rights. It kills those who are in opposition; it slaughters them. It imprisons those who speak out against them.

Their record on human rights and counternarcotics and its refusal to let the democratically elected National League for Democracy assume office should be immoral, and, more important, it is immoral, but it should be unacceptable to our Nation.

We need to send a strong message. Somehow we have become so imbued with economics and what company is going to benefit and make more money that we have lost the moral fiber to stand up for our citizens. I believe this. And I do not believe it is just the case as it relates to the legislation we discussed sponsored by Senator DOMENICI with respect to Mexico. I don't think it is just Burma, but certainly this is a case that cries out.

In 1988, the SLORC—SLORC—that stands for the State Law and Order

Restoration Council. What a name; what a name. Talk about a fascist name. The State Law and Order Restoration Council, SLORC, has one of the most dismal records in human rights. They were responsible for killing more than 3,000 prodemocracy demonstrators—3,000—and thousands more have been jailed, thousands more driven from their homes, thousands more hiding. That is this SLORC group. Their record in counternarcotics is one of total complicity with the drug lords and the generals—total complicity. That is where they earn a lot of their money.

But now we are supposed to be doing business with them, helping them, helping their economy, helping their people. We are supposed to totally ignore the fact that they don't help their people, that they enslave their people, that they kill their people, that they deny them free and fair elections and say, "If we can allow projects to go there, it will foster democracy."

That was not fostering democracy when we took on the Soviet Union for their failure to address the human rights and human needs and considerations of its people. We did not say "Let's give them most-favored-nation status." We did not say, "Oh, no, you can continue to discriminate against Jews and Catholics and Pentecostals" when the Soviet Union was engaged in that barbaric treatment of their citizens.

We said if a country doesn't respect its citizens, how do we ever expect it to respect the rights of others, the rights of our citizens. How quickly we forget. Incredible.

This country has lost the moral fiber that we don't even have the ability to stand up to those countries who are sheltering known terrorists and killers who are responsible for killing U.S. citizens. Why? The same reason: economics, greed, avarice.

"So and so is developing a big project there. It's an American corporation. If they don't do it, somebody else is going to do it." How often we hear that.

Then, when we are able to unite the people of this country, we have to worry about our allies. We passed a bill, the Iranian-Libyan sanctions bill, that said, "Listen, if you're going to help support their petroleum fields and they are going to continue to export terrorism"—and they have two people who we have indicted, two Libyan agents responsible for blowing a plane out of the air, Pan Am 103, we indicted them with specificity, Libyan agents, hiding in Libya. We cannot get them to turn them over here.

Yet, since 1988, when that tragedy took place, we didn't even have the courage to stop the importation of Libyan oil. We said, "We can't buy Libyan oil, can't buy it," and we went around and pounded our chest. Well, we didn't do through the front door what we allowed the oil man to deliver on the side or the back, because while we said U.S. companies can't do it, domestic companies, their foreign subsidiaries did.



They did that with both the Iranians and Libyans.

What a mockery. What a sham. How do you expect our allies to pay attention to us when we say, "We want you to join with us"?

It all comes down to the same thing, and maybe it takes a little longer to get to the point, and the point is, it is nothing more than greed, money and avarice, and, consequently, we have really allowed those states, whether they are smuggling drugs in here, whether they are bringing terrorists with bombs in here, whether they are killing our citizens in planes or in bases, to feel that they can operate with impunity, and we are not even going to take economic sanctions against them.

Our allies: "You will not allow our companies who do business with the Libyans to do business here?" Let me tell you, if we do not have the moral fiber to stand up and protect the rights of our citizens, it is no wonder why the people are angry and frustrated with all of us—with some of us even more—because they think it is all politics and we are not serious. In many cases, I think they are absolutely right. I really do. I think they are right.

Business is important. Providing economic growth and opportunity is important. But freedom and liberty is more important. The human dignity of each and every individual and their rights to live without being terrorized, both in this country and abroad, are more important.

We should not be providing succor and comfort to those who deprive millions and millions of people an opportunity to live free, an opportunity to be able to have their vote count and not just have some group, thugs by the name of SLORC, come in and take over whenever they want.

We have a right to say to those countries who are involved in exporting terrorism, whether it be by way of bomb or whether it be by way of drugs, that we are not going to countenance doing business with you as usual, and we are certainly not going to give you aid and comfort, and we are certainly not going to permit you to have access to the international money markets where U.S. citizens are participating in the international banks and say you can do business as if you are a good and decent citizen, when you are not.

I support the moves that we are taking and that this bill calls for in dealing with the SLORC in Burma. I just think it is symptomatic of the kinds of things that we have to do if we are really going to stand up and say that this Nation does make a difference, it does respect the rights of citizens, its citizens and others, to live in dignity and in freedom.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I just want to commend the Senator from New York

for his observations about Burma. What is going on here, of course, is they had a Democratic election in 1990, internationally supervised. The side that won got 82 percent of the vote. And the State Law and Order Council locked up most of the leadership and put the leader herself under house arrest for 5 years.

That is what is going on here. We fiddle around—not just this administration, but the previous one—and have done nothing. As the Senator has pointed out, they have done absolutely nothing.

So the underlying bill calls for sanctions against Burma, something long overdue. I want to commend the Senator from New York for his leadership on this issue for his support.

We have had a sort of disjointed debate here on the Burma issue, Mr. President, over the course of the afternoon. At some point I am going to ask unanimous consent that all of that debate be consolidated in the CONGRESSIONAL RECORD because it will be hard for the readers to follow.

Mr. President, I ask unanimous consent that a letter I received today from the National Coalition Government of the Union of Burma, Office of the Prime Minister, be printed in the RECORD.

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

NATIONAL COALITION GOVERNMENT  
OF THE UNION OF BURMA, OFFICE  
OF THE PRIME MINISTER,

*Washington, DC, July 25, 1996.*

Senator MITCH McCONNELL,  
U.S. Senate, Washington, DC.

DEAR SENATOR McCONNELL: We understand that Senator Cohen has introduced an amendment to your bill—Section 569 of the Foreign Operations Appropriations Act, "Limitation on Funds for Burma." We have to reiterate our total support for your version of the bill because it is the most and only effective way of persuading the ruling military junta in Burma to enter into a dialogue with the pro-democracy leaders.

If the U.S. Senate fails to vote for economic sanctions on the junta as outlined in your bill, it will send a wrong signal to Burma. The military junta will see it as a sign of weakness on the part of the United States and encourage it to step up the ongoing suppression of the democracy movement.

The National Coalition Government therefore opposes Senator Cohen's legislation. The Senate cannot afford to send a wrong signal. The imposition of economic sanctions is needed because currently investments are only enriching the military junta and its associates and are discouraging them to negotiate with Daw Aung San Suu Kyi.

Daw Aung San Suu Kyi has called for the imposition of economic sanctions because it is the best option available at this moment. She understands Burma situation clearly and would not initiate a move that would harm the people. Daw Suu has categorically expressed her wish that investments in the country cease until a clear transition to democracy has been established. The National Coalition Government fully supports Daw Aung San Suu Kyi's call for sanctions and that is why we have expressed our total support for your bill.

I look forward to welcoming U.S. businesses helping rebuild our country once a

democratically elected 1990 Parliament is seated in Rangoon. The Burmese people will remember who their friends are.

The National Coalition Government also opposes any funding to the military junta in connection with narcotics control. I cannot find myself to condone any funding to a regime that plays an active role in providing a secure and luxurious life to the heroin kingpin Khun Sa.

I place my trust in the United States Senate to do the right thing. Each vote for sanctions is a vote for the democracy movement in Burma and our people who are struggling to be so desperately free.

Sincerely,

SEIN WIN,  
Prime Minister.

Mr. McCONNELL. Mr. President, essentially what it says is:

If the U.S. Senate fails to vote for economic sanctions on the junta as outlined in your bill—

Referring to the underlying bill . . . it will send a wrong signal to Burma. . . . [It will] step up the ongoing suppression of the democracy movement.

The National Coalition Government therefore opposes Senator COHEN's [amendment].

Which we will be voting on later, which is supported by the Clinton administration.

. . . currently investments are only enriching the military junta and its associates and are discouraging them to negotiate with Daw Aung San Suu Kyi.

Daw Aung San Suu Kyi has called for the imposition of economic sanctions because it is the best option available at this moment. She understands the Burma situation clearly and would not initiate a move that would harm the people. . . . The National Coalition Government fully supports Daw Aung San Suu Kyi's call for sanctions and that is why we have expressed our total support for your bill.

Mr. President, the distinguished Senator from Colorado is on the floor. He has an amendment to offer as well. We would like to take that up. Have we laid the Domenici amendment aside?

The PRESIDING OFFICER. The Domenici amendment is laid aside.

Mr. BROWN. Mr. President, before I offer my amendment, I simply want to express my strong appreciation to the distinguished Senator from Kentucky for his raising the question of the loss of rights in Myanmar. The fact is, that the level of political suppression that has gone on there is one that Americans cannot ignore. If we are to be true to our beliefs, and true to our commitment to freedom and human rights that is held so dearly by both parties, we cannot stand idly by.

I believe some Members have expressed concern that perhaps there could be a different way to phrase the concerns that the Senator from Kentucky has expressed. And I hope that we will have a debate on that, that positive suggestions will come forward. Certainly we ought to use tactics that are most likely to be successful.

So some change in those words may be in order. But I hope that debate over the words does not lose sight of the intent and the very significance of the Senator from Kentucky's action. The

fact is, we cannot stand idly by and ignore what has happened in that country and not stand up and speak out and take efforts that can be effective.

I believe that this subject will get a lot of debate. I suspect the conference committee may well come up with ways to amend the language that we have here. But I want the Senator from Kentucky to know that free people around the world appreciate his efforts, and appreciate him caring enough to move forward to have this Congress consider sanctions. I, for one, will be looking forward to the process that may well perfect the language that the Senator has. But I hope it does not dilute the spirit of what he is offering because I think that is the essence of the way Americans think about foreign policy.

AMENDMENT NO. 5058

(Purpose: To amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of emerging democracies in Central and Eastern Europe.)

Mr. BROWN. Mr. President, I rise to offer an amendment to the bill. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] for himself, Mr. SIMON, Mr. ROTH, Mr. LIEBERMAN, Mr. HELMS, Ms. MIKULSKI, Mr. MCCAIN, Mr. SPECTER, Mr. SANTORUM, Mr. MCCONNELL, Mr. GORTON, Mr. ABRAHAM, Mr. STEVENS, and Ms. MOSELEY-BRAUN, proposes an amendment numbered 5058.

Mr. BROWN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BROWN. Mr. President, this is the third in a series of efforts the Congress has made to address the issue of NATO expansion. Today the hearts of tens of millions of Americans are with us. No, not physically here in this Chamber, but they listen and they understand what we debate when we talk about NATO expansion.

Millions of Americans find their heritage hailing from central Europe. Over the last century—I should say most particularly the last half-century—they have had to swallow hard as this Nation watched Czechoslovakia dismembered by the Munich agreements, which Chamberlain agreed with, and saw a country that could have been the bulwark against Hitler and Naziism dissolved and abandoned by its allies.

Millions of American hearts sank as they saw Poland invaded by the Nazis and, moreover, an agreement between the Soviets and the Nazis to divide and dismember that country. Moreover, their hearts sank as they watched the free countries around the world back away from promises and pledges of sup-

port. And we learned the painful lesson in World War II that one country's freedom is not independent of another country's and that aggression cannot be ignored.

These are countries that now share our commitment to Democratic values. And many of them, as new converts, are passionate believers. But the trail of history does not end with World War II. It follows into the tragic period of after World War II where some of these countries were abandoned, without an effort to save them from Soviet domination. The level of suffering that they have endured has truly been extraordinary in humankind.

Now the question comes, with the fall of the Iron Curtain and the end of the cold war, as to whether or not we will recognize that other countries have a claim to control their foreign policy, that is, whether other countries can cast their sphere of influence over central Europe and dictate to them their foreign policy. That is what this series of amendments over 3 years with regard to NATO expansion has dealt with, the hesitancy of the administration to allow democratic countries in central Europe who wish to join NATO to be allowed to join NATO.

These are countries that have democratized their country, that have given civilian control over the military, and have expressed an interest and a desire to stand shoulder to shoulder with America and other countries in NATO, to make the world safe for democracy. The hesitancy that has come out of the administration has been as to whether or not they should allow the government in Russia to cast its sphere of influence over the policy of those countries, whether or not we would defer to Russia in terms of deciding whether they should be allowed to join NATO or not.

It was out of concern over this policy, that I believe to be mistaken, in which we offered the first NATO Participation Act in 1994. That measure recognized their plea for NATO membership and authorized an assistance program to aid in their preparing to become Members of NATO.

The administration failed to act decisively concerning this issue, and in the following year we followed up with the NATO Participation Act of 1995 which develops specific criteria which those countries could be judged as to whether or not they were prepared to join NATO and receive aid to help them further move toward it.

Mr. President, another year passed without the administration acting. And thus, the purpose of the third NATO Participation Act.

The measure that is before the Senate does the following things, Mr. President. First of all, it authorizes funds for transitional assistance for countries in central Europe wishing to join NATO. Mr. President, this is not a huge amount of money in terms of dollars in the foreign assistance bill but it is an enormous issue in terms of the

signal we send to free people around the world. It specifically names three countries that are eligible for transitional assistance in moving into NATO. Now, that is not NATO membership, but it is transitional assistance to NATO.

Second, it establishes clear standards for other Central European countries to meet to be eligible for transitional assistance. The purpose here was to take the thoughts of the administration and others and put them forward in clear rules so the countries who want to join free people pledging to defend freedom in the North Atlantic region know what they are working toward.

Third, Mr. President, it sets a clear policy statement for NATO expansion.

Next, it establishes standards for an authorization, for a regional airspace initiative.

Mr. President, this is a measure that is bipartisan. It is strongly supported by the administration. I might make clear that they strongly support the authorization for the regional airspace initiative. I do not mean to imply they strongly support this amendment. The portion that deals with the regional airspace initiative, which I believe can have a significant value in helping countries develop a common language through equipment and procedures, in helping to deal with air traffic control problems, can be of help. I should emphasize while this is not mandatory in terms of participation, it is supported by the administration.

Mr. President, this is a bipartisan bill. We are fortunate to have Senator SIMON join as a cosponsor of this bill, as well as Senator LIEBERMAN and Senator MIKULSKI. In the past, NATO expansion has received strong support from both sides of the aisle. I must say, Mr. President, I believe this measure is strongly supported by both Democrats and Republicans throughout our country, by a large measure.

In addition, the House has voted on a version that is nearly identical to this provision, and given its strong and clear support by a vote of 353 to 62, the House voted for the similar NATO expansion provision.

I might add, we have a stronger position in the White House for this measure than we have ever had. The administration has sent out a letter indicating they do not oppose this measure.

Mr. President, let me not mislead Members. I believe—it is at least my belief—the White House has some concerns about various provisions of it. They are not opposing it. It is the strongest, most supportive effort we have had in these last 3 years. I believe the key to making this work is indeed to get all parties—the administration, Congress, Democrats, and Republicans—to work together for a common purpose.

Mr. President, there are some differences between this measure and the measure that passed the House of Representatives. Let me just name two of

them that may be the more significant, although I am not sure there are significant differences. In the findings, paragraph 15, in the wording involving the caucuses, ours is not as strong a language in terms of indicating a NATO involvement in the caucus as the House language. I do not mean to indicate we lack interest in the caucuses, or concern. We do, and we express that. There is a difference between our language and the House language with regard to caucus States.

Second, we add in this bill specific criteria for the transition into NATO. We thought in the interest of being clear and precise and moving ahead, that was helpful. Those are the key differences with the House bill. On the whole, they are not major. I do not anticipate any problem in working out the differences in conference.

I should indicate, Mr. President, there are at least three concerns I am aware of, and I know Members obviously are much more able to articulate their concerns and offer alternatives than I. Senator SIMON is interested in offering a modification of the measure that deals with the history of deployment of nuclear weapons in some NATO countries. I view—while we have not seen final language that Senator SIMON offers—I view that as an accurate statement of the past policy, and can well be a plus.

Senator BIDEN has concerns about making it clear that Slovenia is immediately eligible for the transitional assistance in the measure that is before the Senate. We have not placed them in the three countries that are designated as immediately eligible for assistance, but I think Senator BIDEN has identified a country that does meet the standards, as I understand them. I do not consider that to be a major problem.

In addition, my understanding is that a very thoughtful Member of the Senate, Senator NUNN, has concerns, particularly with paragraph 4 in the findings, and my hope is we will be able to consider his concerns and work something out with regard to that.

Mr. President, I do not want to take an extended amount of time with regard to this except to say this: What we do with this amendment is very important. The symbolism is far more important than the modest amount of money that is authorized in this bill. The message it sends is that the countries of Central Europe are not going to have their fate decided by the influence of another country; that their fate will not be decided by someone saying that they have a sphere of influence that controls that part of the world; that we recognize their ability to commit themselves to free and democratic principles, and to seek alliances that will help secure their land. That is enormously important, and it is a commitment that we should not back down on.

Second, Mr. President, I hope every Member has some sense in their heart

and in their mind and in their very being how these countries hunger to be free and independent and how much they look to the United States with admiration, and, yes, with love and with commitment. They see America as a country that has held up the torch of freedom and liberty, and they want to join us. They want to join us in the burden of holding that torch of freedom high. They want to join us in making sure the world is safe for democracy.

If we turn our backs on them, we turn our backs on the very ideals that made this country strong and free and independent. Can we turn our backs on Central Europe's freedom? Of course, it has happened before. But who among us would come forward saying that turning our backs on their freedom worked prior to World War II or worked after World War II? My guess is every Member would have to admit that those were follies of policies, that the world lost millions of lives because we failed to recognize how much their yearning for freedom was tied to ours.

Mr. President, this amendment is offered in the hope we will not repeat the mistake of the past, that we will respect their admiration and their desire to stand with us, and that we will continue the clear signal that we care about their freedom and their future.

I welcome the debate on this issue. I yield the floor.

Mr. MCCONNELL. Mr. President, I know the Senator from Georgia wants to speak on this issue, but my preference would be, and I consulted with Senator LEAHY on this as well, to dispose of some agreed-to amendments. I have also consulted with the Democratic leader, who would like to have a couple of votes shortly because he must be absent from the Senate around 6:30.

It would be my plan, I say to my friend from Georgia, just for his information, to have votes on the Hatfield-Dorgan amendment and the Domenici amendment beginning at 5:50, and then we would go back to the pending amendment of Senator BROWN, on which I know the Senator from Georgia wishes to speak.

I ask unanimous consent the Brown amendment be temporarily laid aside.

Mr. NUNN. Reserving the right to object, I do not mind laying aside the amendment and going ahead with the votes, but I would like to make a brief statement of 2 or 3 minutes, outlining my concern here on this amendment before we vote.

Beyond that, if that is accommodated, I do not object.

Mr. MCCONNELL. I was going to suggest the Senator from Georgia go right ahead.

Mr. COHEN. I want to inquire in terms of when we intend to proceed to vote on my amendment. Is it following the resolution of the Brown amendment, at some time later this evening?

Mr. MCCONNELL. Yes.

Mr. COHEN. At what point?

Mr. MCCONNELL. I say to the Senator from Maine, I want to just make a

few more remarks about his amendment, and I am not aware of any speakers, other than I assume he would like to close on his own amendment, but we will need to do that after we dispose of these.

Mr. COHEN. I understand that. We will dispose of the other two amendments. There was no indication how long the Brown amendment may take this evening. I am just trying to find out whether or not we—

Mr. MCCONNELL. If the Brown amendment is controversial, then we will move on with Burma. We will lay Brown aside and dispose of Burma and go back to Brown for whatever discussion may be forthcoming.

Mr. COHEN. All right.

AMENDMENTS NOS. 5059 THROUGH 5065, EN BLOC

Mr. MCCONNELL. Mr. President, I send seven amendments to the desk, en bloc, and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments, en bloc, numbered 5059 through 5065.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 5059

(Purpose: To express the sense of the Congress regarding expansion of eligibility for Holocaust survivor compensation by the Government of Germany)

On page 198, between lines 17 and 18, insert the following:

SENSE OF CONGRESS REGARDING EXPANSION OF ELIGIBILITY FOR HOLOCAUST SURVIVOR COMPENSATION BY THE GOVERNMENT OF GERMANY  
SEC. . (a) FINDINGS.—The Congress makes the following findings:

(1) After nearly half a century, tens of thousands of Holocaust survivors continue to be denied justice and compensation by the Government of Germany.

