

SAFE AND SOBER STREETS ACT

• Mr. LAUTENBERG. Mr. President, on March 10, 1997, I introduced S. 412, the Safe and Sober Streets Act of 1997. I now ask that the text of the bill be printed in the RECORD.

The bill text follows:

S. 412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe and Sober Streets Act of 1997".

SEC. 2. STANDARD TO PROHIBIT OPERATION OF MOTOR VEHICLES BY INTOXICATED INDIVIDUALS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 162. National standard to prohibit the operation of motor vehicles by intoxicated individuals

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 2001.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(3), and 104(b)(5)(B) on October 1, 2000, if the State does not meet the requirement of paragraph (3) on that date.

"(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(3), and 104(b)(5)(B) on October 1, 2001, and on October 1, of each fiscal year thereafter, if the State does not meet the requirement of paragraph (3) on that date.

"(3) REQUIREMENT.—A State meets the requirement of this paragraph if the State has enacted and is enforcing a law that considers an individual who has an alcohol concentration of 0.08 percent or greater while operating a motor vehicle in the State to be driving—

"(A) while intoxicated; or

"(B) under the influence of alcohol.

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2002.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2002, shall remain available until the end of the third fiscal year following the fiscal year for which those funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2002.—No funds withheld under this section from apportionment to any State after September 30, 2002, shall be available for apportionment to that State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld from apportionment under subsection (a) are to remain available for apportionment to a State under paragraph (1), the State meets the requirement of subsection (a)(3), the Secretary shall, on the first day on which the State meets that requirement, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

"(A) IN GENERAL.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year during which those funds are so apportioned.

"(B) TREATMENT OF CERTAIN FUNDS.—Sums not obligated at the end of the period referred to in subparagraph (A) shall—

"(i) lapse; or

"(ii) in the case of funds apportioned under section 104(b)(5)(B), lapse and be made available by the Secretary for projects in accordance with section 118.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld from apportionment under subsection (a) are available for apportionment to a State under paragraph (1), the State does not meet the requirement of subsection (a)(3), those funds shall—

"(A) lapse; or

"(B) in the case of funds withheld from apportionment under section 104(b)(5)(B), lapse and be made available by the Secretary for projects in accordance with section 118."

"(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"162. National standard to prohibit the operation of motor vehicles by intoxicated individuals."•

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 83-420, as amended by Public Law 99-371, appoints the Senator from Arizona [Mr. MCCAIN] to the Board of Trustees of Gallaudet University.

The Chair, on behalf of the Vice President, in accordance with Public Law 81-754, as amended by Public Law 93-536 and Public Law 100-365, appoints the Senator from Vermont [Mr. JEFFORDS] to the National Historical Publications and Records Commission.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ROTH. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the executive calendar: Calendar No. 41.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination was considered and confirmed as follows:

DEPARTMENT OF JUSTICE

Lyle Weir Swenson, of South Dakota, to be United States Marshal for the District of South Dakota for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

REGARDING UNITED STATES OPPOSITION TO THE PRISON SENTENCE OF TIBETAN ETHNOMUSICOLOGIST NGAWANG CHOEPHEL

Mr. ROTH. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar order No. 22, Senate Resolution 19.

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

The legislative clerk read as follows:

A resolution (S. Res. 19) expressing the sense of the Senate regarding United States opposition to the prison sentence of Tibetan ethnomusicologist Ngawang Choephel by the Government of the People's Republic of China.

The Senate proceeded to consider the resolution.

Mr. HELMS. Mr. President, Ngawang Choephel is lonely, locked up in a Chinese prison in Tibet. I do hope, Mr. President, that somehow, through Radio Free Asia or other means, he will learn that the Senate of the United States is sincerely concerned about him and will continue to work for his freedom—as we will for all prisoners of conscience in China and Tibet.

Senate Resolution 19 proposes to put the U.S. Senate on record in support of the release of Mr. Choephel, a strong resolution on China and Tibet at the U.N. Human Rights Commission in Geneva and access to Tibet for internationally recognized human rights group.

This resolution assures Tibetans—those in Nepal and India where they wait for the day they can reclaim their homeland, and those inside Tibet where they resist the cultural, religious, and political oppression of the Chinese Central Government—we in the United States have not forgotten you. We are with you. We will always be with you.

Yesterday, March 10, was Tibet National Uprising Day, the anniversary of Tibet's 1959 uprising against the Chinese occupation.

For almost 40 years, the Tibetan people have been resisting Chinese occupation, while working to preserve their culture in exile in India and Nepal. Repression inside Tibet has been raised to a level not seen since the Cultural Revolution. China has absorbed large portions of Tibet into neighboring provinces and conducted a concerted campaign to dilute Tibet's population through the relocation of Han Chinese. Tibet's leaders fear that Tibetans are now in the minority inside Tibet.

