as a matter of principle inasmuch as it diminishes the intrinsic value of veteran status. This would be but one step in undermining the fortification of veteran status against the capricious overreactions of those who would revoke it in the name of any popular cause or crusade or would find it a convenient target against which they could direct their frustration. If enacted into law, this will make veterans more vulnerable to oblique attacks or indirect punishment for unrelated matters. Again, once veteran status is earned, it should be a protected and an irrevocable right, not to be taken away because of subsequent unrelated events, except for serious crimes against the nation. Preservation of the high esteem of veteran status promotes patriotic ideals and national unity, and is in the best interest of the Nation as a whole.

H.R. 2040, introduced by Committee Chairman Stump on behalf of himself, Mr. Evans, Mr. Skelton, Mr. Bachus, Mr. Everett, Mr. Filner, Mr. Quinn, Mr. Clyburn, and Mr. Stearns, would preclude burial in a federally funded cemetery for persons guilty of first-degree murder of certain Federal officials and law enforcement personnel in conjunction with the commission of certain other Federal crimes. This bill does not have the objectionable effects of S. 923.

H.R. 2040 would impose this bar by amending section 2402 of title 38, United States Code, to exclude from eligibility for burial in federally funded cemeteries those who have been convicted of, or are shown to have committed, the crimes specified. In addition to first-degree murder of Federal officers or employees as provided in section 1114 of title 18, United States Code, the persons excluded must have committed one of the following crimes: damage or destruction or attempted damage or destruction by fire or an explosive of Federal property, as provided under section 844(f) of title 18, United States Code; use of a weapon of mass destruction, as prohibited under section 2332a of title 18, United States Code; acts of terrorism, as prohibited under section 2332b of title 18, United States Code; use of chemical weapons, as prohibited under section 2332c of title 18, United States Code; providing material support to terrorists within the United States, as prohibited under section 2339A of title 18, United States Code; or providing material support or resources to foreign terrorists, as prohibited under section 2339B of title 18, United States Code. Such persons would be ineligible for burial in Arlington National Cemetery, any cemetery of the National Cemetery System, or any state cemetery for which a grant has been approved or provided under section 2408 of title 18, United States Code. This prohibition would apply to applications for burial or interment made on or after the date of enactment of the legislation.

While we do not wish to understate the gravity of capital offenses, the disqualifying crimes are of a character and magnitude to be distinguishable from the other numerous capital offenses generally. Moreover, the question of who should be permitted to be buried in our national cemeteries is different from the question of who should have rights as veterans generally. There are valid reasons to prevent persons committing these crimes from being buried in the places of honor set aside for our Nation's most gallant and beloved sons and daughters. First, such persons are themselves unworthy of the honor of burial in these hallowed shrines. Second, to permit persons of such depravity to be buried in the midst of those who fully deserve the honor and tribute, belittles that honor, mocks that tribute, and defeats the special purpose of these places of dignity and sanctity. The national and other federally funded veterans cemeteries serve as a lasting testimonial to this Nation's gratitude for the sacrifices of its veterans. Being an enduring symbol of the special honor our Nation reserves for its veterans to memorialize their bravery, patriotic deeds, and glory, the renown of these sanctuaries resides in the character of those buried there. It is therefore unfair to our other noble veterans to permit persons who have acted so dishonorably through the commission of such heinous crimes to be buried alongside of them.

H.R. 2040 appropriately responds to concerns that our veterans' cemeteries not be degraded by interment of persons who wear a badge of infamy. The class of persons barred by H.R. 2040 is very carefully tailored to exclude from eligibility those who commit the type of crimes warranting such action, and this bill does not include more reactive provisions and sweeping forfeiture that has inappropriate implications and disturbs the integrity of veterans status itself.