(2) These people who suffered grievously at the hands of the Nazis are now victims of unreasonable and arbitrary rules which keep them outside the framework of the various compensation programs.

(3) Compensation for these victims has been non-existent or, at best, woefully inadequate.

(4) The time has come to right this terrible wrong.

(b) SENSE OF CONGRESS.—The Congress calls upon the Government of Germany to negotiate in good faith with the Conference on Jewish Material Claims Against Germany to broaden the categories of those eligible for compensation so that the injustice of uncompensated Holocaust survivors may be corrected before it is too late.

AMENDMENT NO. 5060

(Purpose: To allocate funds for commercial law reform in the independent states of the former Soviet Union)

On page 117, line 14, before the period insert the following: "": *Provided further*, That of the funds appropriated under this heading \$25,000,000 shall be available for the legal restructuring necessary to support a decentralized market-oriented economic system, including enactment of necessary substantive

commercial law, implementation of reforms necessary to establish an independent judiciary and bar, legal education for judges, attorneys, and law students, and education of the public designed to promote understanding of a law-based economy".

## AMENDMENT NO. 5061

(Purpose: Urging continued and increased United States support for the efforts of the International Criminal Tribunal for the former Yugoslavia to bring to justice the perpetrators of gross violations of international law in the former Yugoslavia)

Findings. The United Nations, recognizing the need for justice in the former Yugoslavia, established the International Criminal Tribunal for the former Yugoslavia (hereafter in this resolution referred to as the "International Criminal Tribunal");

United Nations Security Council Resolution 827 of May 25, 1993, requires states to cooperate fully with the International Criminal Tribunal;

The parties to the General Framework Agreement for Peace in Bosnia and Herzegovina and associated Annexes (in this resolution referred to as the "Peace Agreement") negotiated in Dayton, Ohio and signed in Paris, France, on December 14, 1995, accepted, in Article IX, the obligation "to cooperate in the investigation and prosecution of war crimes and other violations of international humanitarian law";

The Constitution of Bosnia and Herzegovina, agreed to as Annex 4 of the Peace Agreement, provides, in Article IX, that "No person who is serving a sentence imposed by the International Tribunal for the former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may stand as a candidate or hold any appointive, elective, or other public office in Bosnia and Herzegovina";

The International Criminal Tribunal has issued 57 indictments against individuals from all parties to the conflicts in the former Yugoslavia;

The International Criminal Tribunal continues to investigate gross violations of international law in the former Yugoslavia with a view to further indictments against the perpetrators;

On July 25, 1995, the International Criminal Tribunal issued an indictment for Radovan Karadzic, president of the Bosnian Serb administration of Pale, and Ratko Mladic, commander of the Bosnian Serb administration and charged them with genocide and crimes against humanity, violations of the law or customs of war, and grave breaches of the Geneva Conventions of 1949, arising from atrocities perpetrated against the civilian population. Throughout Bosnia-Herzegovina, for the sniping campaign against civilians in Sarajevo, and for the taking of United Nations peacekeepers as hostages and for their use as human shields;

On November 16, 1995, Karadzic and Mladic were indicated a second time by the International Criminal Tribunal, charged with genocide for the killing of up to 6,000 Muslims and Srebrenica, Bosnia, in July 1995;

The United Nations Security Council, in adopting Resolution 1022 on November 22, 1995, decided that economic sanctions on the Federal Republic of Yugoslavia (Serbia and Montenegro) and the so-called Republika Srpska would be reimposed if, at any time, the High Representative or the IFOR commander informs the Security Council that the Federal Republic of Yugoslavia or the Bosnian Serb authorities are failing significantly to meet their obligations under the Peace Agreement;

The so-called Republika Srpska and the Federal Republic of Yugoslavia (Serbia and Montenegro) have failed to arrest and turn over for prosecution indicted war criminals, including Karadzic and Mladic;

Efforts to politically isolate Karadzic and Mladic have failed thus far and would in any case be insufficient to comply with the Peace Agreement and bring peace with justice to Bosnia and Herzegovina;

The International Criminal Tribunal issued International warrants for the arrest of Karadzic and Mladic on July 11, 1996.

In the so-called Republika Srpska freedom of the press and freedom of assembly are severely limited and violence against ethnic and religious minorities and opposition figures is on the rise;

It will be difficult for national elections in Bosnia and Herzegovina to take place meaningfully so long as key war criminals, including Karadzic and Mladic, remain at large and able to influence political and military developments;

On June 6, 1996, the President of the International Criminal Tribunal, declaring that the Federal Republic of Yugoslavia's failure to extradite indicted war criminals is a blatant violation of the Peace Agreement and of United Nations Security Council Resolutions, called on the High Representative to reimpose economic sanctions on the so-called Republika Srpska and on the Federal Republic of Yugoslavia (Serbia and Montenegro); and

The apprehension and prosecution of indicted war criminals is essential for peace and reconciliation to be achieved and democracy to be established throughout Bosnia and Herzegovina.

(a) It is the sense of the Senate finds that the International Criminal Tribunal for the former Yugoslavia merits continued and increased United States support for its efforts to investigate and bring to justice the perpetrators of gross violations of international law in the former Yugoslavia.

(b) It is the sense of the Senate that the President of the United States should support the request of the President of the International Criminal Tribunal for the former Yugoslavia for the High Representative to reimpose full economic sanctions on the Federal Republic of Yugoslavia (Serbia and Montenegro) and the so-called Republika Srpska, in accordance with United Nations Security Council Resolution 1022 (1995), until the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnian Serb authorities have complied with their obligations under the Peace Agreement and United Nations Security Council Resolutions to cooperate fully with the International Criminal Tribunal.

(c) It is further the sense of the Senate that the NATO-led Implementation Force (IFOR), in carrying out its mandate, should make it an urgent priority to detain and bring to justice persons indicted by the International Criminal Tribunal.

(d) It is further the sense of the Senate that states in the former Yugoslavia should not be admitted to international organizations and fora until and unless they have complied with their obligations under the Peace Agreement and United Nations Security Council Resolutions to cooperate fully with the International Criminal Tribunal.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President of the United States.

Mr. LIEBERMAN. Mr. President, I rise on a matter of some urgency. Several colleagues, from both sides of the aisle, and I, have introduced an amendment which we hope will advance the twin causes of peace and justice in the

former Yugoslavia. I thank my co-sponsors, Senator LUGAR, Senator BIDEN, Senator SPECTER, Senator FEINSTEIN, Senator MOYNIHAN, Senator HATCH, Senator LEVIN and Senator D'AMATO, for joining in what is, and must be, a bi-partisan effort to bring indicted war criminals to justice. It should now be apparent that we cannot divorce peace from justice in this traumatized region. To fail to address fundamental issues of justice in the former Yugoslavia, and Bosnia in particular, will mean the certain failure of the current international efforts to secure a lasting peace in the region.

I will explain why the problem is one requiring urgent attention in a moment. Let me first summarize the problem and the solutions required.

The problem is that progress in the rebuilding of Bosnia has been slow at best. This slowness is, in part, due to the slowness in overcoming the antagonisms engendered throughout a tragic war and the effect of the creation of ethnic areas. Nevertheless, the majority of Bosnian peoples of all ethnic affiliations, desperately seek peace and accommodation. Bosnia had been a relatively unified, multiethnic state, with extraordinarily high percentages of interethnic marriages, prior to the manipulative actions of power hungry nationalist leaders during the late 1980's. It can again become a multiethnic state, if those seeking to build civil institutions and a civil society are allowed to do so by those initially responsible for these antagonisms and divisions.

The problem, then, is simply stated: those attempting to build a civil society with functioning democratic institutions, are being prevented from accomplishing their mission. The prerequisites for such a development include fundamental protections of human and minority group rights, and the rule of law.

But how can these conditions be achieved while war criminals are roaming freely in and out of the Bosnian Federation? Gross violations of law, such as the support and direction of snipings and massacres of innocents, have made Karadzic and Mladic war criminals. The underlying philosophies which guided those actions continue to drive these men today. Institution-building, a task that many Bosnians are working diligently towards, is imperiled by the very xenophobic, ultra-nationalist criminals that contributed to the dismantlement of Bosnia in the first place.

Mr. President, I applaud the recent efforts of Ambassador Holbrooke to reduce the deleterious effects of war criminals that are allowed to freely impact on Bosnian politics. This is a substantial accomplishment that will do much to help us reach our ultimate goal. However, the signed statement in which Radovan Karadzic has agreed to remove himself from the political life of the country, is not the final end we must seek. Let's not forget the reasons

we call for the apprehension of these war criminals. Support and direction of indiscriminate snipings of men, women and children during the long, agonizing, siege of Sarajevo, as well as, the unspeakable and calculated acts of genocide at Srebrenica, in which men were exterminated and buried in mass graves, underline the reasons for the necessity of this resolution. Recent discoveries of the mass graves in Srebrenica, with the grueling sight of twisted bodies, a sight not scene in Europe since the liberation of Dachau and Auschwitz, will ensure that antagonisms will remain alive so long as justice is hindered by timidity. No peace can survive in this torn land as long as justice is not achieved. The freedom of these criminals is an insult, a wound to those hundreds of thousands of people who lost relatives or who were forcibly removed from their homes during the war. That the future peace of the region should depend on the word of war criminals with a track record for breaking promises, seems an absurdity; surely fellow Bosnians will view the situation that way when elections arrive in September.

Now, let me be clear, Mr. President, that the Bosnian people bear the brunt of the responsibility for putting their house in order. Yet, they need help in this process. We have provided that help, both with a military component, the NATO-led Implementation Force, or IFOR, and the civilian reconstruction effort, led by the High Representative, Carl Bildt. Let us remember that the peace agreement forged at Dayton, that led to this peace mission, was done for two reasons: One, because it is an important U.S. interest that we control the conflagration that could, and still can, spread to our allies in Europe; and Two, because the costs of our intervention are reasonable, given the benefits, and the intervention is politically and militarily feasible.

But, as I said, the intent of our mission in Bosnia, the intent shared by many peace-seeking Bosnians, is being contravened by war criminals who are continuing to poison the politics of the region. Our purpose in Bosnia remains a national interest that can and should be pursued. However, we are failing to implement the peace plan hammered out at Dayton. We are failing to execute a plan that provides for feasible solutions. By so doing, we are guaranteeing a failure for institution-building in Bosnia. By allowing the virtual free reign of war criminals, we are not adhering to agreements we made which were designed to achieve success. This leaves Bosnians at the mercy of criminals and undermines confidence in the law. The results, to date, are obvious: refugees are unable to return to their homes, freedom of movement is severely limited due to a continuing solidification of ethnic camps within the country, and the conditions for free and fair elections are non-existent. Mr. Cotti, the OSCE Chairman, confirmed recently that conditions for a free and fair vote do not exist.

Mr. President, here then is my first reason for pressing the urgency of this issue. With elections scheduled for September 14, we have little time to reverse this situation. The first task to reversing this situation must be the apprehension of war criminals, most notably the former President of the Bosnian Serb Republic, Radovan Karadzic, and the Bosnian Serb General, Ratko Mladic. The tools for effecting their apprehension are available to us at minimal cost. We are not asking for house-to-house searches by IFOR troops to apprehend these war criminals. All that we are demanding is that IFOR has as one of its primary missions, the apprehension of indicted war criminals in the conduct of its many routine patrols. Despite administration claims to the contrary, troops on the ground continue to confirm that apprehending war criminals is not a priority actively sought by military members on the ground. Apprehension of these war criminals is not only a prerequisite for success of peacekeeping in the country, it is a requirement of the signatories of the peace accord.

Apprehension of the war criminals is, then, our first task because none of the other conditions required for peace in Bosnia, that I have discussed, can be addressed while the criminals remain influential. Despite their two indictments for genocide and crimes against humanity, by the International Criminal Tribunal, as well as, the issuance of international arrest warrants by the Tribunal, Karadzic and Mladic have continued to control or influence the organs of government, the media, as well as, party politics and party competition. They do not need to hold formal positions of power to exercise this influence. In this situation, moderates seeking peace continue to place their lives at risk. Certainly, the politics of a free people, with freely organized and competing parties, is impossible under these circumstances.

Mr. President, we have the capabilities for shaping the peace in Bosnia. The need to shape conditions for the upcoming elections is an urgent one. This urgency has been proclaimed by a recent letter of President Clinton written by Human Rights Watch. This excellent letter states quite eloquently the necessity for immediate apprehension of the war criminals. More importantly, this letter has 72 signatories. The groups that have signed on to this letter are diverse, including, Amnesty International, B'nai B'rith, and Doctors of the World.

My second reason for pressing the urgency of pursuing war criminals lies in the threat to U.S. and NATO credibility as our threats are made and then ignored. These recent occurrences are very reminiscent of the failure of previous peace efforts that spoke loudly but carried a little stick. The costs of failed prestige, however, are significantly higher. Now, it is the resolve of the U.S. and NATO that is on the line. It is essential both to NATO's long

term future, as well as, the success of the Bosnian mission, that the NATO-led IFOR not become a paper tiger as did its predecessor, UNPROFOR. U.S. leadership and credibility are also directly impacted by the actions and reactions in Bosnia. The United States threatened to reimpose sanctions on Belgrade unless Karadzic and Mladic were removed from power by the end of June. Another deadline has come and gone, and we are again failing to follow through on our threats. What might have emerged from the recent G-7 summit as a powerful statement with respect to apprehending war criminals in Bosnia, instead became a replay of U.S. credibility being snubbed by thugs in Bosnia. We hope that another snubbing is not soon to follow Ambassador Holbrooke's efforts, although I am not hopeful.

The final reason that I am pressing this issue as one requiring urgent attention is that apprehension of the war criminals is the strategic action required, at this time, which can determine whether peace in Bosnia will be fleeting or long-lived. Mr. President, I fear that if we do not act now on the issue of apprehension, our forces will have been sent to Bosnia for naught. Elections, with the current mix of ethnic-based politics, will only solidify opposing camps bent on ethnic exclusion. Further conflict over ethnic enclaves will certainly ensue. Tragically, any uncertainties on this issue will almost certainly embolden the ultra-nationalists to set up their terror campaigns against dissenting, moderate voices. The greatest irony of all could be that we intervened for peace only to ensure that ethnic based divisions became not only more solid, but also legitimated by the very elections that we insisted upon.

A Washington Post editorial stated the problem well. Referring to the recent disregard of IFOR and the High Representative by Karadzic, the Post has this to say:

Recall that peace was not meant simply to consolidate and extend "ethnic cleansing," a process that carries with it the confirmation of massive injustice and the prospect of further war. It was meant to open a path back to a multi-ethnic federal Bosnia. The Karadzic taunt is taking Bosnia exactly the wrong way. It is making the would-be peacemakers in and out of NATO, not least Clinton, bit players in a Karadzic-led charade.

Mr. President, we can assist in the creation of conditions for free and fair elections. Eliminating the taunts from the "Karadzics" and the "Mladics" of Bosnia is the first step. And, no new initiatives need be diplomatically crafted. We must insist upon enforcement of our agreements made at Dayton. Security Council Resolution 1031 charged IFOR with ensuring compliance with the Dayton agreement, which includes a requirement that all parties cooperate with the Tribunal. Article 29 of the Tribunal's statute sets forth the various forms of cooperation that are due, including "the identification and location of persons," "the arrest or detention of persons," and "the

surrender of the transfer of the accused to the International Tribunal."

That said, the resolution that my colleagues and I have put forward is designed to see that our international agreements are enforced. It calls for four actions, each of which has already been agreed upon in other international fora. First, it calls for the increased and continued U.S. support for the efforts of the International Criminal Tribunal to investigate and bring to justice war criminals. Second, it calls for support by the United States for economic sanctions on the Federal Republic of Yugoslavia and the so-called Republika Srpska unless those regimes comply with their obligations to apprehend the war criminals. Third, it calls on the signatories to Dayton and those guided by the relevant U.N. resolutions, to exercise their authority to bring the war criminals to justice. Finally, it calls for the prohibition of the offending parties, specifically the Federal Republic of Yugoslavia and the so-called Republika Srpska, from admission to international organizations and fora, until these parties comply with their obligations under the Dayton Peace accord.

Mr. WELLSTONE. Mr. President, I would like to commend Senator LIEBERMAN for his initiative in once again calling to the Senate's attention to the problem of the continued freedom of indicted war criminals in the former Yugoslavia, by offering this amendment to the Foreign Operations bill expressing support for the efforts of the International Criminal Tribunal in the Hague. Although I have some questions and concerns about how certain portions of this amendment would be implemented, especially with respect to the NATO-led Implementation Force's (IFOR) detention of indicted war criminals, I support the part of this amendment which calls for reimposition of economic sanctions on the so-called Republika Srpska and the Federal Republic of Yugoslavia unless and until certain war criminals are delivered to the War Crimes Tribunal. For too long, we in the West have allowed these indicted war criminals and their allies to thumb their noses at those who would bring them before the bar of justice. That must not continue.

All of the signatories to the Dayton accord agreed to meet certain obligations, one of which was to ensure full and effective implementation of the agreement "to cooperate in the investigation and prosecution of war crimes and other violations of international humanitarian law." That obligation must be borne squarely by the Federal Government of Yugoslavia. So far, even in the face of recent intense pressure from U.S. Envoy Richard Holbrooke, Milosevic has refused to budge on this question, and to apply sufficient pressure on his Bosnian Serb allies to allow these war criminals to be arrested and brought to the tribunal to face charges.

On two separate occasions since July of last year, the International Criminal

Tribunal issued indictments for Radovan Karadzic, former President of the Bosnian Serb administration of Pale, and Ratko Mladic, military commander of the Bosnian Serb administration, charging them with genocide and crimes against humanity, as well as numerous other charges outlined in the amendment. Each time, the so-called "Republika Srpska" and the Federal Republic of Yugoslavia have failed to arrest and turn them over for prosecution.

Most recently, just 2 weeks ago, the War Crimes Tribunal re-issued international arrest warrants for Karadzic and Mladic, charging them with genocide and other crimes against humanity. This time, the warrants authorized their arrest if they cross any international border, and are again based on substantial credible evidence of their involvement in initiating and/or overseeing some of the worst atrocities of the war.

In my view, it is virtually impossible for free and fair national elections in Bosnia and Herzegovina to take place in September as long as key war criminals, including Karadzic and Mladic, remain at large and able to influence political and military developments. Although I acknowledge and commend the effort by Mr. Holbrooke earlier this month which resulted in the agreement to remove Karadzic from office—which hopefully will at least remove him from involvement in the political process once and for all—the fact that Mladic was not subject to this agreement, and that both Mladic and Karadzic remain free and able to influence events there remains a serious problem. As Mr. Holbrooke himself observed, the agreement he was able to reach fell far short of what he was seeking, and far short of the steps necessary to fully comply with the Peace Agreement which the U.S. is seeking.

This amendment acknowledges that the Dayton signatories on the Serb side have ignored their key responsibilities, by refusing to bring indicted war criminals to justice, and calls for several steps to force that action. I believe the most prudent course of action is to reinstitute economic sanctions in response to the failure of the signatories of the Peace Agreement to detain these individuals, and convey them to the Hague. That is the most substantial leverage we now have in the West over these people, and it is time to use it.

After careful consideration, almost a year ago I supported the participation of U.S. peacekeepers in the NATO peacekeeping mission in Bosnia. I did so because I believed then and I believe now that the Dayton Agreement was the best, and probably the last, chance for peace in the region. Although not yet fully implemented, it has proven to be successful in stopping a brutal civil war and given the parties a chance to recover, rebuild their cities and rebuild their nations.

But even though we have played a key role in developing and carrying out

this agreement, let us not forget one critical thing: this is their agreement, not ours. It was developed by the parties, not imposed by outsiders. They have asked other nations, including the U.S., to help secure the future of that agreement. And by signing the agreement, they assured us, NATO, and the UN Security Council that they will respect its terms. The Serbs have failed to fulfill their commitments on war criminals, and that failure requires a tough response.

Bringing indicted war criminals to justice is a centerpiece of the peace process. Continued failure to bring Mladic and Karadzic before the International Criminal Tribunal will seriously hinder the ability of the parties to conduct free and fair elections in September, by allowing these war criminals to remain as the focal point for nationalist fervor and attention, and by allowing them to influence events there. We must increase the pressure on those who would seek to undermine the peaceful future of the former Yugoslavia. This amendment should help, however modestly, to do that.

I join Senator LIEBERMAN in his call to support the request of the President of the International Criminal Tribunal to reimpose full economic sanctions on the Federal Republic of Yugoslavia and on the so-called Republika Srpska, in accordance with United Nations Security Council Resolutions. These sanctions should remain in place until Bosnian Serb authorities have fully complied with their obligations under the Dayton accord to cooperate fully with the International Criminal Tribunal. For those who take seriously the rule of law, the obligations of justice, and the judgments of history, there is no other responsible alternative but to finally bring these indicted war criminals to justice.

