

Provided, That such terms and conditions are mutually agreed to by the Secretary and the landowner.

This Act may be cited as the "Energy and Water Development Appropriations Act, 1998".

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 888

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment (No. 888), as amended, was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR

Mr. McCONNELL. Mr. President, I ask unanimous consent that William D. Jackson, a congressional fellow on Senator JEFFORDS' staff, be granted privileges of the floor for the pendency of this legislation.

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

Mr. McCONNELL. Mr. President, Senator MURKOWSKI is here for the purpose of modifying his own amendment. We are going to go to Senator BROWNBAC, who has two amendments to offer which have been cleared on both sides; then to Senator ALLARD, who has an amendment on which I understand it is possible to get a 30-minute time agreement equally divided.

So, Mr. President, I ask unanimous consent that the Allard amendment, when it is offered, be limited to 30 minutes of debate equally divided.

Mr. ALLARD. Mr. President, reserving the right to object, I think there was a mistake in the remarks. There was going to be 15 minutes on each side, and the request was for 15 minutes equally divided. I wanted to clarify.

Mr. LEAHY. Mr. President, reserving the right to object, why don't we withhold the request on the Allard amendment until I see what it is. But I don't know whether that is going to be enough time.

Mr. McCONNELL. I am sorry. I apologize to my colleague from Vermont. I thought he knew the substance of the Allard amendment. So I will withhold on asking for a time agreement on the Allard amendment for the moment.

Then Senator HUTCHISON is here to offer an amendment with regard to MFN and China. Then Senator DODD and Senator MCCAIN wish to offer an amendment related to the drug certification process for Mexico, which will be a rather spirited discussion, and it is

my understanding that it is not possible to get a time agreement on that amendment at this time.

So, Mr. President, seeing my colleague from Alaska on his feet, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the chairman.

AMENDMENT NO. 894, AS MODIFIED

(Purpose: To provide an additional condition on the availability of \$14 million in debt relief for North Korea)

Mr. MURKOWSKI. Mr. President, I call up amendment No. 894, and I send a modification of the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for himself, Mr. MCCAIN, and Mr. NICKLES, proposes an amendment numbered 894, as modified.

Mr. MURKOWSKI. 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:

On page 33, line 9, strike the period and insert in lieu thereof the following: "Provided further, That the additional \$14,000,000 made available to KEDO under this heading may not be obligated or expended until the Secretary of State certifies and reports to Congress that North Korea has not violated the Military Armistice Agreement of 1953 during the preceding nine months."

The PRESIDING OFFICER. The Senator's amendment is so modified.

Mr. MURKOWSKI. Mr. President, I ask that my colleagues, Senator MCCAIN and Senator NICKLES, be named as cosponsors.

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

Mr. MURKOWSKI. Mr. President, it is my understanding that the amendment has been agreed to on both sides. It provides that the additional \$14 million appropriated to relieve the KEDO debt not be available until the Secretary of State certifies that North Korea has not violated the military armistice agreement of 1953 during the preceding 9 months.

Basically, the amendment puts North Korea on notice that additional funds will not be available if North Korea commits another violation like the incident this morning at the DMZ.

I urge adoption of the amendment.

Mr. McCONNELL. Mr. President, it is my understanding that this amendment is not objected to by either side. I am unaware of any additional speakers.

The PRESIDING OFFICER. The yeas and nays have previously been ordered.

Mr. MURKOWSKI. I ask unanimous consent to vitiate the order for the yeas and nays.

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

Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 894), as modified, was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. The Senator from Kansas has been here patiently on the floor for some time and ready to offer two amendments which have been cleared on both sides.

Therefore, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBAC. I thank the chairman very much.

AMENDMENT NO. 892

Mr. BROWNBAC. Mr. President, I call up my amendment numbered 892.

The PRESIDING OFFICER. The amendment is now pending.

Mr. BROWNBAC. Mr. President, I rise today to introduce an amendment to S. 955.

This amendment deals with the United States policy for the south Caucasus and Central Asia, an area of the world that was once crisscrossed by the ancient Silk Road, which includes the countries—I have a map here for Senators to be able to look at—of Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgystan, Tajikistan, Turkmenistan, and Uzbekistan. This amendment deals with these countries.

These countries are very vital and important countries at a crossroads in their development. They are, as I mentioned, along the ancient Silk Road, if people can imagine and conjure up those images of that area of the world and the importance it has had in the past and the importance it now has and will continue to have for U.S. policy. We have vital political, social and economic interests there, and they need to be acted on before it is too late.

They are independent for the first time in almost a century. They are located at the juncture of many of today's major world forces, and they are all rich in natural resources. And they are looking west for the first time. They are emerging after nearly a century of being plundered by a Communist regime. While actively taking out their resources, the Soviets put little back. These countries now find themselves free to govern themselves.

Again, as I stated earlier, they are looking west. The very fact that they have had little experience with independence, and that their economies are essentially starting from scratch, leaves them in a precarious situation, which is all the more precarious because of their geographic location.

Consider this: They are placed between the empire from which they recently declared independence and an extremist Islamic regime to the

south—both of which have a strong interest in exerting economic and political pressure upon them.

All of the Silk Road countries are currently seeking U.S. investment and encouragement, and are looking to us to participate actively in working out regional political, economic and strategic cooperation.

Mr. President, we should be actively responding to their appeals. We have now the opportunity to spread freedom and democratic ideals in a region historically dominated by Russia and Iran. The doors are open to promote institutions of democratic government and create the conditions for the growth of pluralistic societies and religious tolerance. These countries are a major force in containing the spread northward of anti-Western Islamic extremism. So far, these nations remain largely open to us.

I would also like to point out something else that is important about this region: that is the Caspian Sea overlapping the territory of the South Caucasus and Central Asia that is rich in natural resources as I mentioned earlier.

I have another chart here I would like to show you to illustrate the energy resources which exist in the Caspian Sea area right here. If people would look at this chart, this is "Worldwide Undiscovered Resource Potential of Oil and Gas". You have the Middle East and Russia, the two leaders, and then the Caspian Sea area is potentially the third largest in the world, some say up to \$4 trillion worth of oil and gas in this region, creating significant interest for economic ties and investments as well. The United States should do everything possible to promote the sovereignty and independence as well as encourage solid diplomatic and economic cooperation between these nations.

In order to do that, we need to take a number of positive steps. No. 1, we should be strong and active in helping resolve local conflicts. No. 2, we should be providing economic assistance to provide positive incentives for international private investment and increased trade. No. 3, we should be assisting in the development of the infrastructure necessary for communication, transportation, energy and trade on an East-West access. No. 4, we should be providing assistance to help fight the scourge of narcotics trafficking, weapons of mass destruction, organized crime and No. 5, perhaps the most important of all, we should be supplying all the assistance possible to strengthen democracy and tolerance and the development of civil society.

These are the best ways to remain sure that these countries will grow in independence and move strongly toward open and free government. Our time to focus on this region is now, to keep them from spreading into an area or being infiltrated by the spread of the anti-Western fundamentalism that is in this region of the world. That is why

I urge my colleagues to adopt this amendment.

I believe it has been worked out with both the majority and the minority staff to agree to this amendment. I ask that the amendment be agreed to.

Mr. President, I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 892) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 884, AS MODIFIED

Mr. BROWNBACK. Mr. President, I would like to call up amendment 884 and send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 884, as modified.

Mr. BROWNBACK. 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, insert the following:

SEC. . PROMOTION OF RELIGIOUS FREEDOM AND HUMAN RIGHTS.

(a) REPORTS.—Not later than March 30, 1998, and each subsequent year thereafter, the Secretary of State shall submit to the International Relations Committee of the House of Representatives and the Foreign Relations Committee of the Senate an annual report on religious persecution on a country-by-country basis. Reports shall include a list of individuals who have been materially involved in the commission of acts of persecution that are motivated by a person's religion.

(b) PRISONER INFORMATION REGISTRY.—The Secretary of State shall establish a Prisoner Information Registry which shall provide information on all political prisoners, prisoners of conscience, and prisoners of faith on a country-by-country basis. Such information shall include the charges, judicial processes, administrative actions, use of forced labor, incidences of torture, length of imprisonment, physical and health conditions, and other matters related to the incarceration of such prisoners. The Secretary of State is authorized to make funds available to non-governmental organizations presently engaged in monitoring activities regarding such prisoners to assist in the creation and maintenance of the registry.

(c) SENSE OF CONGRESS CONCERNING ESTABLISHMENT OF A COMMISSION ON SECURITY AND COOPERATION IN ASIA.—It is the sense of the Congress that Congress, the President, and the Secretary of State should work with the governments of the People's Republic of China and other countries to establish a Commission on Security and Cooperation in Asia which would be modeled after the Commission on Security and Cooperation in Europe.

SEC. . UNITED STATES INTELLIGENCE ACTIVITIES RELATED TO MONITORING HUMAN RIGHTS ABUSES AND RELIGIOUS PERSECUTION.

(a) IN GENERAL.—The President shall devote additional personnel and resources to

gathering intelligence information regarding human rights abuses and acts of religious persecution.

(b) REPORT.—Not later than March 30, 1998, the President shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report on the number of personnel and resources that are being devoted to gathering intelligence information regarding human rights abuses and acts of religious persecution.

Mr. BROWNBACK. Mr. President, I rise today to offer an amendment to this bill that would require the Clinton administration to improve the manner in which the State Department and our intelligence agencies monitor and publicize cases of religious persecution and human rights abuses.

Persecution of people of faith has been on the rise around the world. Governments throughout the world have been denying people the fundamental right of freedom of religion, a fundamental right upon which this country was built.

As a matter of policy, the United States should be doing all it can to bring religious persecution and other human rights violations to an end. One problem we face, however, is that we do not have an accurate accounting of the extent to which many governments persecute people of faith. We do not know the number of prisoners nor do we even have all the names of those prisoners. What we need is an accurate accounting of religious persecution. We need the administration to devote greater resources to monitoring religious persecution and to informing the Congress, as well as the American people, about such instances.

We also need to encourage a formal dialog with countries throughout the world to bring religious persecution to an end. Specifically, my amendment would do the following: Require a religious persecution report modeled on the State Department human rights report; require the establishment of a prison information registry; require the President to devote greater intelligence resources to gathering information regarding human rights abuses and acts of religious persecution; and encourage the administration to work with other nations to establish a Commission on Security and Cooperation in Asia which would be modeled after the Commission on Security and Cooperation in Europe.