The veterans group does have some questions of a purely technical nature about H.R. 2040, however. To bar those who have not been convicted by a court due to unavailability for trial but who are nonetheless shown to have committed disqualifying crimes, H.R. 2040 provides for an administrative determination of ineligibility. Subparagraph (B) of the new subsection (b) excludes burial eligibility for ''a person shown to the appropriate Secretary by clear and convincing evidence, after an opportunity for a hearing in such manner as such Secretary may prescribe, to have committed a crime described in both clauses (i) and (ii) of subparagraph (A) but has not been convicted of such crimes by reason of such person not being available for trial due to death, flight to avoid prosecution, or determination of insanity.''

Although it presents no serious concern, the practical effect of subparagraph (B) in the case of unavailability for trial due to death or flight to avoid prosecution is questionable. If the person has not been tried due to death, he or she would either already be interred or inurned in a nongovernment cemetery or mausoleum, would already be interred or inurned in a federally funded cemetery covered by this bill, or might be in a mortuary. In the first instance, the question of interment in a veterans' cemetery would seem an unlikely one. In the second instance, if the person's crimes were not learned until after burial in a veterans' cemetery, for example, would disqualification under this section require disinterment, and if so, who would bear the costs of such disinterment? In the third instance, where the person was killed at the time of the crime and the body is awaiting burial, for example, the requirement of an administrative hearing might effectively bar burial regardless of the proper disposition of the issue if the bureaucracy moves at its usual speed. It is also unclear how the issue of eligibility would arise if the person is a live fugitive, unless this provision is to be interpreted as requiring a preemptive administrative determination, which would seem unnecessary given the possible eventualities that there may never be a request for burial of such person in a federally funded cemetery; that the person will be apprehended and tried, making this subparagraph inapplicable; or that the issue will arise upon the person's death, which of course then returns us to the questions about implementation in the case of a deceased person. (Recognizing that, in their proceedings, administrative tribunals do not apply the standard of proof beyond a reasonable doubt. The American Legion is nonetheless also concerned that the presumption of innocence is rebutted by less conclusive proof in the administrative proceedings under subparagraph (B) than in criminal trials.)

As written, subparagraph (B) applies to those who have not been ''convicted'' because of ''not being available for trial.'' Thus, it would not, and should not, apply to persons tried and found not guilty by reason of insanity. For simple clarity and to ensure this causes no hesitation or possibility of misinterpretation by administrative personnel, the veterans group suggests that ''determination of incompetence to stand trial'' or language of similar import might be more appropriate.

It appears that there would be a right of appeal on any adverse determination with respect to burial in a national cemetery under section 2402. Under section 7104 of title 38, United States Code, the Board of Veterans' Appeals has jurisdiction to review any decision of the Secretary of Veterans Affairs on the provision of benefits in accordance with the Secretary's authority under section 511 of title 38. H.R. 2040 appears to leave unanswered the collateral question of the right of and process for administrative or judicial appeal from adverse determinations of the Secretary of the Army regarding Arlington National Cemetery, however. The Committee may wish to amend H.R. 2040 to resolve this question.

Other than these minor technical matters, H.R. 2040 appears to be carefully crafted to accomplish its goal of maintaining the stature of our veterans' cemeteries. The veterans group is especially appreciative of the sponsors' careful, wise, and thoughtful approach to this sensitive issue and urges this Committee to take the same approach and favor this bill over S. 923. The veterans group is also especially grateful for the Chairman's leadership on this matter and the advice he has given sponsors of other related bills.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

Mr. CUMMINGS. Mr. Speaker, I rise today in opposition to the rule and to advocate on behalf of full funding for the National Endowment for the Arts [NEA]. In creating the NEA in 1965, this institution wisely noted:

An advanced civilization must not limit its efforts to science and technology alone but give full value and support to other great branches of scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future.

Mr. Speaker, the arts are the heart of our Nation and the NEA is the heart of the arts. Today, there are those who would rip out the heart of the artistic community.