#### AMENDMENT NO. 5062

(Purpose: To state the sense of the Senate on the delivery by the People's Republic of China of cruise missiles to Iran)

On page 198, between lines 17 and 18, insert the following:

SENSE OF SENATE ON DELIVERY BY CHINA OF CRUISE MISSILES TO IRAN

SEC. 580. (a) FINDINGS.—The Senate makes the following findings:

(1) On February 22, 1996, the Director of Central Intelligence informed the Senate that the Government of the People's Republic of China had delivered cruise missiles to Iran.

(2) On June 19, 1996, the Under Secretary of State for Arms Control and International Security Affairs informed Congress that the Department of State had evidence of Chinese-produced cruise missiles in Iran.

(3) On at least three occasions in 1996, including July 15, 1996, the Commander of the United States Fifth Fleet has pointed to the threat posed by Chinese-produced cruise missiles to the 15,000 United States sailors and marines stationed in the Persian Gulf region.

(4) Section 1605 of the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102-484; 50 U.S.C. 1701 note) both requires and authorizes the President to impose sanctions against any foreign government that delivers cruise missiles to Iran.



(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Government of the People's Republic of China should immediately halt the delivery of cruise missiles and other advanced conventional weapons to Iran; to

(2) the President should enforce all appropriate United States laws with respect to the delivery by that government of cruise missiles to Iran.

Mr. PRESSLER. Mr. President, last November, Vice Admiral Scott Redd, Commander of the United States Fifth Fleet in the Persian Gulf, revealed that Iran had begun developing an integrated ship, submarine, missile, and mine capability in the Persian Gulf. The missile component was to be a new type of Chinese-made cruise missile—known as the C-802 missile. It is an anti-ship cruise missile. It is about 20 feet long, has a range of 75 miles and carries a 350 pound warhead. This is a low flying, turbojet-powered, cruise missile. This is a highly advanced conventional weapon in every sense. It can evade radar and will make any missile offensive launched by the Iranian Navy difficult to track. At that time, it was reported that these missiles would be deployed on patrol boats, also provided by China. In addition, news reports indicated that Iran was seeking a land-based version of the C-802 from China.

In January, Admiral Redd reported that Iran had test fired a C-802 missile. The Admiral noted that this new weapon, in the hands of the Iranians represented a "new threat dimension" to the many tankers and ships that use the Persian Gulf as a commercial shipping lane, and of course, to the 15,000 Americans—sailors, marines, and airmen—in the Persian Gulf.

Last February 22nd Dr. John Deutch, the Director of Central Intelligence, told the Senate Select Committee on Intelligence that the intelligence community "continues to get accurate and timely information" on "cruise missiles to Iran." And, on June 19 Undersecretary of State Lynn Davis—the State Department's senior non-proliferation official—told the House International Relations Committee that the federal government has "evidence" that Chinese cruise missiles are in Iran.

So, Mr. President, there is no doubt that Chinese cruise missiles are in Iran. Further, I do not expect anyone would disagree with Admiral Redd's assessment that these advanced weapons represent an immediate and real threat to our interests and most important, to our fellow Americans in the Gulf.

Mr. President, in 1992 Congress passed the Iran-Iraq Arms Non-proliferation Act of 1992. It is commonly known as the Gore-McCain act—for the honorable former Senator from Tennessee, now Vice President of the United States; and the distinguished senior senator from Arizona. Their legislation calls for very severe sanctions against companies and countries that knowingly transfer advanced conventional weapons to Iran. "Knowingly" is not at issue here; nor is there a question of

whether a cruise missile is an advanced conventional weapon.

The Sense of the Senate amendment I have offered along with my distinguished colleague from New York, Senator D'AMATO, is very simple. It merely calls on the Chinese authorities to cease deliveries of cruise missiles to Iran. Second, it calls on the President to enforce the law. Nothing more.

Frankly, action from the Administration is long overdue. After Admiral Redd reported the test firing last January, I and three of my colleagues—the distinguished Chair of the Banking Committee, Senator D'AMATO; the distinguished Senator from Florida, Senator MACK; and the distinguished Chair of the Intelligence Committee, Senator SPECTER—sent a letter to the President, urging that the Gore-McCain law be enforced. Simply put, we urged the President to impose sanctions, or waive them if he deemed that necessary. That letter was dated January 31, 1996—nearly 6 months ago. The President has not taken any action in response to this letter. I will ask unanimous consent later that a copy of this letter to President Clinton appear in the RECORD at the conclusion of my remarks.

Our letter apparently was not the first call for action. According to a story that appeared in the Washington Times on February 10, 1996, the Pentagon recommended to Undersecretary of State Davis that the Clinton Administration declare China in violation of Federal law for exporting advanced cruise missiles to Iran. When was that recommendation made? Last September—10 months ago.

I have been quite outspoken about Chinese weapons proliferation activities this past year. Sadly, there has been too much to talk about. I referred earlier to the testimony by Director Deutch last February. In his testimony, Director Deutch noted that the People's Republic of China also had transferred nuclear technology and M-11 missiles to Pakistan—both sanctionable offenses under Federal law. The M-11 transfer, in particular, is quite disturbing because the Clinton administration obtained a written agreement from China in September 1994, which stated that China would cease transferring ballistic missiles and related technology to Pakistan. Finally, this week, it was reported that China may have transferred ballistic missile guidance systems to Syria, which if true would be sanctionable under Federal law as well.

This is quite a track record of proliferation, Mr. President. It is a track record that is fostering instability in South Asia and the Middle East. It is a track record that has put the lives of our troops in the region in even greater danger. Congress has provided the tools for the Executive Branch to punish weapons proliferators. Our Nation's non-proliferation policy is based on a simple premise: proliferation carries a heavy price. Yet, even with this track

record, the administration has yet to take any action, or impose any price against a nation that is providing cruise missiles to a terrorist nation.

Mr. President, recently Congress sent to President Clinton the Iran oil sanctions act. I know my good friend from New York, Senator D'AMATO, has worked very hard on this legislation. He is to be commended for his efforts. I hope the President will sign it.

Clearly, if we are going to get tough on those who buy Iranian oil, we should get even tougher on those who sell advanced cruise missiles to the Iranians. We owe that to our friends and allies who utilize the Persian Gulf to further their commercial interests. Most important, we owe that to Admiral Redd and all of our fine men and women serving our country in the Persian Gulf. That's why we should pass this amendment.

I ask unanimous consent that the letter I mentioned earlier be printed in the RECORD.

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

U.S. SENATE,  
Washington, DC, January 31, 1996.

The PRESIDENT,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: It has come to our attention that Iran recently test-fired a new, low-flying cruise missile. This missile was identified as a C-802 anti-ship missile, which is produced by the People's Republic of China (PRC). If that is the case, we believe sanctions may have to be imposed against the appropriate parties in the PRC pursuant to federal law. This warrants your immediate attention.

As you may know, today's New York Times reported that the Iranian Navy test fired a C-802 cruise missile from the northern Arabian Sea on January 6, 1996. Vice Admiral Scott Redd, Commander-in-Chief of the United States Fifth Fleet, stated that the C-802 adds a "new dimension" to Iran's military capabilities against free shipping in the Persian Gulf. This mobile missile can evade radar and will make any missile offensive launched by the Iranian Navy difficult to track.

Mr. President, Title XVI of the Fiscal Year 1993 Department of Defense Authorization Bill contains the Iran-Iraq Non-Proliferation Act. This act provides for sanctions against any persons and countries respectively, that transfer certain advanced conventional weapons to Iran. The act also defines advanced conventional weapons to include "long-range precision-guided munitions" and "cruise missiles."

Clearly, Admiral Redd's acknowledgement of the C-802 test-firing would appear to be an official recognition of an illegal transfer to Iran of advanced conventional weapons by Chinese defense industrial trading companies. Please inform us as soon as possible of your intention either to enforce the sanctions pursuant to federal law, or to seek a waiver.

Thank you for your attention to this vital national security matter.

Sincerely,

LARRY PRESSLER,  
ARLEN SPECTER,  
ALFONSE D'AMATO,  
CONNIE MACK.



AMENDMENT NO. 5063

(Purpose: To state the sense of the Senate on delivery by China of ballistic missile technology to Syria)

On page 198, between lines 17 and 18, insert the following:

SENSE OF SENATE ON DELIVERY BY CHINA OF BALLISTIC MISSILE TECHNOLOGY TO SYRIA

SEC. 580. (a) FINDINGS.—The Senate makes the following findings:

(1) Credible information exists indicating that defense industrial trading companies of the People's Republic of China may have transferred ballistic missile technology to Syria.

(2) On October 4, 1994, the Government of the People's Republic of China entered into a written agreement with the United States pledging not to export missiles or related technology that would violate the Missile Technology Control Regime (MTCR).

(3) Section 73(f) of the Arms Export Control Act (22 U.S.C. 2797(f)) states that, when determining whether a foreign person may be subject to United States sanctions for transferring technology listed on the MTCR Annex, it should be a rebuttable presumption that such technology is designed for use in a missile listed on the MTCR Annex if the President determines that the final destination of the technology is a country the government of which the Secretary of State has determined, for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)), has repeatedly provided support for acts of international terrorism.

(4) The Secretary of State has determined under the terms of section 6(j)(1)(A) of the Export Administration Act of 1979 that Syria has repeatedly provided support for acts of international terrorism.

(5) In 1994 Congress explicitly enacted section 73(f) of the Arms Export Control Act in order to target the transfer of ballistic missile technology to terrorist nations.

(6) The presence of ballistic missiles in Syria would pose a threat to United States armed forces and to regional peace and stability in the Middle East.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) it is in the national security interests of the United States and the State of Israel to prevent the spread of ballistic missiles and related technology to Syria;

(2) the Government of the People's Republic of China should continue to honor its agreement with the United States not to export missiles or related technology that would violate the Missile Technology Control Regime; and

(3) the President should exercise all legal authority available to the President to prevent the spread of ballistic missiles and related technology to Syria.

Mr. PRESSLER. Mr. President, the amendment I have offered along with my friend and colleague from New York, Senator D'AMATO, is very simple. I offer it in response to recent reports that China has shipped ballistic missile technology to Syria. This was first reported in the July 23rd edition of the Washington Times. I'm sure all my colleagues agree that this is a very serious allegation. It is the latest dark chapter in what certainly is a troublesome year for nonproliferation advocates.

Mr. President, I ask unanimous consent that the Washington Times story just mentioned be printed in the RECORD at the conclusion of my remarks.

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

Mr. PRESSLER. Specifically, our intelligence sources noted that last month a defense industrial trading company—the China Precision Machinery Import-Export Corp.—delivered military cargo to the Scientific Studies and Research Center in Syria.

China Precision Machinery is to missile production what McDonald's is to burger production. In fact, the United States had imposed sanctions twice against China Precision Machinery—in 1991 and 1993. In 1993, the firm shipped M-11 ballistic missile technology to Pakistan—a violation of the so-called Missile Technology Control Regime, or MTCR. The MTCR sanctions were lifted 1 year later after China promised the United States it would not export M-11's or related technology. If the Syrian missile deal proves to be true, it would represent a clear violation of both the MTCR and the 1994 agreement.

The Syrian firm that was reported to have received the cargo is the heart of Syria's efforts to produce ballistic missiles, and other advanced conventional arms. The firm is reported to be building a version of the Scud C ballistic missile. If Syria has received M-11 related technology, that would represent a significant technological upgrade in Syria's ballistic missile capability. No doubt, it would destabilize a region struggling to achieve peace.

Our weapons proliferation laws are based on a simple premise—proliferation carries a price. Traditionally, sanctions under the MTCR are imposed only after a clear determination has been made that a specific violation has taken place. However, in 1994 Congress passed legislation I sponsored that would lower the standard of proof when a suspected transfer goes to a nation that supports international terrorism. Clearly, any MTCR violation is very troublesome—to the United States and the other 30 nations that are co-signers of the agreement. However, our law is clear—when missiles or missile technology are being sent to a terrorist country, far more swift action is necessary. In that case, the President need not wait for conclusive evidence—he can impose sanctions and compel the sanctioned country to come forward to prove it has not violated the MTCR.

The reason for this lower standard is obvious—we need to be far more aggressive to ensure ballistic missiles and related technology do not fall into the hands of terrorist elements.

Let me make clear that the amendment I have offered today does not make any firm conclusions about the reported transfer from China to Syria. It simply makes three key points: First, it is in our Nation's national security interest to prevent the spread of ballistic missiles and related technology to Syria; second, it calls on China to honor its 1994 agreement not to export missiles or related tech-

nology that would violate the MTCR; and third, it calls on the President to exercise all legal authority to prevent the spread of ballistic missiles and related technology to Syria. That's all my amendment calls for, Mr. President. I'm sure all of my colleagues would agree with each of those points. I'm sure my colleagues will agree that the MTCR agreement and the laws we pass to enforce it mean nothing unless enforced vigorously.

I'm sure my colleagues also would agree that any effort by Syria to expand its ballistic missile capability represents a direct and clear threat to our friend and ally, Israel. Just as important, it could threaten current efforts to achieve a lasting, secure peace in the region. The people of Israel know all too well what it feels like to be on the receiving end of a ballistic missile attack. The people of Israel looked to us to stand by them during the Gulf War to withstand the Scud assaults on their country. We did stand by them.

The Gulf War is now a memory, but the threat and reality of a ballistic missile attack remains. We should still stand by Israel. The best way we can do so is to enforce the MTCR agreement—to ensure that those who engage in missile proliferation will pay a heavy price. That's what my amendment calls for.

## EXHIBIT 1

[From the Washington Times, Feb. 10, 1996]

CIA SUSPECTS CHINESE FIRM OF SYRIA MISSILE AID  
(By Bill Gertz)

The Chinese manufacturer of M-11 missiles sent a shipment of military cargo to Syria last month that the CIA believes may have contained missile-related components, agency sources said.

The CIA detected the delivery to Syria early in June from the China Precision Machinery Import-Export Corp., described as "China's premier missile sales firm."

The suspect military delivery raises questions about China's pledge to the United States in 1994 not to export missiles or missile components that would violate the Missile Technology Control Regime.

It also follows China's recent export of nuclear-weapons technology to Pakistan in violation of U.S. anti-proliferation laws, which was disclosed by The Washington Times in February.

The Syrian company that received the Chinese cargo was identified as the Scientific Studies and Research Center, which conducts work on Syria's ballistic missiles, weapons of mass destruction and advanced conventional arms programs, the CIA said in a classified report circulated to senior U.S. officials.

The Syrian center is in charge of programs to build Scud C ballistic missiles and a program to upgrade anti-ship missiles.

U.S. intelligence agencies said the Syrian center has received help from the China Precision Machinery Import-Export Corp. in recent years for both missile programs.

"The involvement of CPMIEC and the Syrian end user suggests the shipments [last month] are missile-related," one source said.

The exact nature of the equipment was not identified, but it was described as "special and dangerous," the source said.

CIA and State Department spokesmen declined to comment.

Chinese officials promised the State Department in 1994 not to export M-11s or their technology in exchange for a U.S. agreement to lift sanctions against Chinese Precision Machinery and the Pakistani Defense Ministry, which were involved in M-11-related transfers.

The missile-control agreement bars transfers of missiles and technology for systems that travel farther than 186 miles and carry warheads heavier than 1,100 pounds. Transfers of both the Chinese M-11 and Syria's Scud C are banned under the accord.

Syria has purchased Scud C missiles in the past from North Korea and is working on developing production capabilities for them, according to U.S. officials.

The delivery of Chinese missiles or components to Syria, if confirmed, would trigger sanctions against China because Syria is classified by the State Department as a state sponsor of international terrorism.

William C. Triplett, a China specialist and former Republican counsel for the Senate Foreign Relations Committee, said the administration does not need hard evidence to impose sanctions because the sales involved Syria.

A 1994 amendment to the Arms Export Control Act, sponsored by Sen. Larry Pressler, South Dakota Republican, says the president may presume a transfer violates the 31-nation missile-control agreement if it goes to a nation that supports terrorism.

"If it goes to a terrorist country, we consider that a much more significant event than if it goes some other place," Mr. Triplett said.

China Precision Machinery already is under intense scrutiny within the U.S. government over the earlier M-11 sales to Pakistan.

U.S. intelligence agencies concluded earlier this year that Chinese M-11s are operational in Pakistan, but the State Department is challenging the intelligence conclusion to avoid having to impose sanctions on China.

U.S.-China relations have been strained over Beijing's proliferation activities, as well as disputes concerning human rights and widespread copyright infringement.

In May, the Clinton administration decided not to impose sanctions on China for violating U.S. anti-proliferation laws with sales of nuclear weapons technology to Pakistan because Chinese officials claimed they did not know the sale took place.

China Precision Machinery has been slapped with U.S. economic sanctions twice in the past. The Bush administration in 1991 sanctioned the company, which is part of the official Chinese government defense-industrial complex, for selling missile technology to Pakistan. Sanctions also were imposed in 1993, again for the transfer of M-11 technology.

Kenneth Timmerman, director of the consulting firm Middle East Data Project, said the Syrian center that received the June shipments from China is a major agency involved in weapons research, procurement and production.

Mr. Timmerman said that North Korea and China have helped to build two missile-production centers in Syria and that Syrian missile technicians have been trained in China.

Israel's government said in 1993 that Chinese technicians were working in Syria to develop production facilities for missile-guidance systems, according to Mr. Timmerman.

#### AMENDMENT NO. 5064

(Purpose: To treat adult children of former internees of Vietnamese reeducation camps as refugees for purposes of the Orderly Departure Program)

At the appropriate place, insert the following:

#### REFUGEE STATUS FOR ADULT CHILDREN OF FORMER VIETNAMESE REEDUCATION CAMP INTERNEES RESETTLED UNDER THE ORDERLY DEPARTURE PROGRAM

SEC. . (a) ELIGIBILITY FOR ORDERLY DEPARTURE PROGRAM.—For purposes of eligibility for the Orderly Departure Program for Nations of Vietnam, an alien described in subsection (b) shall be considered to be a refugee of special humanitarian concern to the United States within the meaning of section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) and shall be admitted to the United States for resettlement if the alien would be admissible as an immigrant under the Immigration and Nationality Act (except as provided in section 207(c)(3) of that Act).

(b) ALIENS COVERED.—An alien described in this subsection is an alien who—

(1) is the son or daughter of a national of Vietnam who—

(A) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; and

(B) has been accepted for resettlement as a refugee under the Orderly Departure Program on or after April 1, 1995;

(2) is 21 years of age or older; and

(3) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

(c) SUPERSEDES EXISTING LAW.—This section supersedes any other provision of law.

Mr. MCCAIN. Mr. President, the amendment I am offering reinstates the eligibility for resettlement in the United States of the adult married children of Vietnamese reeducation camp detainees.

Last April the State Department declared that the unmarried adult children of reeducation camp detainees would no longer be considered for derivative refugee status under the Orderly Departure Program [ODP]. In short, it said these people, roughly 3,000 people, would be permitted to come to the United States only under worldwide refugee standards and that any special obligation we may have had to them had effectively been fulfilled. The amendment I am offering corrects this by once again making them eligible under the ODP. It has been evaluated by the Congressional Budget Office, and I am informed that it will have no significant budgetary impact.

The amendment has the support of the Catholic Conference and Refugees International. I ask unanimous consent that letters from these organizations supporting the amendment be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

INTERNATIONAL RESCUE COMMITTEE,

*New York, NY, July 25, 1996.*

Hon. JOHN MCCAIN,

*U.S. Senate,*

*Washington, DC.*

DEAR SENATOR MCCAIN: I am writing to express the International Rescue Committee's deep appreciation for your amendment to H.R. 3540 which reinstates refugee status to adult children of former reeducation camp prisoners in the Orderly Departure Program.

Since 1989, about 150,000 former prisoners and their families have successfully resettled in the United States through the ODP. However, in April 1995, the Department of State announced that adult unmarried children of

former prisoners would no longer be permitted to accompany their parents to the U.S. Since then, approximately 3,000 unmarried adult children of former prisoners have been stripped from existing cases and denied resettlement. Their parents, former reeducation camp prisoners, waited years for their casework to be processed and relied on the promise of refuge for their entire family. Now these former prisoners are being asked to leave their children behind to an uncertain fate.

Your amendment represents a just and practical approach to this group of refugees. These refugees need their adult children to help them resettle successfully; they are older and some are not in good health. Their children would help make their resettlement economically, as well as emotionally, viable.