Mr. President, the U.S. Government has a responsibility to provide the public a better understanding of the extent to which nations violate this basic right of their citizens. My amendment would move us in this direction. I ask that my amendment be adopted.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 884), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BROWNBACK. I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I see the distinguished Senator from California is in the Chamber. I understand she has an amendment that may not take a good deal of time, and I yield the floor.

Mrs. BOXER. I thank the Senator.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 897

Mrs. BOXER. I will be very brief. The work has been done on this amendment. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. ALLARD, Mr. SMITH of New Hampshire, Mr. LEAHY, and Mr. TORRICELLI, proposes an amendment numbered 897.

Mrs. BOXER. 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, insert:

WILDLIFE CONSERVATION

SEC. . Of the funds appropriated by this Act, not more than \$2,900,000 may be made available for the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) in Zimbabwe: Provided, That none of the funds appropriated by this Act may be used to directly finance the trophy hunting of elephants or other endangered species as defined in the Convention on International Trade in Endangered Species of Flora and Fauna (CITES) or the Endangered Species Act: Provided further, That the funds appropriated by this Act that are provided under the CAMPFIRE program may not be used for activities with the express intent to lobby or otherwise influence international conventions or treaties, or United States government decision makers: Provided further, That funds appropriated by this Act that are made available for the CAMPFIRE program may be used only in Zimbabwe for the purpose of maximizing benefits to rural people while strengthening natural resources management institutions: Provided further, That not later than March 1, 1998, the Administrator of the Agency for International Development shall submit a report to the appropriate congressional committees describing the steps taken to implement the CAMPFIRE program, the impact of the program on the people and wildlife of CAMPFIRE districts, alternatives to trophy hunting as a means of generating income for CAMPFIRE districts, and a description of how funds made available for CAMPFIRE in fiscal year 1998 are to be used.

Mrs. BOXER. The amendment that I have sent to the desk is a bipartisan amendment cosponsored by Senators ALLARD, SMITH, LEAHY, and TORRICELLI, and it concerns the CAMPFIRE Program in Zimbabwe. I particularly want to pay tribute to my colleagues, Senators ALLARD and SMITH, for being so strong on this subject. I thank my staff and the staffs of the

chairman and ranking member for working on a good amendment that we can all agree on. I am particularly grateful to Senators LEAHY and MCCONNELL for their assistance and cooperation on this amendment.

Briefly, our amendment would maintain the positive aspects of the CAMPFIRE Program while restricting U.S. taxpayer funds being used for activities which are inconsistent with the goals of sustainable development for people and management of natural resources.

My amendment would assure that no taxpayer money is used to finance the trophy hunting of elephants and other endangered species or no taxpayer money could be used for any lobbying activities to weaken elephant protection standards. So we really basically do two things: Taxpayer dollars from America cannot be used to foster trophy hunting in Zimbabwe and taxpayer money cannot be used to lobby Senators or House Members or administration people to weaken elephant protection standards such as the ban on ivory.

Mr. President, these magnificent animals should be protected, not exploited. Our amendment requires USAID to submit a report to Congress on alternatives to trophy hunting and the impact of the CAMPFIRE Program on people and wildlife of Zimbabwe. I think these are very important steps in addressing the criticism about the way the program works. Some of us would have liked to have gone further than this, but we think that this amendment, the way it is drawn, will receive unanimous support, and we think is an important step to be taken.

The CAMPFIRE Program is beneficial to many rural impoverished people in Zimbabwe. It helps to provide the skills and tools necessary to enable local communities to make local decisions about how to manage their natural resources and generate revenue.

However, there are certain aspects of the program which do not promote sustainable development for rural people or improve natural resource management. My amendment restricts United States taxpayer dollars from being spent on those needless activities and directs all funds to be used to maximize benefits to rural people while strengthening natural resources management institutions in Zimbabwe.

I am aware that there have been many concerns raised about the trophy hunting aspects of the program. I do not support trophy hunting and I do not believe that one penny of taxpayer money should be used to finance trophy hunting. My amendment will ensure that no U.S. taxpayer dollars are directly spent on trophy hunting activities.

However, I do recognize that trophy hunting will continue in Zimbabwe. I believe that we need to provide countries like Zimbabwe with viable alternatives to trophy hunting which continue to generate income and promote sustainable development without in-

volving the consumptive use of wildlife. My amendment requires USAID to submit a report to Congress providing alternatives to trophy hunting, and the impact of the program on the people and wildlife of CAMPFIRE districts.

People in Zimbabwe are living under very different conditions than we in the United States. We must recognize these differences in our approach to development while maintaining our high values and ideals. The CAMPFIRE Program in Zimbabwe will end in 1999, but USAID-funded development programs will continue for years to come. I am hopeful that the report which USAID will submit to Congress, will provide the United States with ideas for income diversification for future programs so that we can move away from the consumptive use of wildlife as a management regime.

USAID has proposed several improvements to the CAMPFIRE Program in recent months. These improvements are the result of the concerns raised by many concerned citizens and organizations such as the Humane Society of the United States. I commend the Humane Society for their efforts to make the United States more responsible for the use of taxpayer dollars. I also applaud USAID for taking steps to address these concerns. I believe that this process has been beneficial for all of those involved—especially the people and wildlife of Zimbabwe.

I want to thank Senators LEAHY, SMITH, ALLARD, and TORRICELLI for helping to make this a bipartisan effort toward improving development aid, maximizing benefits to local people, promoting a healthy elephant population, and ensuring that U.S. taxpayer money is used wisely.

Mr. ALLARD. Mr. President, I would like to begin by congratulating Chairman MCCONNELL and Senator LEAHY for their hard work in crafting this legislation and working to include language on the CAMPFIRE Program in the bill.

Mr. President, as I have made very clear in the past, I am a strong supporter of fiscal responsibility on the part of the Federal Government. It is our responsibility to use taxpayer's dollars in the most effective, and efficient way possible. This responsibility at times mandates that we review and question just where our tax dollars are going.

When USAID's Communal Areas Management Programme for Indigenous Resources or CAMPFIRE Program was first brought to my attention, I had to ask myself, just why are United States taxpayer's dollars being spent to fund big game hunting of elephants in Zimbabwe? If a program could spend dollars to hunt elephants how else are they spending our money? Asking myself these questions was not enough, so I began a comprehensive review of the CAMPFIRE Program.

Mr. President, I am pleased to announce, that as a result of congressional review a little more fiscal responsibility has been restored to the

U.S. Government. Our review of CAMPFIRE has produced three highly beneficial results.

First of all, fiscal year 1998 will be the last year that the CAMPFIRE project will receive funding. This will end the cycle of appropriations that has already lead to \$28 million being spent on this program. This amount, though small in respect to the overall budget, is a good start to tightening up Government spending, especially U.S. funding for international projects.

Second, the appropriations language states that no U.S. tax dollars will go to directly fund the big game trophy hunting of Zimbabwe's elephants. I think we can agree that an endangered species such as the elephant should not be hunted with the tacit consent of the U.S. taxpayer through governmental funding.

Finally, for the remaining time CAMPFIRE is funded, USAID must submit to Congress the steps they have taken to implement the CAMPFIRE Program. This will allow us to watch their use of our dollars. For far too long the U.S. has funded international programs with little or no oversight—this will serve as an example of how Congress should police international funding measures.

Mr. President, I support the Foreign Operations Subcommittee's appropriations for fiscal year 1998 of the CAMPFIRE Program, with the understanding that this is the last year of the program, USAID submit information on how they implement the program, and no U.S. tax dollars will be spent to kill elephants. Now that we have ended the CAMPFIRE Program, it is my hope that we will not have to revisit this issue again in the future.

In conclusion, Mr. President, I would like to thank Senator BOXER and Senator SMITH of New Hampshire for their help in drafting this language.

I yield my time.

Mr. CRAIG. It is my understanding that the Communal Areas Management Program for Indigenous Resources [CAMPFIRE] Program in Zimbabwe is currently meeting all of the conditions placed on it by the amendment.

Mr. MCCONNELL. The Senator is correct.

Mr. CRAIG. It is my further understanding that Zimbabwe has a very successful elephant conservation program has had led to a population increase of 43,000 elephants in 1987 to 67,000 elephants in 1996 and that much of this success is due to the CAMPFIRE Program.

Mr. MCCONNELL. The Senator is correct.

Mr. CRAIG. It is my further understanding that the language in this amendment dealing with trophy hunting is only a prohibition on a direct USAID subsidy of hunting in the CAMPFIRE Program and should not be interpreted as a negative statement about the indispensable role hunting plays as a management tool for elephants and other foreign species.

Mr. MCCONNELL. The Senator is correct.

Mr. CRAIG. Finally, it is my understanding that nothing in this amendment should be interpreted as having any effect on any other U.S. law or regulation regarding wildlife conservation and hunting.

Mr. MCCONNELL. The Senator is correct.

Mr. CRAIG. I thank the Senator.

Mrs. BOXER. I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mrs. BOXER. I rescind that request. I ask for a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 897) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 891

(Purpose: To decrease the amount of funds available to OPIC for administrative expenses to carry out the credit and insurance programs)

Mr. MCCONNELL. Mr. President, now under the informal order that we have here going from side to side, the Senator from Colorado is here.

Mr. ALLARD. I thank the Senator.

Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 891.

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

Mr. LEAHY. Reserving the right to object, the Senator is going to describe what the amendment is, I assume.

Mr. ALLARD. We shared a copy of that amendment. I think you have it. I will explain it in my remarks.

Mr. LEAHY. I do not have any objection.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. I thank the Chair. I thank Senator LEAHY.

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

The amendment is as follows:

On page 4, line 22, strike "\$32,000,000" and insert "\$21,000,000".

Mr. ALLARD. I thank the Chair.

Before I begin, I commend my friends, the subcommittee chairman, MITCH MCCONNELL, and Senator PATRICK LEAHY and chairman TED STEVENS and Senator ROBERT BYRD, for a very good bill. I support the bill. I believe its overall funding levels are very appropriate, and I plan on supporting it.

However, I have one concern. My amendment is very simple. It strikes the \$32 million for administrative ex-

penses for the Overseas Private Investment Corporation and scales it back to its 1994 level of \$21 million.