China seeks to limit the number of young people who enter religious life. Monks are forced to undergo political indoctrination and to renounce the Dalai Lama. The Dalai Lama himself is the focus of virulent attacks. His photograph is banned. China has detained the Panchen Lama, a young boy who is the reincarnation of Tibet's second most important religious figure, and selected its own rival Panchen Lama. The number of political prisoners has

increased dramatically—Ngawang Choephel, the subject of this resolution is just one case. There are many, many others.

Yesterday was also the opening day of the U.N. Human Rights Commission in Geneva. Mr. President, Senate Resolution 19 reminds President Clinton and his administration of their responsibility to support and bring about the passage of a strong resolution on China and Tibet at Geneva, and to raise relentlessly Mr. Choephel's case, and other cases, with the Chinese Government, while pressing for access to Tibet by human rights monitors.

The administration must take this responsibility seriously and sincerely. However, according to news reports, the administration's position on a China resolution at the Commission is just a bargaining chip in United States-China relations. There are frequent reports that the United States may drop, or soften, a resolution at Geneva in exchange for some future progress on human rights in China.

We have been down this road before with the administration. It is difficult to fathom what the administration believes it is achieving by rushing to entice China with softer positions on human rights, on proliferation, or on Hong Kong. Last year, the administration itself reports, human rights in China deteriorated. The President himself admitted that his engagement policy has not brought results. It makes no sense to mute or abandon our objections to China's record at the U.N. Human Rights Commission in exchange for nebulous commitments. The administration must tell the truth at Geneva.

In Burma, as well, the administration has recognized a marked deterioration in human rights over the past year. For several months, the administration has been reviewing its policy toward Burma in order to determine whether to impose a ban on new United States investment. The administration last year signed into a law specifying criteria for imposing an investment ban—first, restrictions on, physical harm to, or the exile of Aung San Suu Kyi, or second, widespread repression of the democratic opposition.

The SLORC regime is doing both, and the administration knows it. Since last summer, the SLORC has conducted a campaign of intimidation, arrests, disappearances, and some executions of democratic activists, and those close to them. Aung San Suu Kyi has repeatedly been kept from meeting and communicating with her supporters. Her phone service has been periodically cut. Her car was attacked.

Throughout all of this, the administration continued to review the law. It's time to follow the law. By failing to do so, the administration has signaled both the SLORC and our allies in the region that the United States isn't serious about supporting democracy or combating drug trafficking in Burma.

Now comes a new tragedy in Burma. For the past few weeks, the SLORC has been waging a campaign against the

ethnic Karen rebels, the only major ethnic army which has not yet signed a cease-fire with the regime. The Karen, who are Christian, will not submit to SLORC's control. The Thai Army has been repatriating refugees to Burma—in violation of international law. The carnage on the border provides yet another reason to invoke sanctions on the SLORC regime not just because it's the decent thing to do, but because U.S. law requires it.

The Karen National Union was one of several ethnic nationalities which agreed in January to a common platform of support for democracy, opposition to Burma's membership in ASEAN, rejection of the rigged constitutional convention and the SLORC's cosmetic actions against narcotics production and trafficking, and opposition to foreign investment.

The Karen National Union is part of the democratic opposition in Burma. The massive and brutal attacks on the KNU by the SLORC regime clearly trigger the Cohen-Feinstein condition on widespread repression of the democratic opposition.

Mr. MOYNIHAN. Mr. President, yesterday, March 10, marked the 38th anniversary of the Tibetan uprising, at a time when many Tibetan citizens gave their lives to defend their freedom and to prevent the Dalai Lama from being kidnapped by the Chinese Army. For those who stand with the Tibetan people, it is a day to consider what can be done to lend support to their aspirations. The United States Senate will mark the occasion by adopting this resolution Senate Resolution 19, introduced on the first day of the 105th Congress, condemning the egregious prison sentence imposed by the Chinese Government on Ngawang Choephel. The Foreign Relations Committee has considered the measure and unanimously reported-out the resolution last week.

Mr. Choephel, a Tibetan ethnomusicologist and Fulbright Scholar, returned to Tibet in July 1995 to prepare a documentary film about traditional Tibetan performing arts. He was detained in August 1995 by the Chinese authorities and held incommunicado for over a year before the Government of the People's Republic of China admitted to holding him, and finally charged him with espionage in October 1996.

On December 26, 1996, the Chinese Government sentenced Ngawang Choephel to an 18-year prison term plus 4 years subsequent deprivation of his political rights following a secret trial. This is the most severe sentence of a Tibetan by the Chinese Government in 7 years.