The IRC fully supports your efforts to overturn this arbitrary and unfair policy.

Sincerely,

ROBERT P. DEVECCHI,  
*President.*

MIGRATION AND REFUGEE SERVICES,  
OFFICE OF THE EXECUTIVE DIRECTOR,  
*Washington, DC, July 17, 1996.*

Hon. JOHN MCCAIN,  
*U.S. Senate, Washington, DC.*

DEAR SENATOR MCCAIN: On behalf of the United States Catholic Conference, I would like to express our deep appreciation for your ongoing support for the Indochinese refugee program. We support your Amendment to H.R. 3540 which reinstates derivative refugee status to the unmarried adult children of former reeducation camp prisoners. Alleviating the suffering of those imprisoned for aiding the purposes of the United States in Vietnam has made the former re-education camp prisoner program the core of the Indochinese refugee program.

Since completion of negotiations with the Vietnamese government in 1989, about 150,000 former prisoners and their families have successfully resettled in the United States. However, in April 1995, the Department of State announced that adult unmarried children of former prisoners would no longer be permitted to accompany their parents to resettlement. This arbitrary change in policy affects approximately 3,000 adult children, many of whom remained unmarried in order to qualify to accompany their parents. This inhumane decision to force apart long suffering families should not be allowed to taint the final stages of this dignified program.

Your Amendment, which restores the original policy, is not only just but also represents practical resettlement policy, as the aging former prisoners would have a much better possibility of establishing an economically viable family unit if their unmarried adult children were permitted to accompany them.

Thank you again for your commitment to this special group of refugees.

Sincerely,

JOHN SWENSON,  
*Executive Director.*

REFUGEES INTERNATIONAL,  
*Washington, DC, July 10, 1996.*

Hon. JOHN MCCAIN,  
*U.S. Senate, Washington, DC.*

DEAR SENATOR MCCAIN: Thank you for your Amendment to H.R. 3540, to reinstate refugee status to adult children of former internees. Granting refugee status to family members, especially unmarried adult children, who are vulnerable to persecution, has

been, and continues to be, of utmost importance. Refugee status is the only way to include these children into the Orderly Departure Program. Since its establishment in 1975, the program has allowed 150,000 prisoners and their families to resettle here successfully. When the Department of State changed the eligibility criteria of this program, it jeopardized the possibility of U.S. resettlement for thousands of former prisoners and their families. By reinstating the established U.S. policy allowing for the resettlement of former prisoners with their married, adult children, the successful resettlement of these former prisoners might become a reality.

Approximately 3,000 unmarried adult children of former prisoners have been stripped from existing cases and denied resettlement since April 1995. Many of these children have remained unmarried to qualify for resettlement together with their parents and siblings. These children would suffer from the persecution they would undoubtedly face in Vietnam; meanwhile, their parents would once again be victimized. After waiting years for their casework to be processed and relying on the promise of refuge for the entire family, these former prisoners are now being asked to leave their children behind to an uncertain fate. Furthermore, these former prisoners need their adult children to help them resettle successfully; they are older and some are not in good health. Their children would help make their resettlement economically, as well as emotionally, viable.

By pressing to reinstate the former U.S. policy allowing reeducation camp internees to resettle with their adult, unmarried children, you have taken a step forward to help a truly vulnerable group.

Thank you for your continued interest in the plight of these and all Indochinese refugees.

Sincerely,

LIONEL A. ROSENBLATT,  
*President.*

Mr. MCCAIN. Under current policy, since the change, Vietnamese nationals who are able to establish that they were imprisoned for the 3 years in Vietnam as a result of their connection with the Republic of Vietnam or the United States war effort in Vietnam are admitted to the United States as refugees. Permitted to accompany them are their spouses and unmarried sons and daughters under the age of 21.

However, in many cases, these former prisoners have only adult children and have suffered so terribly from their imprisonment or are of sufficient age that they require their assistance. From the inception of ODP until last April, this situation was accommodated, as was the imperative to keep families together, by allowing adult unmarried children—over the age of 21—to immigrate with them to the United States.

The State Department has cited several reasons for removing their eligibility. Among those listed in a letter to me were: First, the assertion that the sons and daughters of former prisoners no longer face persecution as a result of their parents' association with the former South Vietnamese government. Second, the persistent problem of fraud associated with claims. Third, and the need to complete resettlement of the current case load in order to bring the program to a close and into conformity with worldwide refugee procedures.

I would like to make my case for this amendment in part by addressing these points one at a time.

On the first point, the assertion that "there is no evidence that . . . the adult children of former detainees are subject to official persecution based on their parents' association with the former South Vietnamese government," I should point out that the new State Department report on human rights, which covers the time period in which this decision was made, does cite a limited degree of discrimination encountered by these families.

On the second point, the problem with fraud, I believe fraud has always been a problem in administering U.S. immigration policy or any other Government program. The fact is that the world is still brimming with people who want to make a better life for themselves in the United States, and many times they will say and do whatever it takes to achieve their dream. It is the task of our immigration policy to identify fraud and disqualify intended immigrants appropriately. The existence of fraud, however, is no reason to exclude an entire class of prospective immigrants who merit consideration. This seems to me very unfair to those with legitimate claims. If the existence of fraud is a reason to shut down a class of eligibility, I am not sure any immigration program on the books could pass muster.

On the third point, the need to bring the ODP program to a close, I would appeal to principle. ODP was designed to fulfill a special obligation we have to those who identified themselves with our cause during the war in Vietnam. It should remain open until we have fulfilled our commitment to the fullest extent. It should not be brought to a close prematurely by changing eligibility requirements. The former reeducation camp detainee sub-program of ODP is 90 percent complete. It is not fair to those who are left—those who have waited the longest—to be told that they can either drop out of the program or leave their adult children behind.

If the original policy is not restored, these children will have to wait at a minimum 6 years before immigrating to the United States to care for their parents.

I was assured by the State Department last year that in response to my concern and the concerns of others, that "INS and ODP (would) remain alert to individual cases in which there are significant humanitarian reasons for allowing an aged-out son or daughter to accompany the principal applicant." Although this assurance was made with some qualifiers, I accepted it. I am informed now, however, that exceptions have not, in fact, been made.

It is very important to many former detainees that their adult children be permitted to emigrate with them, often because of their advanced age or deteriorating health. Additionally, many of

their children have made life decisions, such as refraining from marriage, based on the requirements of a program which has now changed its eligibility standards.

I would like to close by commending the committee for addressing this issue in their report. Indeed, as stated in the committee report on the bill: "It was not the original intent of the program [ODP] to see the former prisoners separated from their family in such a manner."

The United States has a special obligation to those Vietnamese who have been persecuted for their association with the United States and the cause of freedom for which we fought. They certainly deserve, at the very least, the benefit of a consistent, compassionate admission policy for themselves and their families.

#### AMENDMENT NO. 5065

At the appropriate place in the bill insert the following.

SEC. . 90 days after the date of enactment of this Act, and every 180 days thereafter, the Secretary of State, in consultation with the Secretary of Defense, shall provide a report in a classified or unclassified form to the Committee on Appropriations including the following information:

(a) a best estimate on fuel used by the military forces of the Democratic People's Republic of Korea (DPRK);

(b) the deployment position and military training and activities of the DPRK forces and best estimate of the associated costs of these activities;

(c) steps taken to reduce the DPRK level of forces; and

(d) cooperation, training, or exchanges of information, technology or personnel between the DPRK and any other nation supporting the development or deployment of a ballistic missile capability.

Mr. McCONNELL. Mr. President, one amendment is by Senator INOUE, with a colloquy between Mr. PRESSLER and myself; an amendment by Senator KYL regarding legal reform in Ukraine; an amendment by Senator LIEBERMAN regarding war crimes tribunal; an amendment by Senator PRESSLER regarding PRC and Iran missile transfer; a PRESSLER amendment with reference to Syria; a McCain amendment regarding ODP; an amendment by myself relating to Korea.

For all Members of the Senate, I say that with the disposition of the amendments that we are currently aware of, we are almost completed. Other than the amendments which have been laid down, I am not aware of any other amendments upon which we will have to have votes. So we are getting close to the end of the line here.

The PRESIDING OFFICER. The question is on agreeing to the amendments, en bloc.

The amendments (Nos. 5059 through 5065), en bloc, were agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, it is my understanding that Senator BOND

is on the way to use his 5 minutes just prior to the Hatfield-Dorgan vote.

I yield to Senator NUNN.

AMENDMENT NO. 5058

Mr. NUNN. Mr. President, I will just take a moment at this juncture, because I know the Brown amendment will be laid aside. My friend from Colorado has indicated he will be willing to work with me and Senator BIDEN on troubling language in this amendment. I think it is essential to work out the troubling language.

There are several paragraphs that are indeed troubling here. I say that with this background: On June 27, I proposed an amendment on the floor and worked with Senator MCCAIN and, as I recall, Senator COHEN and others in offering the amendment posing a substantial and very important series of questions to the administration, to the President, to answer regarding NATO enlargement.

Now, Mr. President, I recall once coming in on the floor when I was a much younger Senator and watching the esteemed Senator from Minnesota, Senator Humphrey, propose a series of questions to the floor manager of the bill, and without ever pausing, and I think without realizing it, having said that he had to have the answer to these questions before he voted on the measure that was pending, he proceeded to answer his own questions and to come out on one side of the issue in a very decisive way. He answered his own questions, and nobody else intervened, and he solved his own problem.

Mr. President, I don't think we ought to do that regarding the questions that have been posed in a serious way. These questions were posed to the administration on June 27 by a unanimous vote in the Senate. A number of paragraphs in the Brown amendment would answer those questions only 2 weeks later, without any kind of analytical report, or any kind of thought process even, by the administration.

I don't believe we were posing these questions to ourselves. I think we were posing them to the administration and asking them seriously to answer them. So I hope that we can not have some of the findings that are in the Brown amendment, and particularly the paragraph in that amendment which states in paragraph 4 on section 4, page 8:

The process of enlarging NATO to include emerging democracies in Central and Eastern Europe should not stop with the admission of Poland, Hungary, and the Czech Republic as full members of the NATO Alliance.

These countries are all doing well and should be considered as NATO members under the due process that has been set forth. But for the Senate of the United States to decide and imply that that already has been decided, which is what this amendment does, it seems to me is answering the question, the serious question, with no analytical process at all and without consulting the administration or our partners in NATO.

So, Mr. President, I have a long history of being involved in NATO. I have written at least three reports on NATO, and I really think it may be time to remind the Senate of the United States about that history. I am prepared to do so. I normally do not like to take the time of the Senate. But on an amendment of this magnitude, where we are making findings, it would be entirely inappropriate for the Senate to vote on this without having a very keen reminder of the history of NATO and what the alliance is all about. That may take several hours, maybe even several days.

I am hoping that we will be able to eliminate the provisions in the Brown amendment that answer the serious questions without any intervening report from the administration, and all in a 2-week period after the Senate has gone on record, I believe unanimously, in favor of posing these serious questions in a serious way.

I will be glad to work with my friend from Colorado. I know the Senator from Delaware, Senator BIDEN, has some questions himself that we will be glad to work on. I see the Senator from Missouri on the floor. I wanted to let my colleague know that this is a serious amendment about a serious subject matter. I have serious reservations about the way the amendment is now drafted. I will be glad to work with my friend from Colorado on the amendment.

Mr. McCONNELL. Mr. President, the Senator from Missouri is on the floor to claim his 5 minutes prior to the vote on the Hatfield-Dorgan amendment.

Therefore, I ask unanimous consent that, at 5:55, the Senate proceed to back-to-back rollcall votes, first a 15-minute rollcall vote on the Hatfield-Dorgan amendment, and that the second amendment be a 10-minute rollcall vote on the Domenici amendment.

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

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 5045

Mr. BOND. I thank the Chair and the managers of the bill. I rise in opposition to the Dorgan-Hatfield amendment. I have great respect for both of the sponsors of this amendment. I can sympathize with their objectives. I think they are operating from the noblest of motives. Once again, I believe that this amendment causes far more problems than it solves. The current Arms Export Control Act requires the executive branch to assure that any sales are in the interest of the foreign policy of the United States. When the executive branch decides to go forth with a sale, the Congress is notified and reviews the sale. Modifications to sales or a withdrawal of the sale request has occurred because of these congressional reviews. Pakistan is one such example.

Now, the restrictive nature of the amendment on which we are going to

be voting in a few minutes would arbitrarily cut out all but a few select countries in the world. Many other countries would argue that perhaps even the United States could not meet these standards. There is yet to be a clear definition of a political prisoner or what constitutes aggression under international law or discrimination on the basis of race, religion or gender. Very few countries have a history of elective democracy such as ours. We are not against the intent of this amendment, but I think it puts overly restrictive limitations on the administration and on our military and economic sectors.

There are over 40,000 export licenses for munitions issued per year which we may very well have to review on a case-by-case basis above and beyond what the executive branch already does.

Some of our NATO allies would be called into question. For example, Turkey, as well as our long-term friends like Israel who might be challenged on the basis of the treatment of Palestinian terrorists, or political prisoners. Spain can be attacked on the basis of its treatment of Basques, or perhaps even England for its quagmire with the IRA. Saudi Arabia and Egypt could be adversely affected by this amendment.

Where we have not had contact in countries like Cuba, communism continues to flourish in spite of our ever increasingly restrictive sanctions. They are not working there. This amendment would not prevent the procurement of weapons. It would allow the procurement of weapons from possibly rogue states and arbitrarily lock us out of a major conduit of foreign policy.

Mr. President, this is a very serious amendment. Its effect would be to immobilize the administration from normal conduct of its foreign policy, trade policy, and military policy as it would create lists of countries for congressional approval every year and then await for approval each year. Each year this body would be tied up in the process of giving a country-by-country approval needlessly antagonizing countries who support our policies. And it will most likely not affect the trade policies of our competitors, including allies. There will be no reduction in arms sales—only in U.S. businesses, jobs and, most importantly, U.S. influence.

The influence extends beyond business and military interests. It extends to our ability to work diplomatically and subtly across all policy issues. The world has changed, continues to change. The Communist monolith is crumbling. But the fact is that the countries with whom we have had a defense relationship are in general gravitating towards more democratic political systems and market-oriented economies.

There is no empirical evidence that by unilaterally denying ourselves access to other countries' military and

political infrastructures that we have had or will have any positive impact on democratizing them or improving their human rights records.

The legislation is counterproductive. It would make the world less stable. We would have less influence over proliferation and lose our ability to provide a positive political effect on a military policy of friendly countries.

I urge my colleagues to recognize that while this amendment has been offered with all good intentions and with the highest of purposes, it is a significantly flawed piece of legislation that would have very much an unanticipated and very harmful impact.

I hope we will vote it down.

The PRESIDING OFFICER. Is there further debate?

Mr. BOND. Mr. President, I move to table the Dorgan amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri to lay on the table the amendment of the Senator from North Dakota. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 65, nays 35, as follows:

[Rollcall Vote No. 241 Leg.]

#### YEAS—65

Abraham	Frahm	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Murkowski
Bond	Graham	Nickles
Breaux	Gramm	Nunn
Brown	Grams	Pressler
Burns	Grassley	Robb
Byrd	Gregg	Rockefeller
Campbell	Hatch	Roth
Chafee	Heflin	Santorum
Coats	Helms	Shelby
Cochran	Hollings	Simpson
Cohen	Hutchison	Smith
Coverdell	Inhofe	Snowe
Craig	Johnston	Specter
D'Amato	Kempthorne	Stevens
DeWine	Kerrey	Thomas
Dodd	Kyl	Thompson
Domenici	Lieberman	Thurmond
Faircloth	Lott	Warner
Ford	Lugar	

#### NAYS—35

Akaka	Feinstein	Mikulski
Biden	Harkin	Moseley-Braun
Bingaman	Hatfield	Moynihan
Boxer	Inouye	Murray
Bradley	Jeffords	Pell
Bryan	Kassebaum	Pryor
Bumpers	Kennedy	Reid
Conrad	Kerry	Sarbanes
Daschle	Kohl	Simon
Dorgan	Lautenberg	Wellstone
Exon	Leahy	Wyden
Feingold	Levin	

The motion was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 5047

The PRESIDING OFFICER (Mr. BENNETT). Under the previous order, the

question now occurs on the amendment of the Senator from New Mexico [Mr. DOMENICI]. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Nebraska [Mr. EXON] is necessarily absent.

The result was announced, yeas 96, nays 3, as follows:

[Rollcall Vote No. 242 Leg.]

#### YEAS—96

Abraham	Frahm	Lugar
Akaka	Frist	Mack
Ashcroft	Glenn	McConnell
Baucus	Gorton	Mikulski
Bennett	Graham	Moseley-Braun
Biden	Gramm	Moynihan
Bingaman	Grams	Murkowski
Bond	Grassley	Murray
Boxer	Gregg	Nickles
Breaux	Harkin	Nunn
Brown	Hatch	Pell
Bryan	Hatfield	Pressler
Bumpers	Heflin	Pryor
Burns	Helms	Reid
Byrd	Hollings	Robb
Campbell	Hutchison	Rockefeller
Chafee	Inhofe	Roth
Coats	Inouye	Santorum
Cochran	Jeffords	Sarbanes
Cohen	Johnston	Shelby
Conrad	Kassebaum	Simon
Coverdell	Kempthorne	Simpson
Craig	Kennedy	Smith
D'Amato	Kerrey	Snowe
Daschle	Kerry	Specter
DeWine	Kohl	Stevens
Domenici	Kyl	Thomas
Dorgan	Lautenberg	Thompson
Faircloth	Leahy	Thurmond
Feingold	Levin	Warner
Feinstein	Lieberman	Wellstone
Ford	Lott	Wyden

#### NAYS—3

Bradley	Dodd	McCain
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#### NOT VOTING—1

Exon

The amendment (No. 5047) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. PRYOR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I ask unanimous consent that the RECORD reflect that Congressman BONIOR was instrumental in formulating the proposal that is reflected in the amendment on the Chernobyl disaster sponsored by Senators ABRAHAM and LEVIN, and I also ask unanimous consent that the following Senators be listed as cosponsors of Senator BUMPERS' amendment on Mongolia: Senators HATFIELD, GORTON, SIMON, JOHNSTON, BURNS, REID, and ROTH.

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

AMENDMENT NO. 5058

The PRESIDING OFFICER. The Senate now resumes consideration of the amendment by the Senator from Colorado [Mr. BROWN], No. 5058.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I ask unanimous consent that Senator SLADE GORTON be added as a cosponsor of the Brown amendment.

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

Mr. BROWN. Mr. President, we have been working in the interim to try to accommodate Members' concerns. I spelled out concerns by Senator SIMON, Senator NUNN, and Senator BIDEN.

MODIFICATION TO AMENDMENT NO. 5058

Mr. BROWN. Mr. President, we have reached agreement with Senator SIMON that I believe is a clear statement of current NATO policy with regard to thermal nuclear weapons and their deployment. I hereby ask unanimous consent that the Simon-Brown amendment be incorporated in the Brown amendment, or more precisely, Mr. President, I ask unanimous consent to modify my amendment with the Simon language.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has the right to modify his own amendment. The amendment is so modified.

The modification is as follows:

Add on page 7 at the beginning of line 13:

(21) Some NATO members, such as Spain and Norway, do not allow the deployment of nuclear weapons on their territory although they are accorded the full collective security guarantees provided by article V of the Washington Treaty. There is no a priori requirement for the stationing of nuclear weapons on the territory of new NATO members, particularly in the current security climate, however NATO retains the right to alter its security posture at any time as circumstances warrant.

Mr. BROWN. Mr. President, we also have had concerns expressed about Croatia. It is my understanding we have cleared on both sides sense-of-the-Senate language that relates to Croatia and their potential future discussions with NATO countries. I ask that I be allowed to modify my amendment to include that sense-of-the-Senate language regarding Croatia.

The PRESIDING OFFICER. Again, the Senator has the right to modify his own amendment. The amendment is so modified.

Mr. BROWN. Mr. President, I ask unanimous consent to vitiate the last request to modify, I ask that Senator GORTON be added as a cosponsor of my Croatian amendment No. 5043 agreed to earlier today.

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

Mr. BROWN. Mr. President, with regard to the NATO amendment, my understanding is that we are working with Senator NUNN. He has concerns he would like to share. We are also working with Senator BIDEN to work through his concerns. I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, we can see the light at the end of the tunnel. There is a vote left to be held on the Cohen amendment and on the Coverdell amendment. We are hoping that the Brown amendment will be worked out.

I ask unanimous consent that a vote on the Cohen amendment occur at 7:20

and that the time between now and 7:20—that is 20 minutes on a side—be equally divided, and the time controlled by Senator COHEN and myself.