Now, why was the year 1994 selected? In 1994, with Public Law 103-392, OPIC's congressional authorized lending authority was last raised. This increased the maximum contingent liability or lending authority cap for insurance from \$9 billion to \$13.5 billion and increased the contingent liability cap for financing from \$2.5 billion to \$9.5 million. However, since 1994, there have been no increases in the authorized lending cap for OPIC. As a matter of fact, I have recently learned that while at the end of 1996 OPIC's liability exposure has increased, their total number of issuances has decreased.

Now, in 1995, 1996 and 1997, OPIC's administrative expense appropriations have increased. In 1994, their administrative expense was \$20.2 million; in 1995, their administrative expense was \$25.8 million; in 1996, their administrative cost was \$21.8 million, and in 1997 their administrative costs again increased to \$32 million, while their cap was not increased one dime. In fact, there is a zero percent increase since 1994.

Now, their administrative appropriation over the same period has increased \$12 million—over the last 3 years—resulting in a 50-percent increase.

Now, why should OPIC's administrative appropriation increase while their lending authority cap has stayed frozen? As I stated earlier, in reality their issuances have declined. While the \$32 million in this bill is a freeze as of 1996—and I commend the committee for doing this, by the way—I believe it would be very appropriate to scale them back to the 1994 level.

All this is occurring while the future of OPIC is very much uncertain. On September 30, 1997, OPIC's authorization ends. As of today, I do not believe the Senate has a reauthorization bill for OPIC. From my understanding, the House of Representatives is just beginning the process of reauthorization and, in the report for the companion foreign operations appropriations bill, it states they are reluctant in the absence of an authorization bill to fund OPIC. I believe this number is enough to administer their outstanding liabilities, but there is still great uncertainty as to what the future holds for OPIC. If reauthorization does occur, then we can come back to this issue at a later date.

This amendment is not the place, nor do I plan to argue the specific pros and cons of OPIC, for that will come at a future date if we have a reauthorization bill. I plan to be involved in the debate at that time if that comes up. But this amendment is a matter of whether an agency, a Government entity, that depends on the full faith and credit of the United States, with Federal employees, should have their administrative expenses increased by 50 percent over the last 3 years while their authorized lending cap is not increased by one dime, zero percent.

Make no mistake, OPIC is a Federal agency. It needs the United States to fund its operation. This Congress should always be concerned when an agency staff grows faster than its authority. I know of very few agencies that have no growth in authority which get a 50-percent increase in administrative expenses. It seems, if we are at all serious about reducing the size and scope of Government and take our oversight role seriously, then all agencies should play by the same rules, and we as a Congress should apply these rules evenly to all agencies. I ask my colleagues to support this amendment and keep the growth of OPIC at a minimum, especially when their authorized cap has been frozen since 1994 and with their authorization expiring in September 1997.

Mr. President, I reserve my right to address the Senate and yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I rise to reflect a little on what my friend and neighbor—literally my neighbor—from Colorado has talked about here in the last few minutes regarding OPIC. First, I rise to oppose my friend, the distinguished Senator from Colorado, regarding his amendment. I will explain why.

Before I came to this body, I was a businessman, a small businessman. Over the last 15 years, my partners and I founded a number of companies. A number of those companies were international companies. I have dealt with OPIC directly. I understand a little bit about, I think, the real world, how jobs are created, how you must market in the international community, what kind of competition is out there against a little company like mine that has to go toe to toe with foreign competitors all over the globe.

One of the things I learned very quickly was when you go toe to toe with international competitors, whether it is telecommunications—which I know a little something about—or any other industry, the support that comes with your competitor, from his government, his country, is rather significant. I think that is important in this debate. As my friend, Senator ALLARD, said, we will have an opportunity to truly debate this issue over the next few months. But I would like to make a couple of points that I think are very relevant to OPIC, what OPIC does, what it represents. Again, I come at this, not as a U.S. Senator; I come at this as someone who understands a little bit about how this works and who has been out in the real world in over 60 countries and done business in about 20 of them.

First, I am concerned that an amendment like that of my friend, to slash administrative expenses, could lead to the very point that he is concerned with. It is a good point. If you slash administrative expenses for OPIC, the likelihood is the quality of the portfolio of OPIC, the quality of investments that OPIC has made and will

continue to make, will suffer. I think it would cut directly to eliminating the ability to monitor those loan portfolios. I do not think that is in the best interests of the American taxpayer or anyone associated with OPIC. It endangers the creditworthiness of OPIC if you slash their administrative budget.

Let me hit just a few very specific points as to what OPIC does. There is an awful lot of sound and fury and smoke and mirrors when it comes to OPIC. First, OPIC, in fact, does level the playing field in global competition. I spoke to that earlier. All of America's major trade competitors have OPIC-like agencies to help them. It covers the gaps in the markets all over this world.

OPIC creates American jobs. I have a document here—I am sure Senator ALLARD has seen it—of the kind of jobs created in Colorado, his home State, and in my home State of Nebraska; the kind of revenues that flow into Colorado because of countries that buy from companies that have either OPIC insurance that they pay for, or OPIC loans that they pay for. This is a job creator. This is a growth creator. To give some of the specific numbers on this, since 1971 OPIC has supported \$108 billion worth of U.S. projects resulting in over 250,000 new American jobs and \$53 billion in new American exports. OPIC is prohibited under law from supporting any project that would result in the loss of one single American job.

Two, OPIC does not cost the taxpayers money. In fact, every year OPIC returns to the U.S. Treasury—last year \$209 million. OPIC requires no appropriation of funds. Its operations are entirely funded by the market-rate fees it charges businesses. There is some myth about this. If you want an OPIC loan or guarantee or insurance, you pay for it. This isn't a free deal. OPIC is not corporate welfare. I am always amused, and I am a conservative Republican—let me tell you, I am for less Government and cutting Government and cutting taxes. But I am always amused when I ask my colleagues, what do you mean corporate welfare? What is corporate welfare?

No American business receives any subsidy or free benefit from OPIC. All OPIC loans must be paid in full. OPIC charges full market rates and, where applicable, high-risk-based interest rates and insurance premiums for all of its services. Remember, OPIC returns money to the Treasury through the fees it charges firms that use its services.

OPIC has a strong record. Let's not overlook this. It has extraordinarily low default rates, less than 1 percent since 1971. OPIC maintains a well-diversified portfolio by region, by sector, by industry, and maintains \$2.7 billion in reserves. We have talked about the possibility of privatizing OPIC. Last year J.P. Morgan looked at it, made a study. It won't work that way. Let me tell you, when you are a small company, a small business like I had, to

try to compete with the big guys from France and Germany and Britain—all over the globe—to be able to have some base of your country behind you, and you pay for that, is significant.

The last point I will make, OPIC supports small business. There is a lot of myth about that as well, that this is a big-business boondoggle. It is not. I am living proof of that. In 1996, OPIC supported record numbers of small business projects worth \$1.8 billion in 17 countries. Many small American businesses are suppliers to the larger exporters that indirectly come through OPIC. More than half of all suppliers to OPIC-based projects are small businesses. This is a ripple effect. When we get projects and deals internationally, you have to sponsor those. You buy products to support those. And those come from States like that of my friend from Colorado and Nebraska and every State in the Union. So this is a ripple-effect operation.

Mr. President, again, I rise in opposition to this amendment. I think it is shortsighted and I think the wisest thing to do is to continue with our funding, with our authorization, and as I said earlier, we will have ample opportunity to address this issue in debate. But I don't think a hit-and-run way to approach this with an amendment is the correct way to do it.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I thank my good friend from Nebraska for his comments about OPIC. With all due respect to our colleague from Colorado, I, too, oppose the amendment. OPIC does not cost a single taxpayer dollar. OPIC is required by law to operate on a self-sustaining basis. Since 1971, it has reimbursed the U.S. Government for every dollar it has received and has reported positive net income every year since its inception. As the Senator from Nebraska pointed out, last year it returned \$209 million to the Treasury. OPIC creates American jobs and exports. All major U.S. economic competitors have similar export promotion agencies. Scuttling OPIC would put our companies at an even further disadvantage than they already are.

Today, for example, at least 36 percent of Japan's exports enjoy Government subsidies compared with just 2 percent of American exports. In addition, Japan and France provide 77 percent of the total amount of export subsidies made available around the world.

As Senator HAGEL pointed out, that is what American businesses typically are up against in the international market. OPIC is not corporate welfare. OPIC charges market and risk-based interest rates and fees for all of its services, and all loans must be paid in full. All clients must pass industry standard and OPIC policy reviews. This is an agency that has functioned very

well in behalf of American interests and is actually returning money to the American Treasury. OPIC strongly supports small business, which is the heart of America's economic engine. The source of 6 out of every 10 jobs in this country is directly attributable to small business.

We have had this amendment every year and so far have been able to defeat it. I certainly hope we will be able to again, because OPIC is an important part of what makes American business competitive overseas.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I join with the distinguished Senator from Kentucky and the distinguished Senator from Nebraska in opposing this amendment. I, too, would note that OPIC does return money to the Treasury—the figure \$209 million last year was used here. More important, it creates jobs in America.

I represent, in population, the second smallest State in the Union. OPIC is used in my State. It creates jobs, it creates exports, it helps our balance of payments. When you go to the larger States, of course, the dollar amount is just that much greater.

I do not know a business in my State that has turned to OPIC that has not received enormous help. I remember when the former Director of OPIC came to Vermont. She held a meeting there. We had lines going out the door; business people wanting to work with OPIC. It is one of those success stories.

It is also an area where we have to have the kind of tools that all our competitors have. We are in worldwide markets. We can no longer just rely on New Hampshire selling to Vermont, Vermont selling to New Hampshire, as an example. I say that seeing my good friend from New Hampshire is the distinguished Presiding Officer. We export way beyond our States, way beyond the borders of our Nation. But, every other First World—and a lot that go beyond the First World—country does the same. If they are a major exporter, as we are, there are boards like OPIC that help them.

Are there things that can be done better or different than OPIC? Possibly. But I ask the authorizing committee to look at that.

There will be an authorizing bill on OPIC. I am perfectly willing to listen to the recommendations of my friends on both sides of the aisle.

We felt, the Senator from Kentucky and myself—he as chairman and I as ranking member—in looking at these figures for OPIC that the amounts made sense. There certainly was unanimous concurrence of Republicans and Democrats on our subcommittee and in the full committee for the same reason.