Current funding for the National Endowment for the Arts is certainly a modest effort. It accounts for less than one one-hundredth of 1 percent of our Federal budget. We should already be embarrassed at the amount of public support for the arts. Each year Americans pay just 38 cents of their taxes to support the arts. In Canada and France, per capita support for the arts is $32.

But the impact of this small program is immeasurable. Today, more Americans have access to the arts than ever before. The NEA funds projects in small cities and rural areas where corporate and foundation dollars never

reach. It is the NEA funds that attract other moneys in these otherwise neglected areas of our country.

Since its inception in 1965, the number of symphony orchestras has quadrupled, the number of theaters has increased eight times, and the number of dance companies has gone from 37 to over 250. Each year, the Arts Endowment opens the door to the arts for millions of schoolchildren, including many at-risk youth.

The arts make an extraordinary contribution to the lives of our citizens. Not only do they improve the quality of life, but they are also a significant industry and powerful force in the economic development of our cities, towns, and communities. They contribute far more to the economy than they receive in public funding. The not-for-profit arts create $37 billion in economic activity, $634 million in my home State of Maryland alone. This economic activity supports 1.3 million jobs nationwide. As a result, $3.4 billion—20 times the budget of the NEA—is returned to the Federal treasury through income taxes.

The few isolated cases of controversial art work are not an accurate representation of the thousands of grants the NEA gives out each year. Distorting the truth is a tactic that opponents of the Endowment must engage in because their view is contrary to public opinion. A recent Lou Harris poll indicates that 61 percent of Americans ''would be willing to pay $5 more per year in taxes to support Federal Government efforts in the arts.''

But the voice of the American people often falls on deaf ears here on Capitol Hill. A diversity of opinions, a marketplace of ideas—those are the ideals upon which this country was founded. Must we burn the entire orchard if there are a few apples that are not to our liking?

Join me to help lend a voice to the painters and the sculptors, the singers and the musicians and the actors—the artists of this country. Join me in saving the National Endowment for the Arts. Join me in saving the spirit of this Nation. Esteemed colleagues, I urge you to join me in opposing this rule.

THE BALTIC STATES ARE NOT FORMER SOVIET REPUBLICS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

Mr. SOLOMON. Mr. Speaker, NATO member countries met in Madrid earlier this week and announced support for a limited round of enlargement to include Poland, Hungary, and the Czech Republic. I was proud to participate in these historic events.

While I believe NATO's announcement should have rightfully included Estonia, Latvia, Lithuania, Romania, and Slovenia, I hope and trust NATO will take steps to enhance the security of countries not named and on a concrete mechanism for a second round of enlargement. Indeed, the U.S. delegation to the summit, led by President Clinton, was successful in inserting language into the final communiqué that clearly leaves the door open to further new members.

The Russian Government will no doubt marshal its forces to prevent any further enlargement. Over the last year, the Russian Government has repeatedly and vociferously indicated its opposition to NATO enlargement in principle. While it has toned down its general opposition to any first round of enlargement to Central Europe following the signing of the Founding Act, it has attempted to draw the line at any countries it considers former Soviet Republics. To those making the decisions in the Russian Government, former Soviet Republics include Estonia, Latvia, and Lithuania.

Yet, to take Russia's understanding of which countries are former Soviet Republics would be both wrong and historically inaccurate. Under international law and underscored by 50 years of United States nonrecognition policy toward the Baltic States, these countries were never Soviet Republics. Instead, these nations were forcibly occupied against their will for 50 years under the nefarious terms of the Nazi-Soviet Pact of 1939 and its secret protocols.

Mr. Speaker, I ask unanimous consent to place in the RECORD the text of the Nazi-Soviet Pact, which proves definitively that the Baltics became part of the Soviet Empire not voluntarily, but due to the evil machinations of the two worst dictatorships of this century.