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

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, will the Senator from Kentucky tell us what we might expect for the remainder of the evening?

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Yes. I thought I had just done that. Let me make it clear. We are going to vote on the Cohen amendment at 7:20. Remaining to be disposed of are the Coverdell amendment—your side has indicated they are willing to reach a time agreement on that—there is a Brown amendment, just discussed by Senator BROWN, to which Senator NUNN objects at the moment. Discussions are going on between the two of them. We hope to get that resolved. It is possible we can go to final passage after that. There are a few other amendments, but we are getting very close to finishing up here.

Mr. COHEN. Can we add, with respect to the Cohen amendment, there be no second-degree amendments?

Mr. McCONNELL. I modify my unanimous consent agreement that no second-degree amendment is in order. I say to my friend I will make a motion to table at the appropriate time.

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

Mr. McCONNELL. Mr. President, I yield 10 minutes to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

#### AMENDMENT NO. 5019

Mr. MOYNIHAN. Mr. President, the Senate faces a moment of profound moral choice. We are dealing here with the proposal of the Senator from Kentucky, joined by others, to place the United States emphatically on the side of the freely elected democratic regime of Burma, which was elected with 82 percent of the vote and then instantly overwhelmed by a military coup.

The restoration of a military regime, which had earlier, in 1962, crushed the nascent democratic society of Burma. Before that Burma had succeeded through a succession of elections beginning with one for a constituent assembly prior to independence, and then three free elections thereafter. As I say, this all ended in 1962 and was followed by 25 years of atrocious government and oppression under General Ne Win. The country never submitted to this. The resistance was always widespread, emphatic, admirable to a degree that Americans can only imagine, given our long and stable history. Now, the issue has become an international

issue. Our Senate was the first to raise this issue in 1988, and we have persisted in the matter. The proposition is to isolate the military regime, to deny it the recognition of the free world and to make clear that such denial has consequences in the economic development of that potentially rich and prosperous and happy society.

I speak with some knowledge of Burma, not enough, but enough to know how important this is to the whole movement toward democracy in Asia.

We have just seen Russia conduct two democratic presidential elections, the first in their history. We have just seen Mongolia conduct a free election and choose a democratic government. The Senator from Virginia and former Secretary of State Baker were both in Mongolia as election monitors. There are many such nations in the early stages of a democratic transition. We must associate with them and stand by them. And when democracy is threatened we must make our objections known. Just this June, the European Parliament has risen up and stated that the time has come for the whole of the European Union to boycott this regime. Most American firms have already done so. Most American observers have urged us to act.

The Wall Street Journal, in an editorial of May 30 this year, put it this way:

Throughout the world, foolishness and greed are sometimes draped with a veil of respectable sounding phrases like "constructive engagement," based on the promise that by doing business in a country like Burma you expect to change it. The problem is that once companies and governments climb into the boat with dictators, they are very reluctant to rock it, lest their deals go overboard.

The request for this embargo, the proposition, has been endorsed by Secretary of Commerce Kantor who stated last month with regard to Serbia, South Africa, Libya, and Iran, "There are times when economic restrictions done in an appropriate fashion can be very helpful. With regard to Burma, I'm in favor of taking effective action with regard to the actions of this regime."

Witnesses from South Africa, who benefited to a degree no one could imagine from American leadership in just this mode, Nelson Mandela and Bishop Tutu, have told us to have faith in our own experience. Burma will yield if the democracies stay together and the United States leads.

Most emphatically and importantly, the elected Prime Minister, an extraordinary person, a winner of the Nobel Peace Prize, Aung San Suu Kyi, asks us to do this. She has sent videotaped to the European Parliament last week with a statement supporting sanctions. She said, "What we want are the kind of sanctions that will make it quite clear that economic change in Burma is not possible without political change."

That is the record of the past three decades. A country that could be pros-

pering today is all but prostrate because of the military regimes that have succeeded, one after the other. She went on to say, "We think this is the time for concerted international efforts with regard to the democratic process in Burma."

That, I respectfully suggest, is what is at issue in the vote we are soon to have. I hope chairman McCONNELL will prevail. I hope democracy will prevail. I cannot doubt it will if we but keep to a firm line of principle and conviction. I thank the Senator for his time, and I yield the floor.

Mr. McCONNELL. Mr. President, I want to thank the distinguished senior Senator from New York for his inspirational remarks. He has been a very knowledgeable observer of the Burmese scene for many years. I thank him for his leadership on this most important issue.

I yield 5 minutes to the junior Senator from New York.

Mr. D'AMATO. Mr. President, let me first say that I want to commend the manager of this bill, the distinguished Senator from Kentucky, for his leadership and his courage in saying clearly that the United States does stand up for those who are oppressed, that we have the courage to look at facts as they are, as discomforting as they may be, and sometimes painful for people to recognize.

We have become a world so interested in commercial advantage that we look aside. We make believe things are not happening. Sometimes it is not pleasant to acknowledge that there is evil, that there are people that we know, governments that we do business with that are involved in perpetuating evil. The killing of innocent human beings, killing them, imprisoning people, terrorizing them, depriving them of their most basic fundamental freedoms that are important. And if we just continue business as usual with them, as if all is well, because we may be commercially advantaged, then I suggest to you that we are betraying the greatness and the heritage of this country. We betray the principles on which so many have laid down their lives for our freedom and the freedom of others. That principle, when we have adhered to it, has always inured to the benefit of mankind and, more particularly, the benefit of our citizens here, not just the people who we have stood up for abroad.

Our history is replete with the times in which we have stood nobly and fought for freedom, and the times we have stepped aside and looked and allowed a petty dictator to terrorize his people on the altar of political expedience. We have contributed to many of the nations who fall under totalitarian domination, because we did business as if nothing was wrong with petty dictators. We condoned, in essence, their actions.

This is an opportunity for us to do what is right and to stand for people who are oppressed. No one has brought this to the table in a more eloquent



way than the senior Senator from New York, Senator MOYNIHAN, who has pointed out very clearly that those people who are fighting for freedom, who are there and being oppressed, say, "Don't believe this nonsense that if you cut off doing business, you are going to be hurting the average citizen, because you are not because the government that is in control now, the junta, the dictatorship, will use those funds for their own purposes, and no real economic benefit will come to the people."

So I hope that we will continue to maintain the beacon of freedom and that we will support the chairman's mark.

Mr. COHEN. Mr. President, I yield 2 minutes to the Senator from Idaho.

Mr. CRAIG. Mr. President, I have but a few comments. I find it important to make them in support of the Cohen amendment. Mr. President, this debate, in my opinion, is not about being soft on a bunch of thugs.

At the core of this debate is the effectiveness of mandatory unilateral sanctions as a tool of foreign policy to encourage change in Burma. It is about the best policy to pursue that will bring about the changes that we all want to see in the nation of Burma.

As we address this situation, it is important that the United States engage other nations. A multilateral effort to evaluate the situation in Burma and develop ways we can work both independently and collectively will encourage the improvement in human rights and will move Burma toward a free and democratic society.

Mr. President, I support the Cohen amendment and all that it addresses. We all can encourage humanitarian relief, drug interdiction efforts, and the promotion of democracy. I believe that these activities, in addition to denying multilateral assistance through international financial institutions, and the establishment of a multilateral strategy will provide the best roadmap to reach the goals we seek in Burma.

I congratulate Senator COHEN for his effort in offering this amendment.

Mr. McCONNELL. Mr. President, are there other speakers?

Mr. COHEN. I believe there is one other.

Mr. President, I yield 5 minutes to the Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise in support of the Cohen amendment. I think we would all like to truly believe that, in an area of the world remote to the United States, this country can unilaterally impose a sanction which is going to have an effect. But it is not supported by anyone else in the area. I know of no other country in the area that will support this sanction.

Additionally, the administration—the State Department and the White House—is in support of the Cohen-Feinstein amendment. In essence, what this amendment does is, as Senator CRAIG just stated, seek to develop a multilateral alliance of the ASEAN countries,

and others, to be able to deal with the problems that the SLORC regime presents to the people of Burma, or Myanmar, as some people might say. I think it is a well thought out amendment. It is an important amendment.

There is one U.S. economic venture in that country, and let us speak about it and speak about it candidly. It is a joint venture between Unocal and the French to build a pipeline. They will build schools, they will build hospitals, they will put to the community an opportunity for economic upward mobility. Let us say the unilateral sanction passes, and let us say Unocal cannot go ahead, do you know who will take Unocal's share in this? Mitsui, a Japanese company, or South Korea. They will do it without building hospitals, and they will do it without the schools. I wonder what is gained by it.

I hear many people say, "Shut down an economy and that will change a regime." I really believe that when you have an economy and you participate in it, and you bring Western values to a country, and you help with schools and you immunize kids, all of which is happening, it can be particularly effective.

Now, I very much respect Aung San Suu Kyi. I wish her well, and I think the SLORC regime would be well advised to work with her to improve the standard of living. And, at the same time, I believe it is extraordinarily important that the administration, and whatever administration, and the State Department, and whatever State Department, begin to develop the kind of multilateral alliance with the ASEAN countries that can be effective in meeting the human rights needs in this region.

So I believe that the Cohen-Feinstein amendment, which provides that there be no bilateral assistance, other than humanitarian and counternarcotics until the Government of Burma is fully cooperative with the United States on counternarcotic efforts, and the program is fully consistent with the United States human rights concerns in Burma. It promotes multilateral assistance by asking the Secretary of the Treasury to instruct the United States executive director of each international financial institution to vote against any loan or other utilization of funds of the respective bank to and for Burma.

I think it makes a great deal of sense. I urge an "aye" vote on the Cohen-Feinstein-Chafee amendment.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I want to take a few moments. I have been asked to advise my colleagues that the administration supports the Cohen-Feinstein-Chafee amendment.

I ask unanimous consent that the letter be printed in the RECORD from the Assistant Secretary of the Department of State so advising my colleagues that the administration supports the Cohen amendment.

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

U.S. DEPARTMENT OF STATE,  
Washington, DC.

Hon. WILLIAM COHEN,

U.S. Senate, Washington, DC.

DEAR SENATOR COHEN: The Administration welcomes and supports the amendment which you and others have offered to Section 569 (Limitation on Funds for Burma) of H.R. 3540, the Foreign Operations Appropriations bill. We believe the current and conditional sanctions which your language proposes are consistent with Administration policy. As we have stated on several occasions in the past, we need to maintain our flexibility to respond to events in Burma and to consult with Congress on appropriate responses to ongoing and future developments there.

We support a range of tough measures designed to bring pressure to bear upon the regime in Rangoon. We continue to urge international financial institutions not to provide support to Burma under current circumstances. We maintain a range of unilateral sanctions and do not promote U.S. commercial investment in or trade with Burma. We refrain from selling arms to Burma and have an informal agreement with our G-7 friends and allies to do the same.

On the international level, we have strongly supported efforts in the U.N. General Assembly and the International Labor Organization to condemn human and worker rights violations in Burma. At the U.N. Human Rights Commission this month, we led the effort against attempts to water down the Burma resolution. We have urged the U.N. to play an active role in promoting democratic reform through a political dialogue with Aung San Suu Kyi.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report. We note, however, that the wording of two of the sanctions as currently drafted raises certain constitutional concerns. We look forward to working with you and the conferees to address this.

We hope this information is useful to you. Please do not hesitate to call if we can be of further assistance.

Sincerely,

BARBARA LARKIN,  
Assistant Secretary,  
Legislative Affairs.

Mr. NICKLES. The definition of "new investment" in Burma in Section 569 of the amendment includes the entry into certain types of contracts. Does it also cover performance of contracts, or commitments entered into or made prior to the date of sanctions?

Mr. COHEN. It is not the intention of this legislation to compel U.S. persons to breach or repudiate pre-sanctions contracts or commitments.

Mr. BREAVER. Mr. President, I rise today in support of the amendment I have cosponsored with my distinguished colleagues Senator COHEN, Senator JOHNSTON, Senator MCCAIN, Senator FEINSTEIN, and Senator CHAFEE. I believe this amendment makes sense because it strikes a balance between unilateral sanctions against Burma and unfettered United States investment in that country.

Mr. President, the supporters of this amendment share the same objective as the supporters of unilateral sanctions. We all want to see an end to the



brutal, oppressive Burmese dictatorship and a return to a democratic government. No one will argue that the current regime in Burma is anything less than brutal, illegitimate and deplorable in almost every respect and recent events suggest that the government is escalating its oppression of the democratic opposition, even in the face of international condemnation. We all want to see the quick demise of this regime but we differ with opponents of this amendment on the way to bring this change about. In an effort to promote democratic change in Burma, this amendment prohibits new U.S. investment if the government rearrests or otherwise harms Aung San Suu Kyi, the most eloquent voice for democracy in that country.

Although the United States accounts for only ten percent of all foreign investment in Burma, allowing U.S. businesses to operate there will enable us to continue raising our concerns over human rights. I believe a U.S. voice in this process is critical if we are ever going to see real change in Burma. This amendment by the distinguished Senator from Maine also requires the President to work with our ASEAN allies and other trading partners to develop a comprehensive strategy to bring democratic change to Burma and improve human rights.

Mr. President, if our goal is to affect change in a foreign country, I don't believe unilateral sanctions are necessarily the right approach. We have seen what happens when the U.S. imposes unilateral sanctions. Our European and Asian allies are hesitant to follow suit and in this case, a U.S. withdrawal would just mean that foreign companies would fill the void when we leave. Abandoning our commercial interests in Burma will do nothing to advance human rights and democracy in that country which is the objective we all share. The U.S. already exerts pressure on the military regime in Burma by prohibiting U.S. economic aid, withholding GSP trade preferences, and decertifying Burma as a narcotics cooperating country, which requires us by law to vote against assistance to Burma by international financial institutions. This amendment takes the additional step of prohibiting new investment in Burma if the government commits large scale oppression against the democratic opposition. Our goal is to prevent repression of the democratically elected government and to promote a dialogue between their voices of democracy and the military regime.

This amendment has the support of Democrats and Republicans as well as the Administration. It is a reasonable compromise on a very difficult issue. I thank my colleagues who have worked on this amendment and I urge its adoption.

Mr. MURKOWSKI. Mr. President, I rise in support of the Cohen amendment on United States policy toward Burma. The current language within

the foreign operations appropriations bill mandates immediate unilateral sanctions against Burma. The purpose of these sanctions is to punish Burma's ruling junta, the State Law and Order Restoration Council or SLORC, for failing to accede to the desire of the Burmese people for democracy and freedom and for its many past violations of basic human and civil rights.

I agree with the goals of Senator MCCONNELL and Senator MOYNIHAN. Not one person in this distinguished chamber will disagree that the United States has a clear national interest in seeing a democratically elected government in charge of a free society in Burma. The question is whether the immediate imposition of unilateral investment sanctions is the best policy to achieve that goal. I do not believe that they are.

First, Burma is not a throw-away issue. The wrong U.S. policy could substantially damage our relations with our close friends and our regional influence. The United States has a clear national security interest in balancing the rising influence of China in Asia. Our full engagement in southeast Asia is an integral part of that balance. Unfortunately, the administration has long been unable to articulate and clearly demonstrate the reliability of our long-term commitment to the region. In the face of this uncertainty, ASEAN is taking steps to ensure Burma and Vietnam become members to counterbalance Chinese influence. The U.S. willingness to work with them on Burma is seen as a key test case of the U.S. commitment.

Second, our allies do not support sanctions now and said as much to Presidential envoys Ambassador Brown and Mr. ROTH. Bringing Burma into ASEAN and the ARF force the SLORC to accept and live up to the values and responsibilities that membership entails in much the same way as NATO membership will require of the countries of central Europe. This approach establishes a forum for pressuring the SLORC to negotiate with Aung San Suu Kyi and other democracy movement leaders. Unfortunately, U.S. moral suasion on behalf of sanctions will have little impact unless the situation in Burma deteriorates dramatically. Expecting others to follow our lead even if it goes against their own cold calculation of national interests only ensures that we are falling on our own sword.

I want to make it clear that the SLORC and Burma are not the 1990's equivalent of apartheid in South Africa. South Africa relied on access to the outside world. Isolating them cut off the very roots of their export-oriented economy. For most of the past 30 years, Burma isolated itself from the world. Only now is Burma establishing ties with the outside world. Isolating them now would be about as effective as pruning a tree. In particular, United States investment in Burma—save for oil interests—is minimal and even

its loss would have little impact because others will take our place. With South Africa, sub-saharan Africa was also united in support of sanctions. There is no similar regional mandate for action with Burma.

When sanctions were imposed against South Africa they were accompanied by extensive contact and assistance to the black community in South Africa and the NGOs working with them. The current language on Burma has none of that and would cut off our access and ability to support the democracy movement.

There are no potential incentives for the SLORC to work with Suu Kyi as none of the sanctions will be lifted until a fully democratically-elected government comes to power. But, as we saw in South Africa and before that in Poland, the movement to democracy is often a slow, tentative process and include transitional governments. If events unfold in a similar fashion in Burma, the current language has no means for easing or eliminating sanctions to cultivate the growth of democracy.

The current language would also give SLORC the wrong signal that it can do whatever it wants because we have already used up all our bullets.

#### OUR POLICY AND THE CURRENT AMENDMENT

Instead of the current draconian sanctions proposed in the legislation before us, we should adopt an approach that effectively secures our national interests. The Cohen amendment does just that.

One, it establishes a framework for United States policy towards Burma that stimulates intimate cooperation with our allies in the region, especially ASEAN, that is clearly in the national interest.

Two, it draws a clear line in the sand that should the situation in Burma deteriorate the United States and our allies would impose multilateral sanctions on Burma or the United States would go it alone if necessary. SLORC will be on notice and have to be on their best behavior.

Three, it provides incentives for SLORC and Suu Kyi and the other democratic leaders and ethnic minorities to start talking and move towards democracy and freedom. It would permit assistance to the democracy movement, support efforts to curb the flow of heroin, and ensure that Americans can visit, talk with, and influence the people in Burma as they have everywhere from the Albania to South Africa.

Four, it allows the President to remove sanctions and other restrictions should there be progress towards the establishment of a full democratic government or if we are merely punishing U.S. investors.

Finally, it requires the administration to work closely with the Congress developing a multilateral strategy to bring democracy to Burma and in implementing the sanctions.

Mr. President. This is a solid strategy and bipartisan view of what the

United States' policy towards Burma should be. It is a far better one than that currently envisioned in the legislation before us. I strongly urge my fellow colleagues to support this amendment.

Mr. McCONNELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Thirteen minutes fifteen seconds.

Mr. McCONNELL. Mr. President, let me say that if my colleagues are looking for some ideological touchpoint on this issue, they will not find any. It is going to be an odd collection of players on both sides of the aisle.

As my senior colleague from Kentucky just indicated, the Clinton administration supports the Cohen amendment, and I oppose the Cohen amendment, along with Senator MOYNIHAN, from whom you have heard, Senator LEAHY who spoke earlier on the issue, and then Senator HELMS and Senator FAIRCLOTH also will be opposing the Cohen amendment.

So if you are looking for some ideological guidelines, you will not find any on this issue. So this would be a good vote upon which to just sort of set aside party label or ideological leaning and look at the facts and think about what America stands for.

The facts are these: In 1990, in Burma they had a Western-style, internationally supervised election. Eighty percent of the vote went to the National League for Democracy, a party organized around a dynamic leader that is becoming increasingly well-known in the world, Aung San Suu Kyi. As soon as the election was completed and it was clear who had won, the ruling military junta, supported by a 400,000-person army, used entirely internally to control the people of Burma, locked up most of the leadership and put Aung San Suu Kyi under house arrest. She was essentially incommunicado until July 1995, 2 days before a bill that I crafted and introduced was introduced here in the Senate last July.

They claim she was released. Well, it is some kind of release. She is allowed to address, from home, friends and supporters who come around sometimes on a weekly basis. But they do that at some risk. She does not feel comfortable communicating with the outside world. Yet, she smuggled out a tape a week ago for use at the European Union in their Parliament debate in which they call upon their members to institute unilateral sanctions.

So, clearly she does not feel comfortable to just sort of pick up the phone and call some reporter and say, "This is how I feel." But she has been getting her views out. She and the legitimate Government of Burma, much of it now in this country, support the provisions in the underlying bill and oppose the Cohen amendment. I have already put that letter, received today, in the RECORD.

I do not want to be too hard on the Clinton administration because, obviously, this is not a very partisan issue.

We have people all over the lot on this question. But they are basically not interested in doing anything about this problem. But that does not distinguish them from the Bush administration, which had no interest either.