If an authorizing bill comes through and changes that, it can change it. This money doesn't have to be spent and an authorizing bill can make a dif-

ference. I suspect with such an authorizing bill, you are going to hear success story after success story from States all over the Nation helped by OPIC.

So I hope my good friend from Colorado will withhold this amendment and let it be a matter to be discussed with the authorizing committee, but not on this appropriations bill.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I would like to have an opportunity to make some summarizing comments and then, if there are not any other statements, I will make a closing statement.

I would like to respond by saying it is true that there is some extra revenue that has come into OPIC, but the fact is that that is interest that they have earned, and OPIC itself, in saying how much more income it could generate, said if we could get away from having to buy Treasury bonds and invest in the stock market, we could generate more income.

To me, that sends a signal that we would be better off in the private sector. A lot of these businessmen have an opportunity to go to the private sector, go to the stock market to fund these projects overseas. And I am a small businessman, too, by the way. I started my business from scratch, but I think as business people, sometimes it is all too easy to turn to the agencies for help. We need to encourage business people to turn to the market and to focus on what they can do to meet the needs of the market. After all, this is an agency. It is a Government-run agency that is picking winners and losers. I would feel much more comfortable having a competitive market system picking winners and losers.

Many States, like the State of Colorado which I am from, have done a lot to promote foreign competition, but they have done it on their own. Most of the jobs and the new growth that has happened in Colorado has not been the result of OPIC. So I think we have to be careful and not give too much credit to this particular Federal agency.

Let me end by just stating, again, a few historical facts. In 1971, OPIC's administrative budget was \$3.2 million. In 1981, it was \$7.5 million. In 1988, it was \$12 million. And in 1992, it was \$16.4 million.

In 1996, their administrative appropriation was \$28.1 million, and in 1997, it was \$32 million. Also, according to OPIC, in 1988, their FTE's, or full-time equivalent employment ceiling, was 125. In 1992, it was 155, and in 1996, it was 182. As these historical numbers from OPIC point out, this is not some sleeping agency, but one whose administrative costs and employment have increased substantially.

If we take the 1996 number of employees and divide it into the 1996 administrative costs, it comes to \$154,000 per

employee. Now, I realize that not all this goes to employees' salaries, but also to normal office supplies and other office expenses that go to support each one of those FTE positions.

But here is the problem. I have yet to hear a compelling argument for continuing increase in the administrative budget when their liability cap is frozen. Also, as I and my staff have searched their records, I have yet to find a clear delineation of where their administration budget goes.

All I do know is that in this \$32 million, and I quote from the bill, "any project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with service provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not," again, "shall not be considered administrative expenses for the purpose of this heading."

I question what these expenses are and where they go. I cannot find them listed in their reports or from any correspondence. Oversight is a proper function of Congress, and we should pursue it vigorously.

While I may have some problems with OPIC, Mr. President, I do want to commend them for being prompt and professional in their manner of dealing with my inquiries, and I take my hat off to them for this.

Again, I reiterate, this amendment is not about OPIC and whether they should continue, because we will get to that later. But this is an argument of whether a U.S. Government agency should have a 50-percent increase in administrative expenses since 1994 when their congressionally mandated lending authority has been frozen during that same period. I urge my colleagues to support this amendment and ask for limited growth in all agencies.

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. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, with the concurrence of the Senator from Colorado, I would like to lay the amendment aside in the hope that we can stack votes for later.

Mr. ALLARD. Mr. President, I have no objection to that.

Mr. McCONNELL. I ask unanimous consent that we temporarily lay aside the Allard amendment.

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

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kentucky yield the floor?

The Senator from Iowa.

AMENDMENT NO. 899

(Purpose: To promote democracy-building activities in Pakistan.)

Mr. HARKIN. Mr. President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report:

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. WARNER, Mr. TORRICELLI, Mr. SANTORUM, and Mr. JOHNSON, proposes an amendment numbered 899.

Mr. HARKIN. 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 amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . DEMOCRACY-BUILDING ACTIVITY IN PAKISTAN.

(a) OPIC.—Section 239(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(f)) is amended by inserting “, or Pakistan” after “China”.

(b) TRAINING ACTIVITY.—Section 638(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2398(b)) is amended—

(1) by inserting “or any activity to promote the development of democratic institutions” after “activity”; and

(2) by inserting “, Pakistan,” after “Brazil”.

(c) TRADE AND DEVELOPMENT.—It is the sense of Congress that the Director of the Trade and Development Agency should use funds made available to carry out the provisions of section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421) to promote United States exports to Pakistan.

Mr. HARKIN. Mr. President, I offer this amendment on behalf of myself, Senator WARNER, Senator TORRICELLI, Senator SANTORUM, and Senator JOHNSON.

Put simply, this amendment will allow the resumption of the Overseas Private Investment Corporation, OPIC, International Military and Education Training, IMET, Trade and Development Assistance, TDA, and democracy-building programs in Pakistan, such as the National Endowment for Democracy.

This measure, I will say at the outset, is not anti-India and it is not pro-Pakistan, it is pro-American interests. This will not be a vote for or against India or Pakistan. India is, of course, a friend of longstanding and an ally to the United States and is the largest and oldest democracy in the region. It already receives the benefit of OPIC and IMET, and it has for some time over 35 years. Therefore, I am confident that we can restore these programs to Pakistan without upsetting any balance at all to the region.

Trade between India and Pakistan is growing. OPIC assistance to Pakistan could actually help India because they are working with Pakistan in the energy sector. OPIC assistance would promote American investment in this sector.

Mr. President, it is now clear that continuing the policy of restricting

OPIC and IMET to Pakistan will do nothing to direct further U.S. nonproliferation efforts in South Asia. At the same time, these restrictions seriously hinder our ability to advance United States interests in trade and investment in Pakistan. Our influence in the Pakistani military leadership and our ability to strengthen democracy and economic institutions in Pakistan is also adversely affected by these restrictions.

I understand the concerns of some of my colleagues in regard to Pakistan, and I share some of those concerns. The issue of nonproliferation in South Asia is, indeed, an extremely important issue, but U.S. interests in South Asia are important and increasing.

The region contains one-fifth of the world's population and occupies a critical geostrategic position—surrounded by China, the surging economies of East Asia, the Indian Ocean, the huge oil and gas reserves in the Persian Gulf and the Caspian basin.

Mr. President, I visited Pakistan and India earlier this year. I met in Pakistan with Prime Minister Sharif and other members of his government. I believe that Mr. Sharif has learned from past mistakes and is moving Pakistan in the right direction. He has a strong mandate in parliament and has already taken bold steps toward rooting out corruption, privatizing the economy and normalizing relations with India. These are positive steps, and the United States must send a strong signal of support and encouragement for Prime Minister Sharif's initiatives.

I strongly believe that it has come to the point where our uneven policy toward Pakistan is hampering our interests in the region. Improved human rights, nonproliferation and greater trade and investment are being held hostage by this shortsighted policy.

I am pleased that my amendment has the strong support of the administration in an effort to engage Pakistan on these important issues. Secretary Albright and Secretary Cohen both feel strongly about the need for these changes.

Mr. President, I have a letter dated the 16th of July from Secretary of Defense Cohen. He said:

I am writing to express my strong support for your legislation to restore IMET, OPIC, TDA and democracy-building programs in Pakistan . . .

We believe it essential to pursue these programs—not as a reward to Pakistan—but as a means of furthering important U.S. interests. Pakistan is now, and long has been, a friendly, moderate Islamic democracy in a very difficult region. We believe that by enabling it to participate in IMET, OPIC, TDA and democracy-building programs we will strengthen democracy in Pakistan as an institution, strengthen Pakistan's troubled economy, and strengthen our relationship with the Pakistani military—all of which serve important U.S. interests in South Asia.

Mr. President, I ask unanimous consent that the letter from Secretary Cohen be printed in the RECORD.

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

SECRETARY OF DEFENSE

Washington, DC, July 16, 1997.

Hon. TOM HARKIN,
U.S. Senate, Washington, DC.

DEAR TOM: I am writing to express my strong support for your legislation to restore the International Military Education and Training (IMET), Overseas Private Investment Corporation (OPIC), Trade and Development Agency (TDA), and democracy-building programs in Pakistan. These programs are currently precluded by sanctions that have been imposed on Pakistan under the Symington Amendment.

We believe it essential to pursue these programs—not as a reward to Pakistan—but as a means of furthering important U.S. interests. Pakistan is now, and long has been, a friendly, moderate Islamic democracy in a very difficult region. We believe that by enabling it to participate in IMET, OPIC, TDA, and democracy-building programs we will strengthen democracy in Pakistan as an institution, strengthen Pakistan's troubled economy, and strengthen our relationship with the Pakistani military—all of which serve important U.S. interests in South Asia.

DoD is particularly supportive of legislation that would restore Pakistan's IMET program. We believe that the positive impact of IMET on the Pakistani military will serve to enhance our overall relationship with Pakistan and, by extension, will facilitate our engagement with Pakistan in a number of important areas including proliferation. Moreover, given Pakistan's leading role in UN peacekeeping—Pakistan currently leads the world as a contributor of troops to UN peacekeeping operations—closer cooperation between our two armed forces is increasingly necessary for operational reasons. Senior Pakistani officers have told us that one of the consequences of our suspension of the IMET program has been that a generation of Pakistani officers has not had the positive exposure to U.S. and western values that is made possible through IMET. Without IMET to provide a countervailing argument, these officers may find the often anti-American message of Iran and Iraq more appealing.

Opponents of your legislation will claim that Pakistan's performance with regard to proliferation should not be “rewarded” by making it eligible for these assistance programs. We would respond that our denying any of these programs will not cause the Pakistanis to forego strategic programs which they believe are essential for their national security. However, by making these assistance programs available, we will not only serve U.S. interests directly but will improve the climate of our overall relationship thus encouraging Pakistan to be more receptive to our point of view in other areas.

I wholeheartedly support your efforts to enact this important legislation.

Sincerely,

BILL.

Mr. HARKIN. Let me read further from Secretary Cohen's letter. I want to get this last paragraph in. Secretary Cohen said:

Opponents of your legislation will claim that Pakistan's performance with regard to proliferation should not be “rewarded” by making it eligible for these assistance programs. We would respond that our denying any of these programs will not cause the Pakistanis to forego strategic programs which they believe are essential for their national security. However, by making these assistance programs available, we will not only serve U.S. interests directly but will improve the climate of our overall relationship thus encouraging Pakistan to be more receptive to our point of view in other areas.