The imprisonment of Ngawang Choephel reflects the broader conflict between Tibetans and Chinese. Mr. Choephel's arrest, and harsh sentence, appear to stem from his collecting information to preserve Tibetan performing arts. Such treatment of Tibetans is indicative of the extreme measures the Chinese Government continues to take to repress all forms of Tibetan cultural expression. To the

Chinese Government, which views Tibetan religion and culture as an impediment to successfully unifying Tibet with the "motherland," such efforts are reactionary. As we have seen, they are so threatening that Mr. Choephel has been sentenced to 18 years imprisonment for his efforts. The New York Times editorial on January 2 explains:

The basis of Ngawang Choephel's conviction is unclear, but even taping Tibetan culture for export could qualify as espionage under Chinese law. Since its invasion of Tibet in 1950, Beijing has gradually increased its efforts to erase Tibet's identity. China has arrested those who protested the takeover and tried to eradicate the people's affection for the leader of Tibetan Buddhism, the Dalai Lama.

My first encounter with this transcending issue came with my appointment as Ambassador to India a near quarter-century ago. In 1975, along with my daughter Maura Moynihan, I visited China as a guest of George Bush, who was then Chief of our U.S. Liaison Office in Peking. By this time, I was persuaded the Soviet Union would break up along ethnic lines. But I was not prepared for the intensity of ethnic tensions in the People's Republic. One was met at the Canton railroad station by a giant mural of Mao surrounded by ecstatic non-Chinese peoples who occupy more than half the nominal territory of the People's Republic. In Beijing, 3-year-olds in the Neighborhood Revolutionary Committee of Chi Eh Tao nursery school sang a patriotic song for us which began:

We will grow up quickly to settle the border regions. We will denounce and crush Lin Piao and Confucious

A refrain which ended:

We will each grow a pair of industrial hands.

Much of that Stalinoid dementia has disappeared from the coastal regions of China, at least for the moment, but not from Tibet. My daughter Maura has traveled to Tibet several times. After her most recent trip last year, she wrote in the Washington Post of the Chinese assault on Tibetan religion and culture:

Beijing's leaders have renewed their assault on Tibetan culture, especially Buddhism, with an alarming vehemence. The rhetoric and the methods of the Cultural Revolution of the 1960s have been resurrected—reincarnated, what you will—to shape an aggressive campaign to vilify the Dalai Lama.

The resolution before us records the United States Senate's response to these Chinese policies. We reject Chinese efforts to "erase Tibet's identity" and their "assault on Tibetan culture." Tibetans must be free, not only to preserve their identity and culture, but to determine their future for themselves.

In the words of the International Commission of Jurists in 1960, "Tibet demonstrated from 1913 to 1950 the conditions of statehood as generally accepted under international law." The

Government of the People's Republic of China should know that as the Tibetan people and His Holiness the Dalai Lama of Tibet go forward on their journey toward freedom the Congress and the people of the United States stand with them.

I thank all my colleagues who have cosponsored this resolution. In particular I would like to recognize the long commitment that the chairman of the Foreign Relations Committee Senator HELMS, has shown in support of Tibetans and thank him for joining me in this effort today. I would also thank both Senators from Vermont, who have remained engaged in this matter since it was made known and for their joining me as a cosponsor of this measure.

Mr. FEINGOLD. Mr. President, I rise today to commend the Senate's passage of Senate Resolution 19, regarding United States opposition to the prison sentence of Tibetan ethno-musicologist Ngawang Choephel by the Government of the People's Republic of China. I am proud to be an original cosponsor of this resolution, which was introduced by Senator MOYNIHAN, and was successfully reported out of the Senate Foreign Relations Committee last week.

This resolution expresses the Senate's strong sense that Ngawang Choephel should be released from the prison where he has been held in since 1995. It also urges the United States to raise the issue of his release with Chinese officials, to promote a resolution at the U.N. Human Rights Commission, and to seek access for human rights monitors in Tibet.

Mr. Choephel, a Tibetan national who—with the support of a Fulbright scholarship—studied ethno-musicology at Middlebury College in Vermont, was detained by the Chinese authorities in Tibet in August 1995. After being held incommunicado for a year, he was charged with espionage in October 1996. In December of that year, the Chinese sentenced him to a 18-year prison term following a secret trial.

Mr. Choephel was preparing a documentary film about traditional Tibetan performing arts when he was detained. The State Department says there is no evidence that his activities were anything but academic. Unfortunately, Mr. Choephel's arrest and sentence appear consistent with previous Chinese actions to repress cultural expression in Tibet.