So there has been bipartisan neglect to address this problem. Neither administration has distinguished itself by ignoring a problem which I guarantee you, if there were a bunch of Burmese American citizens, we would have been bouncing off the walls 6 years ago over this. But there are not any Burmese American citizens. We have a lot of Jewish Americans who are interested in Israel, a lot of Armenia Americans who are interested in Armenia, and a lot of Ukraine Americans who are interested in Ukraine. Boy, when we hear from them, we get real interested. But you take some isolated country that did not have the immigration pattern to this country and somehow we act like it does not exist.

But with the Burmese regime, the State Law and Order Restoration Council, SLORC—you can hardly say it without laughing, but it is not funny—runs a terrorist regime in Burma. Some people may say, "Well, it is none of our affair." Sixty percent of the heroin in our country comes from Burma—60 percent of it. Heroin from Burma is tainting the lives of thousands of Americans. This regime co-operates with the people who send it here. So it does have a direct effect on Americans living here in this country as well as offending every standard that we have come to believe in and to promote around the world.

It is safe to say that the Burmese Government can be in a rather unique category with North Korea, Libya, Iran, and Iraq. It is just a small, little family here of truly outrageous regimes, and all the rest of them we have a great interest in and we have sanctions against or we are working to try to diminish the influence of in one way or another. But this country we seem to have no interest in.

The amendment of the Senator from Maine actually makes the situation worse, in my opinion. It will allow aid to this pariah regime to increase. In other words, in the opinion of the Senator from Kentucky, it is worse than current law because last year we voted to cut off a narcotics program in that country because we did not have any confidence in dealing with this outlaw regime. This would make those dealings possible again should the administration decide to engage in it.

The second condition in the Cohen amendment which seems to me to be troublesome is it makes Aung San Suu Kyi's personal security the issue rather than the restoration of democracy. In other words, if you see that Aung San Suu Kyi is in trouble or there is large-scale trouble or violence, then you can take certain actions if you want to, but you do not have to because all of it can be waived.

In short, with all due respect to my good friend from Maine, it seems to me

that this amendment basically gives the administration total flexibility to do whatever they want to do, which every administration would love to have. I can understand why they support this amendment. But looking at the track record of this administration and the previous one, given the discretion to do nothing, nothing is what you get. Nothing is what we can anticipate from this administration, and that is what we got from the last one.

Let me say this is not a radical step. Some people think that we should never have unilateral economic sanctions against anybody, but a lot of those people make exceptions for Cuba, for example. "Well, that is different," or they make an exception for a renegade regime like Libya.

The truth of the matter is we have occasionally used unilateral sanctions, and they have not always failed. I mean, it is very common to say they always fail. They do not always fail. In fact, we have a conspicuous success story in South Africa, a place where America led. When we passed the South Africa sanctions bill in 1986, which my good friend from Maine supported, and when we overrode President Reagan's veto, which both of us voted to override, we were not sure it was going to work. All of these arguments about unilateral sanctions were made then. Everybody said, "Well, nobody else will follow." In fact, everybody followed. America led and everybody else followed, and South Africa has been a great success story.

I think those followers are right around the corner. The European Union and the European Parliament took this issue up in July of this year—this month. Why did they get interested? Aung San Suu Kyi's best friend, a man named Nichols, a European who had been a consulate official in Rangoon for a number of different European countries, as the distinguished senior Senator from New York pointed out a minute ago, was arrested earlier this year. His crime was possessing a fax machine, and they killed him. He is dead; murdered.

So the Europeans all of a sudden have gotten interested in this because one of their own has been treated by the Burmese military like it has been treating the Burmese people for years. Carlsberg and Heineken, two European companies, are pulling out. American companies and one oil company decided not to go forward, and all of the retailers who were either in there or on the way in are coming out—Eddie Bauer, Liz Claiborne, Pepsico are coming out. If America leads, others will follow.

Finally, let me say that this is what Aung San Suu Kyi would like, and she won the election. She is familiar with all the arguments that are made by those who do not want unilateral sanctions, that only the people of Burma will be hurt. She is familiar with those arguments. She does not buy it. She does not agree to it. This is what she has to say. She said:

Foreign investment currently benefits only Burma's military rulers and some local interests but would not help improve the lot of the Burmese in general.

She said in May this year, quoted in *Asia Week*:

Burma is not developing in any way. Some people are getting very rich. That is not economic development.

On Australia Radio in May of this year, she was quoted as saying, a direct quote:

Investment made now is very much against the interests of the people of Burma.

So, Mr. President, that sums up the argument. If America does not lead, no one will. If given total discretion, all indications are that this administration will have no more interest than the last one. The duly elected Government of Burma is in jail or under surveillance, and we do nothing. This is the opportunity, this is the time for America to be consistent with its principles.

So, Mr. President, I hope that the Cohen amendment will not be approved. I have great respect for my friend from Maine. But I think on this particular issue he is wrong, and I hope his amendment will not be approved.

Mr. President, last week, when she learned the European Parliament and European Union were debating a response to the death of their Honorary Consul, Leo Nichols, Aung San Suu Kyi was able to smuggle out a videotape appealing for sanctions against the military regime in Rangoon. This is the most recent of many courageous calls by the elected leader of Burma for the international community to directly and immediately support the restoration of democracy and respect for the rule of law in her country. She has repeatedly summoned us to take concrete steps to implement the results of the 1990 elections in which the Burmese people spoke with a strong, resolute voice, and the NLD carried the day.

Less we forget, the NLD did not squeak by with a 43 percent mandate as did our sitting President—the leader of the free world. The NLD claimed 392 seats in the parliament winning 82 percent of the vote. Now that's a mandate.

Unfortunately, a shining moment for democracy has been blackened by a ruthless dictatorship. To this day, the generals who make up the State Law and Order Restoration Council [SLORC] maintain a chokehold on Burma's life.

Burma is a battleground between democracy and dictatorship, between those who believe in open markets and those who openly market their self-enriching schemes, between the many who embrace freedom and the few who breed fear, and between Suu Kyi's supporters and SLORC's sycophants.

There are few modern examples where our choice is so stark, where the battle lines are so sharply drawn.

Shortly after her appeal to the U.N. Commission on Human Rights, Suu Kyi called the elected members of the 1990

Parliament to meet in Rangoon. True to her commitment to be inclusive of all Burmese, she even invited SLORC supporters who had been elected.

SLORC's response was swift and devastating. In a matter of 48 hours they rounded up over 200 members of the NLD. If the member was absent when troops arrived for the arrest, a family member was detained instead. While each and every arrest was outrageous, I want to call attention to one which ended tragically.

As many people know, Suu Kyi's father died when she was quite young. In stepped Leo Nichols. He assumed an important role in her life offering friendship and support. He was often referred to as her godfather. The closeness of their relationship was reflected in the fact that following her release last July, Suu Kyi had breakfast every Friday morning with her "Uncle Leo".

Sixty-five years old, Leo Nichols was picked up in the April sweep and charged with the illegal use of a fax machine. Even the State Department acknowledged that his relationship with Suu Kyi was the motive behind his arrest. For his crime he was sentenced to 3 years prison. Suffering from a heart condition, he was denied medication and kept in solitary confinement at Insein Prison until June 20, when he was transferred to Rangoon General Hospital. An hour later he died, according to SLORC of a cerebral hemorrhage. He was immediately buried, with family and friends warned not to attend the funeral.

Given his transfer, death, and hasty burial, accounts of his torture have been difficult to confirm. There has been claims that he was badly bruised and beaten—true or not, there is no question his detention contributed to his death, reconfirming the brutal nature of this regime.

Leo Nichols is not SLORC's only victim. There is no question that arbitrary killings, detentions, torture, rape, and forced labor and relocations are tools routinely abused to secure SLORC's position, power and wealth. The U.N. Special Rapporteur for Burma has investigated and documented the abuses in several reports which I urge my colleagues to read.

Nonetheless, some may argue that Burma is too far away from the United States to warrant any interest, time, or attention. But, there are compelling reasons for every community and politician to be concerned about developments in Burma beginning with our drug epidemic.

The 1996 International Narcotics Control Report makes the following points:

Burma is the world's largest producer of opium and heroin;

Opium production has doubled since SLORC seized power;

Burma is the source of over 60 percent of the heroin seized on our streets; and

SLORC is making less and less effort to crack down on trafficking, in fact there has been an 80 percent drop in

seizures and the junta is actually offering safe haven to Khun Sa, the regions most notorious narco-warlord.

Now this is a regime with over 400,000 armed soldiers, evidence that if SLORC wanted to crack down on trafficking, they clearly have the means to do so.

The Golden Triangle's deadly exports initially caught my eye, but it is the administration's policy—or lack thereof—which fixed my gaze. This is one of the few occasions where the White House has been consistent; unfortunately, they have been consistently wrong.

As Suu Kyi has repeatedly emphasized since her release, Burma today is not one step closer to democracy. Indeed, I think the situation has seriously, dangerously, and unnecessarily deteriorated.

In November 1994, after a long, disheartening silence, Deputy Assistant Secretary of State Tom Hubbard, traveled to Rangoon to issue an ultimatum. The administration called international attention to their new, tough line. SLORC was expected to make concrete progress in human rights, narcotics, and democracy. If they were appropriately responsive, they could expect improved ties. If not, in Hubbard's words, "the U.S. bilateral relationship with Burma could be further downgraded."

As most of us learn early in life, you don't taunt a bully. SLORC moved swiftly to call our bluff. Major attacks were launched against ethnic groups, generating tens of thousands of refugees. Democracy activists were rounded up, tortured, and killed. Negotiations over Red Cross access to prisoners ground to a halt, prompting the organization to close its office in Rangoon. And, the administration remained strangely silent.

As the situation worsened, there was another burst of interest, and Madeleine Albright was dispatched to repeat the message. This time it was underscored with a personal meeting and statement of support for dialog with Suu Kyi. Those of us who follow Burma were hopeful that our U.N. Ambassador with a reputation for toughness would press forward with a clear strategy.

Sadly, again, SLORC rose—or should I say sunk—to the occasion. As the noose tightened around Suu Kyi and the NLD, the administration remained silent.

In the wake of the April sweep against the NLD, there was stepped up grass roots interest in sanctioning Burma. To preempt these calls, once again the administration dispatched officials to size up the situation. This time, instead of visiting Rangoon, they traveled the region.

A stinging column carried in the *Nation*, characterized the American approach as "outspoken and critical but its repeated messages or threats often carry no weight because of a lack of back up action. It is a typical case of words not being matched with deeds."

The column quoted a senior Thai official who suggested the trip was "a conspiracy to thwart attempts by the U.S. Congress to pass an economic sanctions bill which is gaining growing support." The official went on to note "The American government is good at making empty threats and last week's trip is just another example."

In briefings following up the trip, the State Department made clear that the Special Envoys were not dispatched with a specific message—they had no orders to press any agenda for action—and as the Nation so clearly stated: "The two failed to spell out, in concrete terms, possible U.S. retaliatory measures."

After hollow policy pronouncements and weak-willed waffling from the administration, SLORC is convinced it will pay no price for repression. We are left with few real options with the potential for success.

The business community understandably prefers the status quo. They suggest that our ASEAN partners will not support a strategy of escalating isolation. A tougher line will only result in a loss of market share to our French, Italian, or other competitors.

But, let me point out, just as the call for sanctions has grown stronger in the United States, it has resonated through corporate halls and the corridors of power in Europe.

The European Parliament has called upon its members to take action to suspend trade and investment in Burma. The European Union has taken up legislation suspending visas and all high level contacts with the Burmese.

Heineken and Carlsberg have pulled out in response to public pressure. And, in an important development, the Danish Government has sold off all its holdings in TOTAL, the French oil company with the largest investment in Burma. In announcing its decision, a spokesman for the fund said it was made in anticipation of "a possible international boycott of TOTAL due to its engagement in Burma and because of a televised report showing the intolerable living conditions in that country."

In this context, U.S. sanctions are hardly a radical step. In fact, I think it would be an unprecedented embarrassment to all this Nation represents to fall behind the European effort in supporting Burma's freedom.

In addition to suggesting that sanctions will only hurt U.S. business, opponents of my legislation argue economic progress will yield political results. This is Vietnam, they say. Burma is like China.

Well, I am a vocal advocate of MFN for China. I have supported normalizing relations with Vietnam. In both instances, we have effectively used an economic wedge to pry open access to totally closed societies. Trade is an important tool in these two cases because it is our only tool.

Burma is quite different. In Burma, millions of people turned out to vote

for the NLD. The fact that they were robbed of the reward of free and fair elections defines both America's opportunity and obligation.

The appropriate analogy with Burma is not China or Vietnam, it is South Africa where our application of sanctions clearly worked, just ask Nelson Mandela. That is the course I recommend the United States pursue.

In 1996, the advocates for democracy in Burma are facing the same challenges as the 1986 opponents of apartheid. I heard exactly the same arguments then, as I do now. Let me draw some parallels for you.

When Senators ROTH, DODD, and I introduced the first sanctions bill a decade ago, both the Reagan administration and the business community argued the political value of our sizable capital investment.

U.S. investment was a meaningful catalyst for change. Major American corporations called attention to their hiring policies, scholarship programs, and contributions to hospitals, schools, and community development projects.

In sum, I was told that withdrawing U.S. investment would hurt, not help, the common man. Not so, says Bishop Tutu. In an April letter to the Bay Area Burma Roundtable he said, "The victory over apartheid in South Africa bears eloquent testimony to the effectiveness of economic sanctions."

There are other, relevant parallels.

South Africa was the African fault line in our cold war struggle for power. With Soviet proxy forces engaged in neighboring conflicts in Angola and Mozambique, South Africa assumed an important position in our regional security strategy.

The Chinese colonization of Burma should sound similar alarms. If there is a single issue which should cause our ASEAN partners deep concern, it is the expanding military and political ties between Rangoon and Beijing. Like South Africa, Burma may not represent an immediate security problem, but the long term regional trends demand our attention.

In South Africa, there was a grassroots, well-organized, vocal African-American constituency supporting sanctions.

In Burma, the constituency should be every American community concerned by our drug epidemic.

In South Africa, good corporate citizens developed a corporate conscience and pulled out.

In Burma, Amoco, Columbia Sportswear, Macys, Eddie Bauer, Liz Claiborne, Levi Strauss, and now Pepsi have answered the call to divest.

In South Africa, sanctions affected substantial, longstanding foreign investment.

In Burma, less is at stake and sanctions are largely preemptive.

But, American investment—however little—is still propping up a few generals. We are not improving the quality of life for most Burmese. U.S. capital is simply subsidizing global shopping

sprees for a handful of SLORC officials and their families.

Just as SLORC has increased pressure on Burma's democracy movement, we must increase pressure on SLORC. I believe the time has come to ban U.S. investment and aid and oppose any international lending to this pariah regime. We should cut off the source of SLORC's power.

Several weeks ago, Suu Kyi noted:

There is a danger that those who believe economic reforms will bring political progress to Burma are unaware of the difficulties in the way of democratization. Economics and politics cannot be separated, and economic reforms alone cannot bring democratization to Burma.

She has emphatically opposed any foreign investment, calling instead for the international community to take firm steps to implement the 1990 elections. And, while she has stressed the NLD's commitment to solving political problems through dialogue, she recently warned the world that she was not prepared to stand idly by as SLORC attacked her supporters.

Shortly after these remarks, SLORC surrounded her compound with razor wire, effectively cutting off the thousands of loyal and peaceful citizens who make a weekly pilgrimage to hear her speak.

Suu Kyi is prepared to accept her rearrest. Although she is under constant surveillance and severely limited in her movements, she has not chosen to join her husband and children in exile. Aung San Suu Kyi has sacrificed over and over again to secure Burma's freedom.

Let us hope it will not take the sacrifice of her life to impel this administration to assume the mantle of leadership, fitting for the only remaining superpower, and chart a course for the ship we captain called liberty.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 45 seconds.

Mr. McCONNELL. I will reserve the 45 seconds.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. How much time is remaining?

The PRESIDING OFFICER. The Senator has 6 minutes and 53 seconds.

Mr. COHEN. Mr. President, I ask unanimous consent that Senator THOMAS be added as a cosponsor to the Cohen amendment.

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

Mr. COHEN. Mr. President, as my friend from Kentucky has indicated, we have to set aside ideology on this particular vote, that and labels. He would have you believe that those who support the Cohen-Feinstein-Chafee amendment are for repression, for dictators, for brutality, for house arrests, against sanctions, against morality, against protecting Aung San Suu Kyi, against democracy.

My friends, it is not nearly so simple. And perhaps I have overstated the

statements of my friend from Kentucky, but when we have allegations made that this is a profound moral choice, that this measure that I offer would, in fact, negate the impact of sanctions upon this particular regime, that it would lend support to the military junta—and we have heard statements made by our colleague from New York that adoption of the Cohen amendment would, in fact, aid and comfort the enemies of democracy—I must speak out with some vigor on such suggestions, or even implication.

We heard talk about the European Parliament boycotting Burma. Well, the European Union said no. As a matter of fact, there is a report in papers as of yesterday: "A Danish proposal for sanctions against Burma was toned down last week to one condemning the Government of SLORC." So they toned it down from sanctions to simply condemning, and we condemn them.

It was said that Mickey Kantor favors the subcommittee's approach, our Trade Representative favors it. I do not understand that. We have a letter introduced on behalf of the administration that the White House supports the approach that I and Senators FEINSTEIN and CHAFEE and others have taken.

No one has fought harder, if we talk about ideals, than our colleague from Arizona, Senator MCCAIN. He spent more than 6 years in prison keeping that flame of idealism alive, representing this country in a way that few of us can even begin to contemplate, and yet he is supporting the approach that I am suggesting.

Those of us who are urging the support of this amendment are, in fact, calling for sanctions. We are calling upon our administration to impose sanctions, to not issue visas—except those required by treaty—to any government official from Burma. We are insisting that we cast a vote of "no" on any international lending organization loans to Burma. We are saying that if they make any attempt to imprison or harass Aung San Suu Kyi, sanctions go into effect immediately, that no further business can enter that particular country.

We are for sanctions. We are for, however, limited exemptions in the field of human rights, certainly for humanitarian assistance. Does anyone here want to cut off an attempt to feed starving people?

On counternarcotics: We have heard by just the last vote, an overwhelming vote, of our concern about narcotics coming into this country. Over two-thirds of all the heroin production in the world is coming out of Burma, are we saying let us walk away? Do we not want to engage in any way, even if it is certified by the administration that the SLORC is cooperating to try to reduce the flow of narcotics coming into our country? Is that what we want to go on record in favor of? Do we want to deny funding for the National Endowment for Democracy, organizations

that people like Senator MCCAIN are actively involved in, that actively promote change by the Burmese junta?

My amendment tries to carve out a narrow exemption to give some flexibility to this administration or the next administration, not simply to look to the past and punish this junta for past deeds, but rather to see if there is any way we can use whatever leverage we have, and it is very small, to encourage this junta to come into the 21st century of pro-democratic activity.

It has been suggested that we have commercial interests in mind. I do not represent any oil companies. I do not have any business interests in mind. What I am asking is, what is the most effective way to produce change? Do sanctions work? Yes and no. They worked in South Africa because the world supported it. The frontline countries in Africa supported it. The frontline countries in Asia do not support this action by the subcommittee. Iran is another exception where sanctions can and do work. It is a terrorist-sponsoring nation, destabilizing its region, and so there is world condemnation of Iran.

And China, let me just mention China. Mr. President, I was looking through my desk here while the debate was going on, and I came across some interesting remarks made by my former colleague from Maine, Senator Mitchell, some years ago in 1991-92, when debating China. He said something at that time that I think may bear some relevance here today. He said:

The year-long renewal of most-favored-nation trade status for China has brought the world precisely nothing in the way of reform in the Chinese regime.

It has not encouraged the Chinese regime to respect the human rights of any Chinese citizen.

It has not emboldened the Chinese Government to broaden its experiments with a market economy beyond one province.

That was said back in 1991, and then again in 1992. He may have been right at that time as far as his perception, but things have changed in China. They are now, in fact, making changes in Shanghai. They are now providing a legal system based upon ours, they are giving an accused individual a right to an attorney before he can be arrested and apprehended. They are making vast changes. It comes about more slowly there, not nearly as fast as we would like, but change has occurred.

Yes, we are standing up to our ideals on the issue of democracy in Asia, but when you talk to the Chinese they say, you talk about ideals. For 200 years you enslaved people. You put people in chains. You treated them like sub-humans. You robbed them of their families and their dignity and their lives, and it was not until about 30 years ago you finally decided to change. Give us an opportunity to bring about change in this region. Do not lecture us that you achieved your ideals all in one period of time.