Mr. President, I am also in receipt of a letter signed by Under Secretary

Thomas Pickering. Again, I will just read a couple parts of that:

Dear Senator HARKIN: The Secretary has asked me to convey her strong support for your proposed amendment to restore OPIC, IMET, TDA and democracy-building programs for Pakistan. We firmly believe that allowing these programs to operate in Pakistan is in the U.S. interest, and that once restored they will be a key factor in strengthening our relationship with an important and friendly country in a vital part of the world.

Mr. Pickering goes on:

In the wake of the election of Prime Minister Nawaz Sharif, Pakistan has adopted important political and constitutional reforms, which promise to strengthen both the quality and continuity of democratic rule. We want to bolster that effort by implementing programs to train Pakistan's elected representatives in democratic structures and legislative procedures. Your amendment would give us the requisite flexibility to proceed.

Mr. President, I ask unanimous consent that Secretary Pickering's letter be printed in the RECORD.

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

DEPARTMENT OF STATE, UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS,

Washington, DC, July 15, 1997.

Hon. TOM HARKIN,
U.S. Senate.

DEAR SENATOR HARKIN: The Secretary has asked me to convey her strong support for your proposed amendment to restore OPIC, IMET, TDA and democracy building programs for Pakistan. We firmly believe that allowing these programs to operate in Pakistan is in the U.S. interest, and that once restored they will be a key factor in strengthening our relationship with an important and friendly country in a vital part of the world.

In the wake of the election of Prime Minister Nawaz Sharif, Pakistan has adopted important political and constitutional reforms, which promise to strengthen both the quality and continuity of democratic rule. We want to bolster that effort by implementing programs to train Pakistan's elected representatives in democratic structures and legislative procedures. Your amendment will give us the requisite flexibility to proceed.

At the same time, the Government of Pakistan is undertaking an ambitious reform program to stabilize Pakistan's troubled economy. The United States, as Pakistan's leading trading partner and largest source of foreign investment, is in a favorable position to influence and benefit from a stable economic situation in Pakistan. Extending Trade and Development Assistance and OPIC support to U.S. firms in Pakistan will increase our engagement with the Pakistani government on reform issues, while ensuring that our firms are well positioned to compete for investment and trade opportunities.

Finally, we believe that restoring IMET programs will have an appreciable impact on our relationship with the Pakistani military. For seven years, the United States has lacked contact with junior and mid-level Pakistani officers, from whose ranks will emerge the next generation of Pakistani military leaders. We would serve our interests well by giving them exposure to U.S. practices, institutions, and values.

We, like you, continue to have concerns regarding Pakistan's record on non-prolifera-

tion issues. We consider non-proliferation to be one of the most complex and troubling issues in the South Asia region, and it will continue to be one of our highest priorities to work with the Pakistani government to restrain its nuclear and missile programs. That said, we need to consider carefully how to pursue our non-proliferation objectives in conformity with the entire range of U.S. interests in Pakistan. We believe that an initiative such as yours—which will help to develop Pakistan's democracy, increase bilateral trade and investment, and enhance our access to and influence with Pakistan's emerging military leadership—will advance our interests without undermining our non-proliferation agenda.

We appreciate and are pleased to support your effort.

THOMAS R. PICKERING.

Mr. HARKIN. Mr. President, a number of prominent United States business leaders have asked the State Department to resume OPIC support for investment in Pakistan so that American business interests are promoted in that region. In no other country in South Asia is OPIC prohibited from providing support and assistance. I have examples, a number of letters of United States businesses urging the administration to resume OPIC's support of Pakistan.

Mr. President, I have letters from several different companies that I have here that have written letters asking that OPIC be allowed to resume in Pakistan so that they can begin to invest in Pakistan—a letter from Occidental Oil and Gas; a letter from MCI Communications; a letter from Solar Turbines, a Caterpillar Company; a letter from Alpha-Gamma Technologies, Inc., in Raleigh, NC; a letter from Boston Technology, Inc., in Wakefield, MA; a letter from Hawkins Oil & Gas, Inc., in Oklahoma; a letter from Tenaska International, Omaha, NE; and several other letters. I will not read them all. But Mr. President, I ask unanimous consent that several of these letters be printed in the RECORD.

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

OCCIDENTAL OIL AND GAS CORP.,

Bakersfield, CA, April 10, 1996.

Hon. STROBE TALBOTT,
Deputy Secretary, Department of State, Washington, DC.

DEAR MR. SECRETARY: I am writing at this time concerning an important matter impacting on U.S. commercial relations with the Republic of Pakistan. I understand that the Overseas Private Investment Corporation (OPIC) is still not permitted to offer its programs in Pakistan. I urge you to review this matter and to do what you can to expedite the implementation of OPIC programs in Pakistan.

Occidental Petroleum Corporation has had successful oil and gas producing operations in Pakistan for twelve years. Pakistan presents unique business opportunities and offers a stable environment for American companies and for companies from a host of other countries around the world. U.S. trade and commercial ties with Pakistan serve to enhance the overall relationship between our two countries. However, in order for U.S. companies to compete more aggressively in Pakistan, they must have access to OPIC programs.

While I appreciate that there are other important and serious issues impacting on our bilateral relationship, I respectfully ask that you consider the vital commercial link that exists between the U.S. and Pakistan and move quickly to permit OPIC guarantees in Pakistan. The U.S. is the largest foreign investor in Pakistan and its largest trading partner. I am convinced that U.S. commercial interests in Pakistan would increase even more if OPIC programs were available. Furthermore, I am sure you will agree, that permitting OPIC to operate in Pakistan would contribute in a meaningful way to improving our overall bilateral relationship.

Thank you for your consideration.

Sincerely,

JAMES B. TAYLOR.

MCI COMMUNICATIONS CORPORATION,

Washington, DC, March 22, 1996.

Mr. STROBE TALBOTT,

Deputy Secretary, Department of State, Washington, DC.

DEAR MR. TALBOTT: For many years, MCI has successfully conducted business in Pakistan with Pakistan PTT, the government-owned telephone company. Pakistan has proven to be a reliable business partner. We understand that the Overseas Private Investment Corporation (OPIC) is finalizing an agreement with the government of Pakistan to provide political risk insurance covering foreign investments in Pakistan. This agreement should provide the added security necessary for MCI and other American companies interested in increasing their investments in Pakistan. Any action taken to expedite completion of this agreement would be helpful.

Sincerely,

MARK ESHERICK,

Senior Policy Advisor.

SOLAR TURBINES,

Washington, DC, March 26, 1996.

Hon. STROBE TALBOTT,

Deputy Secretary, Department of State, Washington, DC.

DEAR MR. TALBOTT: This letter is a request for you to look favorably upon making the resources of the Overseas Private Investment Corporation available to U.S. exporters when doing business in the Country of Pakistan. Such action would be consistent with the availability of Export-Import Bank financing and insurance and the apparent desire on the part of the U.S. Government to work closely with the Government of Pakistan after the prime minister's visit of last year.

Pakistan represents an important market to U.S. exporters and the resources of OPIC will be of considerable value in generating additional export revenue and jobs within the United States. At the same time, the U.S. businesses will, by working more closely with Pakistan, further the cause of democracy and environmental awareness.

Your leadership in this matter will be greatly appreciated. Thank you for your consideration.

Most sincerely,

PETER CARROLL.

ALPHA-GAMMA TECHNOLOGIES, INC.,

Raleigh, NC, March 18, 1996.

Mr. STROBE TALBOTT,

Deputy Secretary of State, Washington, DC.

DEAR MR. TALBOT: Alpha-Gamma Technologies, Inc. is actively pursuing a private power development project in Pakistan. Along with two other U.S. based companies, we have plans to make a significant investment in the power generation sector in that country. However, we are placed at a significant disadvantage against foreign competition due to non-availability of OPIC coverage.

I believe that recent legislation passed by the U.S. Congress makes OPIC coverage available in Pakistan. However, implementation of this legislation seems to be taking some time. Any assistance you can provide in expediting the availability of OPIC coverage in Pakistan would greatly help U.S. firms in their efforts to compete in the Pakistan market.

Sincerely,

REESE H. HOWLE,
President.

BOSTON TECHNOLOGY, INC.,
Wakefield, MA, March 19, 1996.

Mr. STROBE TALBOTT,
Deputy Secretary of State,
Washington, DC.

DEAR MR. STROBE TALBOTT: I am writing in response to a phone message from a Mr. Monsori Ali, the Economic Minister of Pakistan, at the Embassy in Washington. Boston Technology is a telecommunications firm employing more than 500 people in the Boston Area, with offices worldwide.

We have already done some business in Pakistan with Paktel, and are currently negotiating for additional business with PTC, the Pakistan Telephone Company.

It would be of great assistance if the Senate would approve the Opic Insurance provision currently under consideration.

Thank you for your interest in Boston Technology.

Sincerely,

TODD HASSELBECK,
Vice President International Sales.

HAWKINS OIL & GAS, INC.,
Tulsa, OK, March 14, 1996.

Mr. STROBE TALBOTT,
Deputy Secretary of State,
Washington, DC.

Ref: OPIC Restoration for Pakistan.

DEAR MR. TALBOTT: This letter is a request that the process to restore OPIC insurance coverage for Pakistan be completed at the earliest possible date. Our company has been working since 1989 to construct and operate a 586 MW power plant—the Uch Power Project—in Pakistan. We have been pleased by the policy behind the Brown Amendment, and now are hopeful that its expected benefits can be realized. U.S. companies own over 50 percent of the Uch project equity, and most of the \$625 million plant budget is for purchase of U.S. sourced goods and services.

We are on the verge of financial closing of this project, and hope to receive clearance for filing our application for OPIC insurance thereafter.

Please accept my thanks and appreciation in advance for your assistance.

Sincerely,

JOHN B. HAWKINS.

TENASKA INTERNATIONAL,
Omaha, NE, April 8, 1996.

Mr. STROBE TALBOTT,
Deputy Secretary, Department of State, Wash-
ington, DC.

DEAR MR. TALBOTT: On behalf of the Uch Power project sponsors, I am writing to request your support for making Overseas Private Investment Corporation (OPIC) funding available for Pakistani projects.