The U.S. State Department and several human rights organizations, including Amnesty International and Human Rights Watch, note that China consistently denies Tibetans their fundamental human rights. According to the most recent State Department Human Rights report, Chinese authorities continue to commit widespread and well-documented human rights abuse, in violation of internationally accepted norms. Credible reports include instances of death in detention, torture, arbitrary arrest, detention without public trial, and intensified controls on religion and on freedom of

speech and the press, particularly for ethnic Tibetans.

Since its occupation of Tibet in 1949, the Chinese have also been responsible for the destruction of much of Tibetan civilization. The arrest of Mr. Choephel, who was engaged in efforts to preserve Tibetan culture, reflects China's systematic attempt to repress cultural expression in Tibet.

It is crucial that the Senate continue to send the signal that human rights abuses should not be tolerated, and should figure prominently in foreign policy deliberations. As a member of the Senate Subcommittee on Asia, I feel that the United States must continue to urge China to respect Tibet's unique religious, linguistic, and cultural traditions and observe fundamental human rights in Tibet and elsewhere.

Mr. ROTH. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at this point in the RECORD.

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

The resolution (S. Res. 19) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 19

Whereas the Chinese Government sentenced Ngawang Choephel to an 18 year prison term plus 4 years subsequent deprivation of his political rights on December 26, 1996, following a secret trial;

Whereas Mr. Choephel is a Tibetan national whose family fled Chinese oppression to live in exile in India in 1968;

Whereas Mr. Choephel studied ethnomusicology at Middlebury College in Vermont as a Fulbright Scholar, and at the Tibetan Institute of Performing Arts in Dharamsala, India;

Whereas Mr. Choephel returned to Tibet in July 1995 to prepare a documentary film about traditional Tibetan performing arts;

Whereas Mr. Choephel was detained in August 1995 by the Chinese authorities and held incommunicado for over a year before the Government of the People's Republic of China admitted to holding him, and finally charged him with espionage in October 1996;

Whereas there is no evidence that Mr. Choephel's activities in Tibet involved anything other than purely academic research;

Whereas the Government of the People's Republic of China denies Tibetans their fundamental human rights, as reported in the State Department's Country Reports on Human Rights Practices, and by human rights organizations including Amnesty International and Human Rights Watch, Asia;

Whereas the Government of the People's Republic of China is responsible for the destruction of much of Tibetan civilization since its invasion of Tibet in 1949;

Whereas the arrest of a Tibetan scholar, such as Mr. Choephel who worked to preserve Tibetan culture, reflects the systematic attempt by the Government of the People's Republic of China to repress cultural expression in Tibet;

Whereas the Government of the People's Republic of China, through direct and indirect incentives, has established discrimina-

tory development programs which have resulted in an overwhelming flow of Chinese immigrants into Tibet, including those areas incorporated into the Chinese provinces of Sichuan, Yunnan, Gansu, and Qinghai, and have excluded Tibetans from participation in important policy decisions, which further threatens traditional Tibetan life;

Whereas the Government of the People's Republic of China, withholds meaningful participation in the governance of Tibet from Tibetans and has failed to abide by its own constitutional guarantee of autonomy for Tibetans;

Whereas the Dalai Lama of Tibet has stated his willingness to enter into negotiations with the Chinese and has repeatedly accepted the framework Deng Xiaoping proposed for such negotiations in 1979;

Whereas the United States Government has not developed an effective plan to win support in international fora, such as the United Nations Commission on Human Rights, to bring international pressure to bear on the Government of the People's Republic of China to improve human rights and to negotiate with the Dalai Lama;

Whereas the Chinese have displayed provocative disregard for American concerns by arresting and sentencing prominent dissidents around the time that senior United States Government officials have visited China; and

Whereas United States Government policy seeks to foster negotiations between the Government of the People's Republic of China and the Dalai Lama, and presses China to respect Tibet's unique religious, linguistic, and cultural traditions: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Ngawang Choephel and other prisoners of conscience in Tibet, as well as in China, should be released immediately and unconditionally;

(2) to underscore the gravity of this matter, in all official meetings with representatives of the Government of the People's Republic of China, United States officials should request Mr. Choephel's immediate and unconditional release;

(3) the United States Government should take prompt action to sponsor and promote a resolution at the United Nations Commission on Human Rights regarding China and Tibet which specifically addresses political prisoners and negotiations with the Dalai Lama;

(4) an exchange program should be established in honor of Ngawang Choephel, involving students of the Tibetan Institute of Performing Arts and appropriate educational institutions in the United States; and,

(5) the United States Government should seek access for internationally recognized human rights groups to monitor human rights in Tibet.

ORDERS FOR WEDNESDAY, MARCH 12, 1997

Mr. ROTH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m., on Wednesday, March 12. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then proceed to executive session to consider the Peña nomination, as under the previous order.

I further ask unanimous consent that following the debate on the Peña nomination, the nomination be temporarily