So it took time for us to change over here. What we are saying with our amendment is that we can make more change in Burma from within than from without, and we can bring Burma out from the dark ages of repression into the sunlight of the 21st century and prodemocratic activity. We can do this not by trying to turn away, and trying to isolate them—because we cannot do it effectively—but by having some limited contact from within.

Mr. President, I suggest that the passage of my amendment will accomplish the goals that we all want to change the military dictatorship's activity.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, with all due respect to my good friend from Maine, his amendment makes everything permissible or able to be waived. There is no indication that this administration is interested, and, frankly, nor was the last one, in tightening the screws on Burma. If we want to do something about a pariah regime in Burma, tonight is the time. This is the vote. I hope all my colleagues will oppose the Cohen amendment.

Mr. President, I ask unanimous consent that a list of boycott resolutions, a list of letters supporting sanctions, and a group of editorials, be printed in the RECORD.

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

#### BOYCOTT RESOLUTIONS

American Baptist Convention.  
State of Massachusetts.  
San Francisco, Oakland, Berkeley, CA.  
Santa Monica, CA.  
Ann Arbor, MI.  
Chicago, IL.  
Madison, WI.  
Seattle, WA.

#### LETTERS SUPPORTING SANCTIONS

National Coalition Government of the Union of Burma  
AFL-CIO  
UAW  
Bishop Tutu  
Betty Williams, Huntsville, TX, Nobel Laureate, 1976  
Asia American Civic Alliance of Florida  
Kachinland Projects for Human Rights and Democracy of Illinois  
Democratic Burmese Student Organization  
United Front for Democracy and Human Rights

[From The Boston Globe, June 19, 1996]

#### WELD'S OPPORTUNITY

Awaiting Gov. William F. Weld's signature is a bill that would prohibit the commonwealth from purchasing goods or services from companies that do business with the illegitimate military dictatorship ruling Burma. Weld should sign this bill, not because it might work to his advantage in the U.S. Senate contest with John F. Kerry, but because this is legislation that embodies a principle of democratic solidarity rooted deep in the American tradition.

The people of Burma voted overwhelmingly in 1990 for the party of Nobel Peace Prize winner Aung San Suu Kyi. Although her National League for Democracy won more than 80 percent of the seats in Parliament, the State Law and Order Restoration Council, or SLORC, thwarted the will of

the voters by seizing power and conducting a reign of terror. The junta profits from a narcotics trade that exports more than 60 percent of the heroin sold on the streets of American cities. And because the uniformed thugs of SLORC have accumulated tremendous debt, they are dependent upon foreign aid and investment and are desperately trying to counter a grass-roots campaign for American sanctions.

The timing of Weld's opportunity could not be more fortuitous. State Rep. Byron Rushing's Selective Contracting" bill, modeled on legislation that helped end apartheid in South Africa, reaches the governor at a time when thousands of Burmese democrats have been risking their lives each weekend to attend gatherings at Suu Kyi's house in Rangoon, and when the Clinton administration has dispatched envoys to Asian and European capitals to make the case for multilateral sanctions.

If the envoys fail in their mission, a Senate bill proposed by Mitch McConnell, Republican of Kentucky, and co-sponsored by Democrats Patrick Moynihan of New York and Patrick Leahy of Vermont, will ask the United States to take the lead, as it once did for the people of Poland.

Weld has a chance to help protect Suu Kyi and her followers and to encourage Washington to do the right thing.

[From the New York Times, June 15, 1996]

#### BURMESE REPRESSION

The Burmese military junta has outdone itself in advertising its own crude ineptitude. Frustrated by the popularity and prestige of their democratic opponent, Daw Aung San Suu Kyi, the generals have now erected huge red billboards denouncing the 1991 Nobel Peace laureate as a foreign stooge. But every Burmese knows that Mrs. Aung San Suu Kyi endured years of house arrest rather than leave the country her father helped free from foreign rule. The real threat to the Burmese people is the junta, formally known as the State Law and Order Restoration Council, or SLORC.

The billboard blitz follows the recent detention of some 250 members of Mrs. Aung San Suu Kyi's National League for Democracy, the undoubted winner of 1990 elections the SLORC then nullified. When, despite the crackdown, she attracted larger and larger crowds for speeches from her house, the junta responded with a decree banning virtually all political activities. So unwarranted were these measures that even diffident Thailand and Japan have condemned Burmese human rights abuses. Japan is the largest outside aid donor to the country the SLORC has renamed Myanmar.

Washington has commendably taken the lead in generating support for more effective collective measures to help the beleaguered Burmese democrats. The Clinton Administration has sent two senior diplomats, William Brown and Stanley Roth, to sound out Myanmar's neighbors on taking stronger political and economic measures against the SLORC. The mission itself may help deter still harsher repression. Its findings may also determine the feasibility of a ban on new American investment, as proposed by Senator Mitch McConnell of Kentucky, which the Administration is still weighing.

When the SLORC lifted Mrs. Aung San Suu Kyi's house arrest last year, there was hope that the generals might loosen their stranglehold on Myanmar. Unhappily, that has not proved to be the case. Until the Burmese junta frees its political prisoners and enters into genuine negotiations with Mrs. Aung San Suu Kyi and her supporters, it merits the strongest international condemnation.

[From the Washington Post, July 20, 1996]

#### BURMA BEYOND THE PALE

On June 22, James "Leo" Nichols, 65, died in the Burmese prison. His crime—for which he had been jailed for six weeks, deprived of needed heart medication and perhaps tortured with sleep deprivation—was ownership of a fax machine. His true sin, in the eyes of the military dictators who are running the beautiful and resource-rich country of Burma into the ground, was friendship with Aung San Suu Kyi, the courageous woman who won an overwhelming victory in democratic elections six years ago but has been denied power ever since.

Mr. Nichols's story is not unusual in Burma. The regime has imprisoned hundreds of democracy activists and press-ganged thousands of children and adults into slave labor. It squanders huge sums of arms imported from China while leading the world in heroin exports. But because Mr. Nichols had served as consul for Switzerland and three Scandinavian countries, his death or murder attracted more attention in Europe. The European Parliament condemned the regime and called for its economic and diplomatic isolation, to include a cutoff of trade and investment. Two European breweries, Carlsberg and Heineken, have said they will pull out of Burma. And a leading Danish pension fund sold off its holdings in Total, a French company that with the U.S. firm Unocal is the biggest foreign investor.

These developments undercut those who have said the United States should not support democracy in Burma because it would be acting alone. In fact, strong U.S. action could resonate and spur greater solidarity in favor of Nobel peace laureate Aung San Suu Kyi and her rightful government. Already, the Burmese currency has been tumbling, reflecting nervousness about the regime's stability and the potential effects of a Western boycott.

The United States has banned aid and multilateral loans to the regime, but the junta still refuses to begin a dialogue with Aung San Suu Kyi. Now there is an opportunity to send a stronger message. The Senate next week is scheduled to consider a pro-sanctions bill introduced by Sens. Mitch McConnell (R-KY.) and Daniel Patrick Moynihan (D-N.Y.). This would put Washington squarely on the side of the democrats. Secretary of State Warren Christopher, who will meet next week with counterparts from Burma's neighbors, should challenge them to take stronger measures, since their policy of "constructive engagement" has so clearly failed.

The most eloquent call for action came last week from Aung San Suu Kyi herself, unbowed despite years of house arrest and enforced separation from her husband and children. In a video smuggled out, she called for "the kind of sanctions that will make it quite clear that economic change in Burma is not possible without political change." The word responded to similar calls from Nelson Mandela and Lech Walesa. In memory of Mr. Nichols and his many unnamed compatriots, it should do no less now.

[From the Washington Post, May 28, 1996]

#### THE BULLIES OF BURMA

The thuggish military men who rule Burma have now rounded up more than 200 democracy activists who were planning to meet last weekend. Again they show their regime, which goes by the appropriately unappetizing acronym SLORC (State Law and Order Restoration Council), to be worthy only of international contempt.

To the extent that Americans are at all familiar with Burma's plight, it is thanks to the courage of Aung San Suu Kyi, leader of the nation's democracy movement. Her Na-

tional League for Democracy won an overwhelming victory in parliamentary elections in 1990, but SLORC refused to give up power, putting her under house arrest and jailing many of her colleagues. Although Aung San Suu Kyi was nominally freed last July, after winning the Nobel Peace Prize, the regime has refused even to begin talks on a transition to democratic rule.

It was to celebrate, as it were, the sixth anniversary of those betrayed elections that Aung San Suu Kyi called a meeting. In fear of the democrats' popularity, SLORC rounded up many of her supporters, including should-be members of parliament. This is far from SLORC's only abuse. Even before the latest events, hundreds of political prisoners remained in jail, according to Human Rights Watch/Asia. The regime promotes forced labor, press-ganging citizens to act as porters in areas of armed conflict and to build roads, according to the U.S. State Department. It has built a massive army, equipped mostly by China. And Burma is the world's chief source of heroin.

The United States already has barred official aid or government loans to Burma and has influenced the World Bank and other multilateral organizations to follow suit. Now Sen. Mitch McConnell of Kentucky wants to bar private investment as well, a step supported by many of Burma's democrats. U.S. firms are the third-largest investors, Sen. McConnell said, led by Unocal Corp., which is helping develop Burma's natural gas fields. The structure of the dictatorship ensures that much of the benefit of foreign investment goes into the generals' pockets.

The most active proponents of trade, investment and engagement with Burma have been its neighbors in Southeast Asia. A nation of 42 million with high literacy rates and abundant natural resources, Burma cannot be ignored. But after SLORC's latest abuses, the burden is on those advocates of "engagement" to show what they have achieved and explain why sanctions should not be tightened. As much as South Africa under apartheid, Burma deserves to be a pariah until SLORC has given way.

Mr. McCONNELL. Mr. President, is all time used up?

The PRESIDING OFFICER. All time has expired.

Mr. McCONNELL. I move to table the Cohen amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on the motion to lay on the table amendment No. 5019, offered by the Senator from Maine [Mr. COHEN]. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Nebraska [Mr. EXON] is necessarily absent.

The result was announced, yeas 45, nays 54, as follows:

[Rollcall Vote No. 243 Leg.]

#### YEAS—45

Abraham	Bradley	Byrd
Bennett	Brown	Campbell
Biden	Bryan	Coverdell
Boxer	Bumpers	D'Amato

DeWine	Hatfield	Mack
Faircloth	Helms	McConnell
Feingold	Jeffords	Moynihan
Frahm	Kassebaum	Pell
Frist	Kennedy	Pressler
Gorton	Kerry	Robb
Gramm	Kohl	Sarbanes
Grassley	Lautenberg	Shelby
Gregg	Leahy	Smith
Harkin	Levin	Specter
Hatch	Lugar	Wellstone

## NAYS—54

Akaka	Ford	Murkowski
Ashcroft	Glenn	Murray
Baucus	Graham	Nickles
Bingaman	Grams	Nunn
Bond	Heflin	Pryor
Breaux	Hollings	Reid
Burns	Hutchison	Rockefeller
Chafee	Inhofe	Roth
Coats	Inouye	Santorum
Cochran	Johnston	Simon
Cohen	Kempthorne	Simpson
Conrad	Kerrey	Snowe
Craig	Kyl	Stevens
Daschle	Lieberman	Thomas
Dodd	Lott	Thompson
Domenici	McCain	Thurmond
Dorgan	Mikulski	Warner
Feinstein	Moseley-Braun	Wyden

## NOT VOTING—1

Exon

The motion to lay on the table the amendment (No. 5019) was rejected.

Mr. COHEN. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question occurs on agreeing to the amendment No. 5019 offered by the Senator from Maine.

The amendment (No. 5019) was agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. We can see the light at the end of the tunnel.

## AMENDMENTS NOS. 5079 THROUGH 5082, EN BLOC

Mr. McCONNELL. Mr. President, we have more amendments agreed to which I will send to the desk at this point, a Helms amendment on deobligation of funds, a Bingaman amendment on Burundi, two amendments by Senator ABRAHAM, one on ASHA and one on geological surveys.

Mr. President, I send those amendments to the desk and ask that they be considered, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes amendments numbered 5079 through 5082, en bloc.

Mr. McCONNELL. Mr. President, I ask unanimous consent that further

reading of the amendments be dispensed with.

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

The amendments (Nos. 5079 through 5082) are as follows:

## AMENDMENT NO. 5079

(Purpose: To require the deobligation of certain unexpended economic assistance funds)

On page 198; between lines 17 and 18, insert the following:

## DEOBLIGATION OF CERTAIN UNEXPENDED ECONOMIC ASSISTANCE FUNDS

SEC. 580. Chapter 3 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2401 et seq.) is amended by adding at the end the following:

## "SEC. 668. DEOBLIGATION OF CERTAIN UNEXPENDED ECONOMIC ASSISTANCE FUNDS.

"(a) REQUIREMENT TO DEOBLIGATE.—

"(1) IN GENERAL.—Except as provided in subsection (b) of this section and in paragraphs (1) and (3) of section 617(a) of this Act, at the beginning of each fiscal year the President shall deobligate and return to the Treasury any funds described in paragraph (2) that, as of the end of the preceding fiscal year, have been obligated for a project or activity for a period of more than 4 years but have not been expended.

"(2) FUNDS.—Paragraph (1) applies to funds made available for—

"(A) assistance under chapter 1 of part I of this Act (relating to development assistance), chapter 10 of part I of this Act (relating to the Development Fund for Africa), or chapter 4 of part II of this Act (relating to the economic support fund);

"(B) assistance under the Support for East European Democracy (SEED) Act of 1989; and

"(C) economic assistance for the independent states of the former Soviet Union under chapter 11 of part I of this Act or under any other provision of law authorizing economic assistance for such independent states.

"(b) EXCEPTIONS.—The President, on a case-by-case basis, may waive the requirement of subsection (a)(1) if the President determines and reports to the Congress that it is in the national interest to do so.

"(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—As used in this section, the term 'appropriate congressional committees' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate."

Mr. HELMS. Mr. President, the Senate today is considering an \$11 billion foreign aid appropriations bill for fiscal year 1997. To hear the almost hysterical hue and cry about the so called devastating cuts in foreign aid—which is simply not so—some Americans may be misled to believe that the Agency for International Development [AID] will go broke if it does not receive its \$7.5 billion portion of this expensive foreign aid pie.

That, as I say, is simply not true—it is not even in the ballpark of accuracy. You see, Mr. President, much of this foreign aid money—all of it taken from the pockets of the hardworking American people—will be sitting for the next several years in what is known in Washington as a pipeline. This pipeline, which today contains more than \$6.7 billion, will allow AID to continue

its spending orgy for years to come—even if Congress cut every penny from AID's budget this year. Simply put, this pipeline is the best-kept secret among the bureaucrats at the Agency for International Development—the foreign aid giveaway mechanism.

The pending amendment, which I am offering on behalf of myself and the distinguished majority leader, Mr. LOTT, proposes to reduce the amount of money in the AID pipeline by requiring that all money remaining for more than 4 fiscal years in the pipeline be returned to the U.S. Treasury. In its study of Agency for International Development's pipeline, the General Accounting Office has recommended that un-used foreign aid be returned after 2 years. If enacted, this amendment would cut nearly \$1 billion from foreign aid.

Mr. President, you see that \$3.2 billion provided by Congress to AID in fiscal year 1995 remains unspent; more than \$1.6 billion from fiscal year 1994 has yet to be spent. This hidden reservoir of funds dates back even to foreign aid approved by Congress in 1985—more than a decade ago—which has been reposing all the while in the pipeline.

Why does all this money remain in the pipeline? Well, according to a 1991 General Accounting Office study, half of this money is unspent due to unrealistic or deliberately overstated project assessments by AID employees. But there is another reason for the existence of this pipeline. AID simply has received too much money over the years and, rather than admit that it cannot spend the money wisely, AID bureaucrats simply have stashed the money away in its secret bureaucratic pipeline until someone figures out a creative way to give it away.

Larry Byrne, AID's assistant administrator for management, in a 1995 internal E-mail spoke volumes about how the AID does business. According to Mr. Byrne, AID is "62 percent through this fiscal year and we have 38 percent of the dollar volume of procurement actions completed; we need to do \$1.9 billion in the next 5 months. So let's get moving." This AID administrator, Mr. Byrne, warned that this money in the AID pipeline, "imperils our ability to argue we need more money."

Lest anyone believe that this huge pipeline is merely an isolated problem, perhaps some details regarding AID's pipeline in various countries will be of interest. Mr. President, I ask unanimous consent this chart be printed in the RECORD.

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

## AID'S HIDDEN SLUSH FUND

Country	Pipeline through 1996
Egypt .....	\$1.93 billion
Russia .....	566 million
Philippines .....	330 million
Ukraine .....	217 million
South Africa .....	205 million
India .....	102 million



## AID'S HIDDEN SLUSH FUND—Continued

Country	Pipeline through 1996
Mozambique .....	72 million
Peru .....	71 million
Bolivia .....	63 million
Bangladesh .....	59 million
Total AID pipeline .....	6.76 billion

Source: AID Fiscal Year 1996 Statistical Annex.

Mr. HELMS. So, Mr. President, this pipeline affects almost all of the 101 countries to which AID hands out the American taxpayers' money. For example, the pending bill provides more than \$800 million in economic aid to Egypt, despite the fact that more than \$1.9 billion in previously-appropriated foreign aid, lingers to this day in Egypt's pipeline. This bill allows more money for Russia—yet this nation has already received, but not yet spent, \$566 million in United States foreign aid. India has \$102 million in un-used foreign aid. At the current rate of spending all new foreign aid obligations to India could cease and it could still receive United States foreign aid uninterrupted for at least 3 more years.

The list goes on and on. The Philippines has \$330 million in unspent United States foreign aid; Peru has \$71 million. All told, a whopping \$6.7 billion in U.S. tax dollars—some more than a decade old—remains unspent. The pending amendment proposes that \$1 billion in surplus foreign aid will be returned to the Treasury, thereby reducing the amount Americans are forced to pay for the spiraling Federal debt.

I will conclude by providing what I consider one of the most egregious abuses of AID pipeline. In 1991—5 years ago—President Bush ordered all foreign aid to Pakistan be ceased because of that nation's development of a nuclear bomb. Apparently, the bureaucrats at the Agency for International Development did not get the message because, as recently as 1995, AID spent more than \$27 million for projects in Pakistan. This year, AID plans to provide more than another \$5 million. So, despite the President's decision to cut all foreign aid to Pakistan in 1991, AID's pipeline continues to gush with surplus giveaway money that the American taxpayers have been forced to provide.

Mr. President, the American taxpayers have been forced to provide more than \$250 billion in development and economic aid since AID was created, as a temporary agency in 1961. And AID certainly appears to be doling out cash to any number of nations around the world by making certain that this pipeline of foreign aid will continue to flow well into the next century.

Mr. President, I submit that it's high time that we do something for Americans. This amendment offers a fine opportunity: It will return to the U.S. Treasury \$1 billion in unspent—and unneeded—foreign aid.

## AMENDMENT NO. 5080

(Purpose: To express the Sense of the Senate in opposition to the military overthrow of the government of Burundi and to encourage the swift and prompt end to the current crisis, and for other purposes)

At the appropriate place, insert:

The Senate finds that:

The political situation in the African nation of Burundi has deteriorated and there are reports of a military coup against the elected government of Burundi, and;

The continuing ethnic conflict in Burundi has caused untold suffering among the people of Burundi and has resulted in the deaths of over 150,000 people in the past two years, and;

The attempt to overthrow the government of Burundi makes the possibility of an increase in the tension and the continued slaughter of innocent civilians more likely, and;

The United States and the International Community have an interest in ending the crisis in Burundi before it reaches the level of violence that occurred in Rwanda in 1994 when over 800,000 people died in the war between the Hutu and the Tutsi tribes,

Now, therefore it is the sense of the Senate that:

The United States Senate condemns any violent action intended to overthrow the government of Burundi, and;

Calls on all parties to the conflict in Burundi to exercise restraint in an effort to restore peace, and

Urges the Administration to continue diplomatic efforts at the highest level to find a peaceful resolution to the crisis in Burundi.

## AMENDMENT NO. 5081

(Purpose: To provide for \$15,000,000 earmarked for the American Schools and Hospitals Abroad Program from the Development Assistant Account)

On page 107, line 25, before the period insert the following: “; *Provided further*, That of the amount appropriated under this heading, not less than \$15,000,000 shall be available only for the American Schools and Hospitals Abroad program under section 214 of the Foreign Assistance Act of 1961”.

## AMENDMENT NO. 5082

(Purpose: To provide for \$5,000,000 earmarked for a land and resource management institute to identify nuclear contamination at Chernobyl)

On page 107, line 25, before the period insert the following: “; *Provided further*, That of the amount appropriated under this heading, \$5,000,000 shall be available only for a land and resource management institute to identify nuclear contamination at Chernobyl.”