As you know, Tenaska International and four other companies are developing the Uch Power Limited independent energy project in Pakistan. The other U.S. sponsors are GE Capital Corp. and Hawkins Oil and Gas. Additionally, Midlands Electricity of the UK and Hasan and Associates of Pakistan are project sponsors.

The \$630 million project is nearing financial close, and limited construction already has begun. Having access to OPIC insurance

is very desirable for the Uch project. Due to the project's advanced stage of development, we hope that OPIC insurance becomes available for Pakistan as soon as possible.

Speaking for Tenaska, we are most interested in future project development in Pakistan as well. Availability of OPIC insurance will be of great benefit to us for future projects.

We urgently request your support in making OPIC insurance available for projects in Pakistan.

Sincerely,

PAUL G. SMITH,
CEO, Tenaska International.

UNION TEXAS PETROLEUM,
March 20, 1996.

Mr. STROBE TALBOTT,
Deputy Secretary of State,
Washington, DC.

DEAR MR. TALBOTT: We are writing in support of initiatives by the Administration and in Congress to further improve relations between the United States and Pakistan, particularly the reactivation of Overseas Private Investment Corporation (OPIC) programs. Union Texas is a United States public company that has operated oil and gas concessions in Pakistan since 1977. During 1995, our operations produced approximately 37% of Pakistan's domestic oil production and 10% of its natural gas production. Over the years, we have had a productive and mutually beneficial relationship with the peoples and Government of Pakistan. We strongly believe that the United States should work to further strengthen its relations with Pakistan.

During 1995, Union Texas and the Government of Pakistan signed a new petroleum concession agreement and we began discussions regarding downstream projects, including electrical power generation and liquefied petroleum gas opportunities. The availability of OPIC programs could be a critical factor in our ability to commit to certain of these projects in the future.

We hope that the Administration will give its full support to reactivating OPIC's ability to offer its programs in Pakistan, thus encouraging U.S. investment and fostering a positive and supportive environment for relations between our two nations.

Very truly yours,

W. M. KRIPS.

SOUTHERN ELECTRIC INTERNATIONAL,
Atlanta, GA, March 19, 1996.

Mr. STROBE TALBOTT,
Deputy Secretary of State,
Washington, DC.

DEAR MR. TALBOTT: You may be aware that the Government of Pakistan (GOP) is pursuing a comprehensive program of privatizing some of its major state-owned companies. As part of this program, the GOP is privatizing the Kot Addu Power Station (KAPS) which is the largest (1600 MW) thermal electric power generating station in Pakistan. Southern Electric International is seriously pursuing this opportunity in competition with three other major international companies, two of which are non-U.S. This project will be bid this month with financial closing expected in September.

As a U.S. company, Southern Electric International's commercial objectives in Pakistan are constrained by the delays in the signing of the relevant protocol that will allow OPIC to provide the needed insurance risk coverages. The availability of OPIC insurance coverage for Pakistan would enhance the competitiveness and investment options available to Southern Electric and all U.S. companies interested in investing in Pakistan. Therefore, I would appreciate very much if your office would facilitate and sup-

port an expeditious signing of the relevant protocol.

Southern Electric is a wholly owned subsidiary of The Southern Company, one of the largest electric utility holding companies in the U.S., and is based in Atlanta, Georgia. Southern Electric finances, builds, owns and operates electricity generation, transmission and distribution assets in the U.S. and around the world. Currently, Southern Electric has international assets in Argentina, Bahamas, Chile, Trinidad and the United Kingdom.

Again, I appreciate your consideration and support with respect to OPIC insurance for Pakistan. If you have any questions or concerns regarding this matter, please feel free to contact me.

Regards,

THOMAS G. BOREN.

HYCARBEX, INC.

Irving, TX, March 20, 1996.

Mr. STROBE TALBOTT,
Deputy Secretary of State,
Washington, DC.

DEAR MR. TALBOTT: This letter is a request that the process to restore OPIC insurance coverage for Pakistan be completed at the earliest date. Our company has obtained a petroleum concession in Pakistan and is soon mobilizing our resources for the exploration and development of hydrocarbon resources in Pakistan. I am confident that an agreement between the Governments of the United States and Pakistan regarding OPIC's coverage will assist not only in our business but also others who are interested in doing business in Pakistan.

Please accept my thanks and appreciation in advance for your assistance.

Yours sincerely,

DAVID L. COX,
President.

AES CORP.,
Arlington, VA, March 19, 1996.

Hon. STROBE TALBOTT,
Deputy Secretary of State,
Washington, DC.

DEAR MR. TALBOTT: The AES Corporation is an American company in the business of building, owning and operating private electric power generating facilities in the United States and abroad. We have seven plants in the U.S., three in the U.K., three in Argentina, and four in China. More recently, we have completed the financings for and begun construction of two power plants in Pakistan. It is because of this activity that we write to you.

We have been working in Pakistan for two and one half years, and have committed substantial amounts of time and—more recently—equity capital to this country. Our dealings with the Government of Pakistan have been uniformly characterized by both fairness and remarkable expedition. We're pleased with our success there, and with the positive impact on American jobs that this success will have, indirectly and directly.

What has been lacking in Pakistan is our ability to access the insurance and financing programs of the Overseas Private Investment Corporation (OPIC). As you know, until recently OPIC was congressionally prohibited from offering its services to U.S. companies operating in Pakistan.

These restrictions have now been lifted, and we urge you to act quickly to allow OPIC to offer insurance coverage there. It will help our efforts and the efforts of many American companies to do business in Pakistan.

Sincerely,

ROBERT F. HEMPHILL, Jr.,
Executive Vice President.

Mr. HARKIN. Mr. President, the Government of Pakistan is pursuing dramatic economic reforms, including liberalization, privatization, and deregulation in order to transition its economy into a fully market-oriented system. Once OPIC support is reinstated, the United States will be able to institute trade and development assistance programs as well. U.S. companies will be able to pursue business opportunities in a wide variety of sectors, such as power generation, telecommunications, highway construction, port development and operations, oil and gas, and banking and finance.

I also point out, Mr. President, that the Government of Pakistan is in the process of privatizing its banking system. OPIC can be of great help and support in doing that.

Further, the prohibition of IMET has meant an emerging generation of Pakistani military officers has not had access to training in the United States. Let me be clear that IMET does not mean the transfer or sale of any weapons. It only means valuable education assistance to other militaries which help foster valuable military-to-military contacts with the United States and the host country and allows the United States to impart its values to other militaries.

Mr. President, according to the Department of Defense, the Chinese are currently the single largest provider of military training to Pakistani Forces. Cutting off Pakistan from IMET assistance over the last 7 years has therefore reduced our contacts among the military leadership in Pakistan and reduced their exposure to United States institutions and values. This 7-year vacuum has been filled by China—not in our best interests. In addition to providing American-style military training, IMET can be used to provide training in human rights, military justice, and civilian-military relations.

The chief of the Army staff, General Karamat, for Pakistan, who attended the United States Army Command and General Staff College in Fort Leavenworth, KS, has stated that he would rather send his officers to the United States to study rather than to China. I think we ought to take him up on that.

The United States has an IMET Program with every country in South Asia except for Pakistan, including Nepal, Bangladesh, Sri Lanka, India, even the Maldives. This policy does not make sense. IMET should be restored not as a favor to Pakistan but because it is clearly in the United States interests to do so.

That is what this amendment is really all about, helping the United States. It is pro-American. Pakistan is not getting military training from the United States; it is getting it from China. Is that serving U.S. interests? I do not think so.

This amendment is not for anyone else but the United States because it will be our interests that are best served by it. Mr. President, let me

briefly outline the long history of friendship between Pakistan and the United States.

I believe it is important that this appear in the RECORD.

Since 1947—50 years ago—the founding of the nation of Pakistan, the people of Pakistan have been helping to serve United States interests in South Asia and around the world. When the first Prime Minister of Pakistan, Liaquat Ali Khan, chose to undertake his first overseas visit, it was to the United States instead of to the Soviet Union, despite efforts by Moscow to entice him there and despite their proximity to both the Soviet Union and China. Since the late 1940's, Pakistan has helped the United States on numerous occasions in promoting and protecting American interests.

In a speech to this Congress, Prime Minister Liaquat Ali Khan proclaimed—and I quote—

No threat or persuasion, no material peril, or ideological allurements could deflect Pakistan from its chosen path of free democracy.

Pakistan lived up to its commitments later on in June 1950, when it declared its unqualified support for the United States in our war in Korea and backed us in that war.

In 1954, they joined the Central Treaty Organization.

In 1955, they joined SEATO, the South East Asian Treaty Organization. These two American-backed alliances were aimed at the containment of communism and were very successful.

In 1959, our two countries signed a mutual defense treaty which is still operational today.

So this is a long history.

Again, some will say, well, Pakistan has had military dictatorships and violations of human rights. That is true. I understand that. But I believe that the freedom advocates, the freedom fighters, those who struggle continually in Pakistan for democracy and freedom have been at it continually. They have been assassinated and tortured and put in jail, but they continue to struggle for democratic freedoms in that country.

Those are the ones about whom I speak, not the military dictatorships, but the brave people in Pakistan that continue to struggle and fight and to maintain an adherence to democracy.

Mr. President, from that time on, Pakistan has been on our side and by our side whether it is in Korea or whether it is in Somalia, whether it is in Haiti, or in Bosnia. Yes, Pakistan right now has troops in Bosnia. And they have faced dangers time and time again, but they have stuck by our side.

I spoke, not the military dictators, not the repressive forces in Pakistan, but to those brave people of Pakistan who, through all of this, continue to struggle and to fight against corruption and to maintain an adherence to democracy.

In 1960, Pakistan's commitment, its friendship to the United States was put to a very severe test. Again, in accord-

ance with the Mutual Defense Treaty, Pakistan allowed us to set up some bases. One of them was a base from which we flew our U-2 flights over the Soviet Union. One of those flights, as we all sadly remember, was shot down by the Soviets. Francis Gary Powers was the pilot, and we all know how the Soviets paraded him as one of their trophies.

Soviet leader Nikita Khrushchev turned his ire on Pakistan because he knew that was where the plane was based. He threatened to use nuclear arms and weapons against Pakistan. He boasted that the city of Peshawar would be wiped off the face of the Earth. The Foreign Minister of Pakistan, in his recently published account of the incident, describes the cool and confident reaction of the then-President of Pakistan, who dismissed the Soviet threat by saying, "So what?"