NONAGGRESSION PACT BETWEEN GERMANY AND THE UNION OF SOVIET SOCIALIST REPUBLICS

The Government of the German Reich and the Government of the Union of Soviet Socialist Republics, led by the desire to consolidate peace between Germany and the USSR, and on the basis of the fundamental provisions of the Treaty of Neutrality signed in April 1926 between Germany and the USSR, have arrived at the following agreement.

ARTICLE I

Both parties to the treaty are obligated to refrain from any aggressive act and any attack on each other, either individually or jointly with other powers.

ARTICLE II

In the case that one of the parties to the treaty should become the object of belligerance on the part of a third power, the other party shall not support the third power in any way.

ARTICLE III

The Governments of both contracting parties shall in the future remain constantly in contact with each other in order to keep each other informed about their common interests.

ARTICLE IV

Neither of the two contracting parties shall participate in any power alignment aimed directly or indirectly at the other party.

ARTICLE V

In the case that disputes or conflicts should arise between the two contracting parties over questions of this or that kind, both paties shall settle these disputes or conflicts exclusively through a friendly exchange of opinion or, if need be, through the intermediary of an arbitration commission.

ARTICLE VI

The present treaty shall be valid for 10 years, subject to the proviso that unless one of the contracting parties terminates it one year before this period is up, the treaty will automatically continue in force for an additional five years.

ARTICLE VII

The present treaty shall be ratified within the shortest possible time. The documents of ratification shall be exchanged in Berlin. The treaty shall take effect immediately upon ratification.

Prepared in two versions, Russian and German.

Moscow, August 23, 1939.

VON RIBBENTROP.
(For the Government of the German Reich).

V. MOLOTOV,
(For the Government of the USSR).

SECRET SUPPLEMENTARY PROTOCOL

On the occasion of the ratification of the non-aggression pact between the German Reich and the Union of Soviet Socialist Republics, the delegates of both parties, undersigned below, held a highly confidential discussion concering delimitation of the spheres of interest of both parties in Eastern Europe. This discussion led to the following results:

1. In the case of territorial-political reorganization in the territories belonging to the Baltic States (Finland, Estonia, Latvia, and Lithuania), the northern boundary of Lithuania also forms the boundary of the spheres of interest of Germany and the USSR. The interests of Lithuania in the territory of Vilna are recognized in this connection.

2. In the event of a territorial-political reorganization of the areas belonging to the Polish nation, the spheres of interest of Germany and the USSR are approximately demarcated by the lines of the Narew, Vistula, and San Rivers.

The question as to whether bilateral interests make the maintenance of an independent Polish state seem desirable, and how this state would be demarcated, can only be determined definitively in the course of further political developments.

In each case both Governments will solve the question by amicable agreement.

3. As regards southeastern Europe, Soviet interest in Bessarabia is emphasized. The German side declares its complete lack of interest in these areas.6

4. This protocol will be treated as top secret by both sides.

VON RIBBENTROP,
(For the Government of the German Reich).

V. MOLOTOV,
(On the authority of the Government of the USSR).

(Blurred stamp in upper right-hand corner says: ''Return to office of the Reich Foreign Minister'')

SECRET SUPPLEMENTARY PROTOCOL

The undersigned delegates establish agreement between the Government of the German Reich and the Government of the USSR concerning the following matters:

The secret supplementary protocol signed on August 23, 1939 is amended at No. 1 in that the territory of Lithuania comes under the USSR sphere of interest, because on the other side the administrative district ''Woywodschaft'' of Lublin and parts of the administrative district of Warsaw come under the German sphere of influence (cf. map accompanying the boundary and friendship treaties ratified today). As soon as the Government of the USSR takes special measures to safeguard its interests on Lithuanian territory, the present German/Lithuanian border will be rectified in the interests of simple and natural delimitation, so that the territory of Lithuania lying southwest of the line drawn on the accompanying map will fall to Germany.

It is further established that the economic arrangements in force at the present time between Germany and Lithuania will be in