The PRESIDING OFFICER. The question is on agreeing to the amendments, en bloc.

The amendments (Nos. 5079 through 5082) were agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. LEAHY. I move to lay those motions on the table.

The motions to lay on the table were agreed to.

## AMENDMENT NO. 5026, AS MODIFIED

Mr. MCCONNELL. Mr. President, I ask unanimous consent that I be allowed to modify amendment No. 5026.

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

Mr. MCCONNELL. I send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 148, line 10 through line 13, strike the following language, “That comparable requirements of any similar provision in any other Act shall be applicable only to the extent that funds appropriated by this Act have been previously authorized: *Provided further*,”.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that we complete the debate on Senator BROWN's NATO amendment, that we lay that aside, and proceed to the debate on the Coverdell amendment, with 40 minutes equally divided, at which point we proceed to two rollcall votes.

The PRESIDING OFFICER. Is there objection?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I certainly do not want to hold up the Senate. I would be happy to work out anything that is fair to the parties. I have a statement on an amendment that the managers accepted. I would be happy to do it tomorrow or after—I need about 10 minutes.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. If I could just indicate to the Senate, there is a good chance that the two votes I just mentioned are the last two rollcall votes before final passage. So we are getting very close to the end.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Reserving the right to object, it is my understanding that the Senator from Colorado will be speaking to this. The Senator from Delaware and the Senator from Colorado and I have worked out the problems that we had with the Brown amendment. I understood the unanimous consent to include that as a rollcall vote. It is not my desire to have a rollcall required. The Senator from Colorado is planning on modifying his amendment, so I believe it would be wise to withhold any request for a unanimous consent for a rollcall vote until such time as the amendment is modified.

Mr. REID. Reserving the right to object, I know the leader has a lot of things to do. Everyone has places to go. I have been around here all day. As I indicated, if I could have some time tomorrow to do this, I will do it, or some time at a reasonable hour of the night. But I am not going to agree to final passage until I make a statement on something I think is extremely important.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, reserving the right to object on two

points. The first, like the Senator from Nevada, I rise in part to thank the managers of the bill for accepting earlier in the day an amendment I offered with several colleagues to draw attention to the continuing freedom of indicted war criminals in Bosnia, and to urge we continue to make their apprehension and movement to the Hague a priority for all signatories.

I appreciate if at some point, either before final passage or as the Senator from Nevada has indicated, on a date certain tomorrow, to be able to speak at greater length on that matter.

Reserving the right to object, if I may ask the Senator from Kentucky, through the Chair, along with several colleagues I filed an amendment to reallocate funds for the Korean Peninsula Energy Development Organization. These two colleagues I believe were considering a second-degree amendment, and I wanted to state to the Senator from Kentucky with respect to that, I intend and hope to raise that matter before final passage.

Mr. McCONNELL. Mr. President, let me say I am aware that is not quite tied up yet. My understanding was those discussions were underway.

With regard to the Senator from Nevada, there will be an opportunity for him to speak tonight, but I would like to move ahead on the votes. There will be plenty of opportunity to speak tonight.

Mr. REID. Further reserving the right to object, I am willing to come in early some time tomorrow for morning business.

The PRESIDING OFFICER. Is there an objection to the request of the Senator from Kentucky?

Mr. LEAHY. Mr. President, would the Senator from Kentucky add to his request that before we start the Coverdell and the other matters, that the Senator from New Mexico, Mr. BINGAMAN, would have 2 minutes to speak on an amendment that has already been accepted.

Mr. McCONNELL. Mr. President, I ask unanimous consent that Senator BINGAMAN be allowed to proceed for 2 minutes on an amendment we just passed, prior to the time running on the Brown NATO amendment and the Coverdell amendment.

Mr. REID. Mr. President, again, am I going to be allowed to speak, then, before final passage?

Mr. McCONNELL. We do not have a time set for final passage. It should be no problem.

Mr. REID. No objection.

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

AMENDMENT NO. 5080

Mr. BINGAMAN. Mr. President, I wanted to just speak very briefly about the amendment that was earlier agreed to here in the Senate. It is an amendment cosponsored by Senator KASSEBAUM, Senator SIMON, and Senator FEINGOLD. The purpose of it was to express the sense of the Senate in opposition to the military overthrow of the

Government of Burundi, to encourage the swift and prompt end of the current crisis, and for other purposes.

Mr. President, I rise today to speak about the current situation in Burundi and the growing evidence that the international community may soon face a disaster similar to that which occurred in Rwanda in 1994 and to offer a sense-of-the-Senate resolution condemning the reported coup that is occurring today in Burundi.

Just this past Saturday, 300 people, the majority of whom were women and children, were slaughtered as part of the continuing violence between the Hutu and Tutsi in Burundi. Survivor accounts revealed that many of those killed had their hands and feet tied before being shot in the back of the head. The rest were hacked to death with machetes.

Mr. President, those 300 join the estimated 150,000 who have been murdered over the 2½ years in this small African nation. Those 150,000 join the estimated 500,000 to 800,000 who died in the horrible killing between Hutu and Tutsi in Rwanda in less than 2 months in 1994. Together, almost the equivalent of the population of my home State of New Mexico have died in this troubled part of the world.

Mr. President, I am concerned about the apathy we see regarding the current situation. I am also concerned about the lack of a concerted international effort to prevent another situation like that which occurred in Rwanda in this region.

On Tuesday, the headline in the Washington Post read, Killings Elicit Shock, but No U.N. Action. The article noted that this weekend's massacre of 300 women and children elicited expressions of horror from the members of the Security Council but that none of the member nations, including the United States, gave any sign that the United Nations might take action to halt the killing. Yesterday it was reported that the President of Burundi had taken refuge in the U.S. Ambassador's residence. This take place amid reports of the massive deportation of Hutu refugees from northern Burundi. Just this morning, Reuters is reporting that the army has seized power, outlawed political parties and closed the airport and land borders.

To even a casual viewer it seems clear that Burundi is now on a fast slide down the precipice that its neighbor, Rwanda, slid down in 1994. As Pope John Paul said yesterday, "Burundi continues to sink into an abyss of violence whose victims are drawn from among the weakest in society—children, women and the old. I cannot but state my horror."

Mr. President, in 1994, after the plane carrying the Presidents of Rwanda and Burundi was shot down, the world stood silent while Rwanda exploded in almost unspeakable violence.

While I commend the administration for the diplomatic initiatives it has undertaken prior to this week's events, in

particular the appointment of former Congressman Howard Wolpe to the position of special negotiator for Burundi and Rwanda, those efforts have not been enough. The administration's attention must now be refocused on this crisis. And while there have been those in Congress like my friends and colleagues, Senators KASSEBAUM, FEINGOLD, and SIMON, who have spoken about Burundi and Rwanda, it is now crucial that others begin to stand, and speak, with them as well.

Mr. President, some of the steps we should be supporting include:

Denouncing any extra constitutional seizure of power and making clear that the United States condemns any attempt to take power by illegal means and will not recognize or support any illegal government.

Clearly communicating to the President of Zaire that his support of Hutu rebels who are using Zaire as a springboard into Burundi where they commit unspeakable atrocities will not be tolerated by the United States.

Immediately increasing our diplomatic efforts and conducting those at a sufficiently high level to make clear that the United States is willing to be engaged in any serious effort at halting the current crisis.

Focusing our diplomatic efforts on moving the Organization of African Unity and the international community to begin assembling the regional rapid reaction force that the former President of Tanzania has negotiated with the Government of Burundi.

If the OAU is unable to organize such a force we should be prepared to support other efforts by the U.N. to develop an appropriate response to this crisis.

While I do not believe we should send U.S. ground forces to Burundi, I do believe that the United States should be ready to provide support to a rapid reaction force in the form of logistical, organizational and communications resources.

Strongly urging President Clinton to speak out once again against the violence in Burundi and make clear to the world that the United States has an interest in preventing another genocide.

Mr. President, we need not undertake another Somalia type mission to make a difference in Burundi. It does not require ground troops nor will it require large expenditures. What America can and should provide, however, is leadership and a strong, unwavering voice against the current situation.

The Pope spoke yesterday about the evil that is the ethnic hatred in Burundi and Rwanda. Today, the U.N. Under Secretary General for peacekeeping missions, Kofi Annan, said:

We have to move very quickly before everything blows up in our faces. As it is, history will judge us rather severely for Rwanda. I don't think we can repeat that experience in Burundi. What we need and what we are seeking now is the political will to act.

Mr. President, I agree and I think passage of this resolution will put the

Senate on record as supporting peace in this troubled region.

This resolution puts the Senate on record urging action by our Government at the highest possible diplomatic levels to bring international attention to this problem, and try to bring peace to the situation there before the situation in Burundi deteriorates into the very kind of tragedy we saw in Rwanda in that same region this last year.

Finally, I thank my colleagues for all agreeing to the resolution that we earlier sent to the desk and had approved. I do think it is important that the Senate speak on this important issue as part of this foreign operations bill. I appreciate the courtesy of the Senator from Vermont and the Senator from Kentucky in allowing me to speak at this time. I yield the floor.

AMENDMENT NO. 5018

The PRESIDING OFFICER. Under the previous order there are now 40 minutes of debate equally divided on the Coverdell amendment.

The Senator from Georgia.

Mr. COVERDELL. Mr. President, haggling over this amendment now for quite some period of time, I will put this in perspective. This is an amendment about an epidemic, a drug epidemic that is occurring in the United States.

In the last 36 months, Mr. President, 2 million children in our country have tragically been embroiled in this drug epidemic. That is 2 million sisters or brothers, next-door neighbors, because the drug war was shut down. This is but one of many attempts to reenergize our battle at home and abroad to deal with this drug epidemic.

In 1992, \$462 million was invested in international narcotics law enforcement. In fiscal year 1996, it dropped to \$135 million. I think the President of the United States has recognized this is a serious problem, both for our country and for his administration. So in the 1997 budget, he requested that \$213 million be invested in the international narcotics war. In other words, a turnaround. This bill, both House and Senate, undercut that.

The effort of this amendment is very simple. It is to simply meet the President's request to get it up to \$213 million. Mr. President, how do we do that? Well, first, in this budget for international operations, it appropriates \$31 million more than the President requested—more. So we take \$25 million of that surplus and move it back to help fill President Clinton's request for international narcotics law enforcement.

No. 2, in development assistance, we take a 2 percent across-the-board reduction, \$28 million, and move it over to international narcotics, bringing the appropriation for international narcotics and law enforcement up to the President's request—not a dime more—up to the President's request.

Mr. President, the drug war today, for the first time in history, is being

waged against kids. The last drug epidemic involved people 17 to 21 years of age; this epidemic begins at 8 years old, 8 to 13. They are the target. For us not to meet the President's request for international narcotics in law enforcement does not meet the test of logic, given what is happening to us in our own country. Millions of American families are at risk. Does this solve all of it? No. Is this an important piece of it? Yes. I find it somewhat incredulous that we are arguing over meeting the President's request—not exceeding it, but meeting it.

With that, Mr. President, I yield up to 5 minutes to the distinguished Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I think it has been very clearly noted that the essence of this amendment is: If you care about kids and the problems that they are having with drugs, the best place to fight that effort is before drugs ever get into this country—keeping the drugs out.

I strongly support the amendment to restore funding to the International Narcotics Control budget. In the last several years, beginning in 1993, that budget has been severely cut. Virtually without discussion the INL budget lost almost 30 percent of its funding in 1993. Funding in the last several years has been below the levels in the Bush administration. These cuts were in keeping with the downgrading of drug efforts by the Clinton administration. At the time, the administration did virtually nothing to support its own international counter-narcotics programs in Congress. Although Congress restored some of that funding last year, we still need to close the gap to ensure our international programs are adequately supported. This year I also note a surprising invisibility on the part of the administration to promote funding for its own programs.

As the task force report on National Drug Strategy notes, our overall drug effort needs to be sustained and it needs to be consistent. The administration, however, has done little to sustain its own programs. And there has not been much consistency. We must try to change this.

I am also aware that some members here feel that international programs do not do much to address the problem. To them I would say that responding to the drug problem in this country is a team effort. No single program is the magic solution to success. The problem is multi-dimensional. Our solutions must also be broad and multi-disciplinary. We cannot expect the small amounts of money, compared to the total, that we spend on international efforts to be the sole star of the show. INL programs are a part of the team and we must ensure that it is not the weakest member.

I hope that you will join me in voting for this amendment.

I yield the floor.

Mr. LEAHY. Mr. President, I see the distinguished senior Senator from Kansas on the floor. I ask how much time she may wish.

Mrs. KASSEBAUM. Mr. President, 5 or 6 minutes.

Mr. LEAHY. I yield 6 minutes to the distinguished senior Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I rise to speak in opposition to the amendment offered by my colleague from Georgia. I certainly would agree with him, and I think we all share a concern about the scope of the drug problem in this country. One cannot help but be disturbed by the growing use of life-destructive drugs.

As someone who cares deeply about the youth of this country, I certainly stand second to none in my concern about the destructive impact of drugs on children. I had worked long in community efforts in this area before I even came to the U.S. Senate. I know something about the different types of initiatives that have been undertaken. I also fully agree with the Senator from Georgia that this President has not offered the kind of moral leadership on this issue that we both need and expect. He has not spoken out forcefully against drugs. He has devoted little time to this issue, and until the appointment of General McCaffrey, he has not supported energetically those in his administration working on this problem.

Yet, despite my serious concern about the drug problem in our country, as well as my dismay about the administration's weak response, I must reluctantly oppose the amendment.

Mr. President, as has been pointed out, this amendment would increase U.S. spending for antinarcotics by some \$53 million over the Senate funding level, a level which is already \$45 million over last year's spending. If this amendment is approved, the Senate would nearly double what was spent last year on this program.

In a bill where every account has been straight-lined or decreased, there is absolutely no reason to support a dramatic increase for this program. Let me say why. We all want to help slow the flow of drugs into the United States. I have always been a believer, however, that where there is a demand, there will be a supply. There is a world of money to be made in drugs, and until we can address that in each and every one of our communities, we are not going to be able to effectively stop the supply into this country.

The international antinarcotics program has simply not been an effective use of scarce Federal dollars. To date, we have invested hundreds of millions of dollars in this effort. Yet, worldwide production of illicit drugs has increased dramatically. Over the past decade, just 10 years, opium and marijuana production has roughly doubled, and coca production has tripled. For example, since 1990, the United States has spent over \$500 million on

antinarotics programs in Colombia alone. Yet, drug production in Colombia remains high, and the administration could not even certify Colombia as cooperating on antinarotics programs.

Mr. President, the reality is that world production and supply of narcotics vastly exceeds world demand. Even under the best case scenario, global supply reductions are unlikely to have even a minimal effect on our domestic drug problem.

I fully appreciate the sentiments of my colleague from Georgia, and I agree with him. We all understand the destructive power of drugs, and we all want to end the flow of narcotics into the United States. But throwing more and more money at failed solutions simply does not make sense. I urge my colleagues to oppose the Coverdell amendment.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, we have been working very diligently with a number of Senators and the Democratic leader to reach some unanimous consent agreements that are very important for the body. If the Members will give me a few minutes, we can go through a number of these. The time will not count against anyone's time.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the time not be taken out of the amendments.

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

#### HEALTH COVERAGE AVAILABILITY AND AFFORDABILITY ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate insist on its amendments with respect to H.R. 3103, the health care reform bill, the Senate agree to the request for a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

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

The Presiding Officer appointed Mr. ROTH, Mrs. KASSEBAUM, Mr. LOTT, Mr. KENNEDY, and Mr. MOYNIHAN conferees on the part of the Senate.

Mr. LOTT. Mr. President, before we go to the other unanimous-consent requests, I again want to thank the distinguished Democratic leader for his efforts in this. He has worked very hard to get a medical savings account agreement. Senator KENNEDY has been involved in that. Senator KASSEBAUM has been very helpful in working to get a medical savings account agreement. We did come to an understanding on medical savings accounts, today. Therefore, we now can go forward with appointing conferees to resolve the balance of the issues. I am prepared to give to the Democratic leader the language that we will be working on in conference as soon as we complete these unanimous-consent requests.

Would the Democratic leader like to comment?

Mr. DASCHLE. Mr. President, I will have more to say about this later on this evening. But let me just take a moment at this point to thank the distinguished majority leader for the effort that he has put forth over the last couple of weeks in particular. Were it not for the cooperation that we were able to demonstrate on both sides, especially from the majority leader, I do not know that we would be here tonight.

Let me also compliment the distinguished Senator from Massachusetts. No one has been more relentless and more cooperative and more helpful in providing us with ways in which to resolve the many complicated aspects to this negotiated settlement than has the distinguished Senator from Massachusetts. I thank him, as well as the chair of the committee, the distinguished Senator from Kansas.

This has been a very cooperative effort in the last several days. It has taken a lot to get to this point. We are here, and I applaud all of those who had a part to play in it, in particular the majority leader and the Senator from Massachusetts.

Mr. KENNEDY. Will the Senator yield?

Mr. LOTT. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to join in commending both the majority leader and the minority leader for giving such support and encouragement towards reaching this important agreement which hopefully will free us to move forward on the underlying issue, which is portability and the elimination of the preexisting condition for millions of Americans. This is legislation that reflected strong bipartisan support under the leadership of Senator KASSEBAUM and the Republicans and Democrats on that committee.

I think this agreement, which includes a real, fair test of some 750,000 policies and other consumer protections, will, I think, provide for a test of this concept. But most importantly, what it will do is move us closer to the day when we can provide for the 25 million Americans that have preexisting conditions and for the millions of Americans who want portability to achieve this goal.

This has been a time where there has been strong views on certain issues. But I think it is a real tribute to both of our leaders and the persistence of Senator KASSEBAUM, as well as the leadership of Mr. ARCHER over in the House of Representatives, that we have been able to move this process forward.

I want to say how much I look forward to working with the majority leader and the other conferees to moving to the conclusion of the conference. But I join others in thanking Senator LOTT and Senator KASSEBAUM—and Senator DASCHLE, who has been such a strong supporter of moving this process forward. I thank them for their very strong support for this conclusion.

Mr. LOTT. I thank the Senator from Massachusetts.

Mr. President, I now ask unanimous consent that the Senate insist on its amendments with respect to H.R. 3448, the small business tax relief package, the Senate then agree to the request for a conference with the House, and the chair be authorized to appoint conferees on the part of the Senate.

There being no objection, the Presiding Officer (Mr. BENNETT) appointed, from the Committee on Labor and Human Resources, Mrs. KASSEBAUM, Mr. JEFFORDS, and KENNEDY, and from the Committee on Finance, Mr. ROTH, Mr. CHAFEE, Mr. GRASSLEY, Mr. HATCH, Mr. SIMPSON, Mr. PRESSLER, Mr. MOYNIHAN, Mr. BAUCUS, Mr. BRADLEY, Mr. PRYOR, and Mr. ROCKEFELLER conferees on the part of the Senate.

Mr. LOTT. Mr. President, Senator DASCHLE and I have been working with the chairman of the Finance Committee and Senators D'AMATO, MOYNIHAN, and REID, with regard to an issue involved in this conference. And the chairman of the Finance Committee has assured me, Senator D'AMATO, and Senator MOYNIHAN that the language, under this legislation, with regard to electric and gas utilities that are eligible for the two-county local furnishing rule under current law, will not cause them to lose their ability to issue tax-exempt bonds, including their ability to expand service within the counties and the cities they presently serve.

Mr. DASCHLE. Mr. President, I indicated to both New York Senators my desire to work with the majority leader to ensure that we are able to address their concerns to their satisfaction. I am sure that we can do that, and we will work with the two Senators from New York to make that a part of whatever agreement we reach in conference.

Let me also say that with regard to both conferences, the distinguished majority leader has indicated his desire to make these truly bipartisan conferences. He has given me that assurance on the floor on a number of occasions. He has related and reiterated his determination to make that happen privately to me on many occasions.

So, indeed, my expectation is that in both of these conferences we will have true bipartisanship in an effort to involve every Member of these delegations. That is the reason we appoint both Democrats and Republicans. I am very hopeful that our work can proceed in a way that will allow us to complete the work on these bills sometime in the very near future. Working together, I am quite sure that can happen.

Again, I appreciate his assurances that we will see that bipartisanship through the deliberations of both of these conferences.

Mr. LOTT. Mr. President, if I could respond to that. First, the conferees on the welfare reform package did meet today—both parties—and I understand they are going to be meeting again in the morning, to work through the differences between the two bodies.