Again, put yourself in that context. Korean war, Mutual Defense Treaty, allowing us to base our U-2 spy planes there. They are bordering right on the Soviet Union, and yet they stood by us.

Pakistan again came to the assistance of the United States by helping to facilitate the crucial opening of American relations with China. In 1970, then-Secretary of State Henry Kissinger undertook a secret visit to China from Pakistan. Thus, again, Pakistan served as that vital bridge between the United States and China. Again, it was critical in the cold war to restrain the Soviet Union.

From 1979 to 1989, the United States went to Pakistan and asked them to cooperate with us in and help us fight the Soviet invasion of Afghanistan through infiltration of military equipment and other devices. Once again, Pakistan said yes to the United States even though they faced great danger. Not only did the Soviet Union, again, threaten Pakistan with dire consequences, but launched a campaign of subversion and terror against Pakistan. The country experienced numerous violations of its ground and air space, terrorist bombings, and subversion.

Since 1992, Pakistan has been at the forefront of peacekeeping operations. We went to them and asked them to supply troops for Somalia, and they said yes. And we went to them and asked them to supply troops for the Haiti operation, and they said yes. And, Pakistan made significant contributions to the multinational force during the Gulf War to help liberate Kuwait. Pakistani troops are currently in Bosnia.

In 1995, we asked Pakistan to return a suspected terrorist, Ramzi Yousef, for his alleged involvement in the World Trade Center bombing. And they did.

And, recently, the CIA was able to return to the United States, Mir Aimal Kansi, a Pakistani who is charged with killing two CIA employees outside CIA headquarters.

As a moderate democratic Islamic ally, Pakistan is our most tried and

trusted friend we have in the Islamic world. They have stood by our side against the Soviet Union's aggression. And they have stood by our side in the fight against terrorism.

So I say to my colleagues, let us treat our friend and ally Pakistan as they deserve to be treated due to their longstanding support for the United States, but most importantly it is in our best interests to do so. Granting OPIC and IMET will help U.S. business interests and U.S. national security interests. It will help exports, foster military-to-military contacts and give the United States better intelligence in the region. It is fair, it is right, and makes good sense for the United States to change its shortsighted policy and pursue long-term interests in the region.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. AL-LARD). The Senator from Virginia.

Mr. WARNER. Mr. President, I am very pleased that my distinguished friend and colleague approached me to form a partnership for the purpose of this amendment. In different ways and at different times both of us have worked closely with Pakistan. As a member of the Intelligence Committee for 8 years, and then as vice chairman, I worked very closely during the war in Afghanistan, and through the years have come to know many of the distinguished persons from that nation who have come to the United States either in an official capacity or indeed many, many who have a heritage in Pakistan who have come to reside and take up their responsibilities in America.

And that is why I agreed to be the principal cosponsor with my distinguished colleague.

Specifically, the amendment would allow the United States to provide OPIC financing for United States companies operating in Pakistan; would allow the resumption of the IMET program to train Pakistani military officers in the United States; and would allow assistance for activities to promote the development of democratic institutions.

This limited economic and training assistance to Pakistan will ensure that the United States will remain constructively engaged with a nation that has a long history as a friend and ally of the United States.

Almost from its creation as a nation in 1947, Pakistan has assisted the United States in containing Soviet expansion in this critical part of the world. In 1954, the United States and Pakistan signed a mutual defense assistance agreement which, over the following 10 years resulted in the United States providing Pakistan over \$700 million in military grant aid. United States economic aid to Pakistan was even more generous—this Nation provided over \$5 billion to Pakistan from 1951-82.

This close relationship was of great benefit to the United States following the December 1979 Soviet invasion of

Afghanistan. Pakistani cooperation was critical to the success of United States operations related to Afghanistan.

The amendment before the Senate today does not call for a full resumption of United States assistance to Pakistan. Most importantly, the existing prohibitions on providing military equipment would be retained. The programs we are talking about—particularly OPIC and IMET—are of great benefit to the United States, as well as Pakistan. OPIC financing will allow United States businesses to successfully compete for business opportunities in Pakistan; and IMET will allow the next generation of Pakistani military leaders to be exposed to our values.

During today's debate on this amendment, we will likely hear discussion about Pakistan's nuclear activities. While I share the concerns of my colleagues with the proliferation of weapons of mass destruction in South Asia, this amendment does not undermine our nonproliferation goals. To the contrary, I believe that we may be better able to influence developments in Pakistan if we remain engaged with that nation.

I urge my colleagues to support this amendment.

I compliment Senator HARKIN for his hard work on this amendment. We have talked with a number of our colleagues. We have talked with the administration. Former Ambassador Pickering, now a senior official at the Department of State, of course had written us. Those letters are now in the RECORD, to my understanding.

I rank him among the most knowledgeable of our present-day persons in the Department of State, indeed throughout the administration, and value his judgment greatly. I have worked with him for some 15 to 18 years now. And therefore, Mr. President, I strongly urge the adoption of this amendment.

At this time I yield the floor in recognition of my colleagues.

Mr. HARKIN. I just want to thank my colleague for his aid, his assistance, and strong support of this amendment, and for talking to colleagues here on the Senate floor about the importance to the U.S. interests of making sure we reinstate OPIC, IMET, TDA, the democracy initiative, and thank the distinguished Senator from Virginia for his strong support and his help in this effort.

Mr. WARNER. I thank my distinguished colleague, and particularly for his reference to IMET. It is a program I have dealt with throughout my career both in the Department of Defense and here in the Senate. And it returns great dividends to the United States. I am delighted that this will be a part of it.

I yield the floor.

Mr. GLENN. Mr. President, I rise to speak about the amendment offered by my colleagues, Messrs. HARKIN and

WARNER, which would authorize the resumption of certain forms of economic assistance and military training activities with Pakistan.

The amendment would allow the provision of assistance by the Overseas Private Investment Corporation [OPIC], the resumption of military training activities, and certain other trade and democratic assistance to Pakistan. This aid had been terminated due to Pakistan's continued inability to keep its many promises and assurances to the United States concerning the peaceful nature of its nuclear program. The amendment would resume this specific assistance and do so unconditionally.

I used the word, "unconditionally." That means, the assistance could continue in the future to flow even if Pakistan acquired new uranium enrichment assistance from China or transferred its own technology to some other country.

The aid could flow if Pakistan detonated a nuclear device or transferred nuclear weapons designs or components to some other country.

The aid could flow if Pakistan once again attempts to violate United States nuclear export control laws by acquiring nuclear equipment or materials for its bomb program.

The aid could flow if Pakistan starts the unsafeguarded production of plutonium, an activity that may soon commence with the completion of its production reactor at Khushab.

The aid could flow, in short, with no expectation whatsoever that such aid would be accompanied by further progress in restraining Pakistan's bomb program. And in so flowing, the aid could help Pakistan—albeit in a restricted way—to alleviate the burdens of United States nuclear sanctions. In other words, America could be helping Pakistan to cope with United States nuclear sanctions, rather than signaling our fundamental national conviction in policy and in law that proliferation must have a price. Instead of making proliferators pay, we could be issuing special rewards for proliferation.

The key here is obviously the word, "could". The President would be left, under this legislation, with the delegated responsibility of determining whether the continuation of U.S. assistance in the face of any of the activities above would truly serve the U.S. national interest. And I for one surely cannot imagine any circumstance where such a determination could be made.

Yet I hope that this amendment will not send the entire world exactly the wrong message about America's commitment to nonproliferation.

The amendment must not suggest that America has lost the political will to keep nonproliferation as a key national security policy in our dealings with other countries.

It must not signal that our country is more concerned with promoting its opportunities for trade and investment

than it is about curtailing the global spread of nuclear weapons.

It must not indicate that countries can make—and then systematically break—solemn promises to the United States concerning matters of profound importance to regional and international security, and do so without jeopardizing the flow of much-desired U.S. foreign assistance.

Now all of us here today are familiar with the notion that America should engage Pakistan by providing increased United States assistance as a means of restraining its nuclear program. It would not be the first time that members of the Senate or the Executive had argued that additional military or economic aid would serve as a valuable instrument of nonproliferation. But I do not believe that the sponsors of this amendment today would sincerely make such an argument. We simply cannot turn a blind eye to history.

Mr. President, I ask unanimous consent to insert at the end of my remarks a list of statements concerning the alleged value of United States foreign assistance as a tool of nuclear restraint in Pakistan. I urge my colleagues to read a few of such assurances that United States officials provided to Congress throughout the decade of the 1980's, the very decade, lest we forget, that Pakistan crossed its most significant milestones on its march to the bomb.

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

(See Exhibit 1.)

Mr. GLENN. I would like to remind my colleagues that most United States economic and military aid to Pakistan was cut off in October 1990 by President George Bush, when he was no longer able to certify that Pakistan did not possess nuclear weapons or that the provision of further United States aid would reduce the risk that Pakistan would come to possess such weapons. That language, found in the Pressler amendment, sec. 620E(e) of the Foreign Assistance Act, has been substantially relaxed in recent years, in part by the actions of Congress, and in part by actions taken unilaterally by the Executive. Let me review briefly just how far America has gone already to relax these sanctions.

The Brown amendment, which was enacted in February 1996, amended the Pressler amendment to allow the provision of all types of economic assistance, notwithstanding Pakistan's continuing non-compliance with the Pressler criteria. In addition to allowing the transfer of over a third-of-a-billion dollars of embargoed military gear to Pakistan—including spare parts and upgrades for Pakistan's probable nuclear-weapons delivery vehicle, the F-16—the Brown amendment also unconditionally authorized the resumption of the following aid: international narcotics controls; military-to-military contacts, including IMET; humanitarian and civic assistance projects; peace-

keeping and other multilateral operations; antiterrorism assistance; an exemption from storage costs for embargoed military equipment; and delivery of military items sent to the United States for repair before the 1990 sanctions.

For its sponsors, the Brown amendment suffered from one rather serious problem, however. That amendment failed to recognize that Pakistan was still in violation of the Symington amendment, sec. 101 of the Arms Export Control Act, and the likelihood of presidential waiver of the latter was extremely remote, in light of Pakistan's continued violations of that law. In short, because the Brown amendment neither repealed nor amended the Symington amendment, the Symington amendment continues to outlaw the provision of aid under the Arms Export Control Act or the Foreign Assistance Act to Pakistan. That is why the present amendment is being offered—it is being offered to liberalize the sanctions under the Symington amendment.

I note that the International Financial Institutions Act only requires U.S. executive officers at those institutions merely "to consider" the nonproliferation credentials of the potential recipient country, and hence this does not prohibit continued aid via such institutions. Pakistan has received hundreds of millions of dollars in assistance from such institutions since October 1990.

The Export-Import Bank Act only requires the denial of credits in the event of violations of safeguards or a US nuclear cooperation agreement; nuclear detonations; or persons or countries that willfully aid and abet non-nuclear-weapon states to get the bomb.

A host of other legislative amendments have authorized the provision of the following forms of assistance to Pakistan, notwithstanding existing nuclear sanctions, via nongovernmental organizations: agricultural, rural development, and nutrition; population and health; education and human resources development; energy; appropriate technology; use of cooperatives in development; integrating women into national economies; human rights; environment and natural resources; endangered species; and private and voluntary organizations.

So America has not been heartless to the lot of Pakistan's vast majority, its poor people. We have over the years provided billions of dollars of assistance intended to improve the living conditions of the people of Pakistan.

Our grievance today is not with the people of Pakistan but with their Government. It arises in particular from the awesome and growing credibility gap between the peaceful words of Pakistan's leaders about their country's nuclear program, and the certain fact that Pakistan is continuing to develop nuclear weapons and the missiles to deliver them.

Now some might argue that we should simply be grateful that Paki-

stan is not detonating nuclear weapons right now. We should rejoice that Pakistan is not transferring its bombs, bomb designs, or bomb components—right now anyway—to other countries. We should be happy that Pakistan has not yet imported a complete nuclear reprocessing plant or uranium enrichment plant from China, and be grateful that it is only technical assistance and components that Pakistan has received for its bomb program from China. By golly, we should celebrate the fact that Pakistan does not yet have an ICBM, or that it has not yet attacked Indian civilian or military positions with nuclear weapons hung under the wings of United States-supplied F-16 aircraft. Yes, we can surely be grateful for all the above restraint.

But maybe, just maybe, all of this heroic nuclear restraint that Pakistan has exercised is due in good measure to the real and palpable costs that Pakistan would pay if it engaged in any of those flagrant activities—costs that include, but are no means limited to, the costs that are found in existing United States sanctions legislation.

We must examine, however, not just at what Pakistan has not done, but also recall what Pakistan has done. Here is what Pakistan has done recently:

Pakistan has acquired thousands of specially-designed ring magnets for its unsafeguarded uranium enrichment project, and reportedly acquired them just about the time the United States Congress was debating the Brown amendment in 1995. Pakistan's actions make a mockery not just of the Brown amendment, but also of America's nuclear nonproliferation policy as a whole.

Pakistan is nearing completion of an unsafeguarded plutonium production capability with its production reactor at Khushab and, by some reports, a related nuclear reprocessing plant.

Pakistan has in the eyes of most of the world, but evidently not yet those in our own State Department, acquired nuclear-capable M-11 missiles from China, and recently test-fired its HATF missile.

On March 20, 1997, the trade publication, *Nucleonics Week*, reported that "Pakistan has completed its tests of its atomic bomb capability successfully through computer simulation." This claim was made by one who should know, Pakistan's former Army Chief of Staff, Mirza Aslam Beg, and comes as a particularly bitter reminder of the Senate's unfortunate decision last week to vote down a proposal by my colleagues, Messrs. COCHRAN and DURBIN, to tighten up export controls over high-powered computers going to Pakistan and other risky countries.

In June 1997, the CIA Director sent to Congress an unclassified report on global weapons proliferation in the last 6 months of 1996—Report entitled: "The Acquisition of Technology Related to Weapons of Mass Destruction and Advanced Conventional Munitions: July-

December 1996". Here is what the report had to say about Pakistan:

Pakistan was very aggressive in seeking out equipment, material, and technology for its nuclear weapons program, with China as its principal supplier. Pakistan also sought a wide variety of nuclear-related goods from many Western nations, including the United States. China also was a major supplier to Pakistan's ballistic missile program, providing technology and assistance. Of note, Pakistan has made strong efforts to acquire an indigenous capability in missile production technologies.

The report also said that,

The Chinese provided a tremendous variety of assistance to both Iran's and Pakistan's ballistic missile programs.

Needless to say, these are some of the key findings from just one recent unclassified U.S. government report, perhaps the tip of the proverbial iceberg.

Mr. President, I ask unanimous consent to insert into the RECORD at the end of my remarks copies of some of these relevant reports.

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

(See exhibit 1.)

Mr. GLENN. How are we to interpret such activities? Should we just write them off as due to India's own irresponsible nuclear and missile programs? Is it due to the so-called inevitability of proliferation? No, indeed, we need to redouble our efforts to roll back both countries' programs. Above all, we should not be engaging in acts that can reasonably be interpreted as rewards for proliferation.

I do not myself see this legislation as a reward for proliferation and do not believe that its sponsors, including its supporters in the Administration, so view it. But I worry more about how others will perceive it, particularly those in Pakistan and in the various ministries of other countries that may be working on clandestine projects to develop weapons of mass destruction. How far can Uncle Sam be pushed when it comes to avoiding sanctions against the bomb? If past is prologue, it appears that the unfortunate answer is, pretty far indeed.

Through this legislation, America has now made a gesture—based more on hope than on experience—that the Government and people of Pakistan will interpret as they wish. I hope they will recognize that America is sincere about its global commitments to nuclear and missile nonproliferation. I hope they recognize that America remains determined to pursue vigorously these commitments not only in Pakistan, but also in India, and indeed, wherever such illicit programs may exist.

I also hope—as the profound direct and indirect costs mount of maintaining these dangerous nuclear and missile programs—that the Government and people of Pakistan will come in due course to realize that there is a more rational course to follow and a new day will dawn. It is a course charted by the governments and people of South Africa, Brazil, Sweden, Swit-

zerland, South Korea, Taiwan, Germany, Japan, and numerous other countries that individually reached their own decisions that their latent nuclear weapons options are just not worth the substantial national security and economic costs of exercising those options. Make no mistake about it: cost assessments have been and will continue to be crucial to national leaders around the world in making such decisions.

We will not come any closer to witnessing the dawn of that new day, however, if we continue on our current course of incrementally weakening the costs we impose for proliferation where it occurs. I remain concerned that while today's step is quite modest and incremental, the overall tendency is one that is suggestive of a weakening of America's resolve to pursue vigorously its key nonproliferation goals. Last week we gave the Senate's blessing to the disposal of licensing requirements for computers that were used in making hydrogen bombs. Today we loosen sanctions on Pakistan despite its ongoing nuclear and missile programs. Where will this process lead tomorrow?

That is the question that remains unanswered by today's legislation. It is a question that I surely hope is on the minds of each Member of Congress and the relevant offices in the Executive. Indeed, this is a question that should be on the minds of all Americans.

EXHIBIT 1

U.S. AID POLICIES AND PAKISTAN'S BOMB: WHAT WERE WE TRYING TO ACCOMPLISH?

Letters to Congress from Presidents Reagan & Bush, 1985–1989, required under sec. 620(e) of Foreign Assistance Act (Pressler Amendment)—“The proposed United States assistance program for Pakistan remains extremely important in reducing the risk that Pakistan will develop and ultimately possess such a device. I am convinced that our security relationship and assistance program are the most effective means available for us to dissuade Pakistan from acquiring nuclear explosive devices. Our assistance program is designed to help Pakistan address its substantial and legitimate security needs, thereby both reducing incentives and creating disincentives for Pakistani acquisition of nuclear explosives.”—President George Bush, 10/5/89; President Ronald Reagan, 11/18/88; 12/17/87; 10/27/86; & 11/25/85.

President George Bush, letter to Congress (addressed to J. Danforth Quayle as President of the Senate), 12 April 1991, urging abandonment of Pressler certification requirement: “. . . my intention is to send the strongest possible message to Pakistan and other potential proliferators that nonproliferation is among the highest priorities of my Administration's foreign policy, irrespective of whether such a policy is required by law.”

Deputy Assistant Secretary of State Teresita Schaffer, testimony before House subcommittee, 2 August 1989: “None of the F-16's Pakistan already owns or is about to purchase is configured for nuclear delivery . . . a Pakistan with a credible conventional deterrent will be less motivated to purchase a nuclear weapons capability.”

Deputy Assistant Secretary of Defense Arthur Hughes, testimony before House subcommittee, 2 August 1989: “Finally, we be-

lieve that past and continued American support for Pakistan's conventional defense reduces the likelihood that Pakistan will feel compelled to cross the nuclear threshold.”

Deputy Assistant Secretary of Defense Robert Peck, testimony before House subcommittee, 17 February 1988: “We believe that the improvements in Pakistan's conventional military forces made possible by U.S. assistance and the U.S. security commitment our aid program symbolizes have had a significant influence on Pakistan's decision to forego the acquisition of nuclear weapons.”

Special Ambassador at Large Richard Kennedy, testimony before two House subcommittees, 22 October 1987: “We have made it clear that Pakistan must show restraint in its nuclear program if it expects us to continue providing security assistance.”

Assistant Secretary of State Richard Murphy, testimony before Senate subcommittee, 18 March 1987: “Our assistance relationship is designed to advance both our non-proliferation and our strategic objectives relating to Afghanistan. Development of a close and reliable security partnership with Pakistan gives Pakistan an alternative to nuclear weapons to meet its legitimate security needs and strengthens our influence on Pakistan's nuclear decision making. Shifting to a policy of threats and public ultimata would in our view decrease, not increase our ability to continue to make a contribution to preventing a nuclear arms race in South Asia. Undermining the credibility of the security relationship with the U.S. would itself create incentives for Pakistan to ignore our concerns and push forward in the direction of nuclear weapons acquisition.”

Deputy Assistant Secretary of State Howard Schaffer, testimony before House subcommittee, 6 February 1984: “The assistance program also contributes to U.S. nuclear non-proliferation goals. We believe strongly that a program of support which enhances Pakistan's sense of security helps remove the principal underlying incentive for the acquisition of a nuclear weapons capability. The Government of Pakistan understands our deep concern over this issue. We have made clear that the relationship between our two countries, and the program of military and economic assistance on which it rests, are ultimately inconsistent with Pakistan's development of a nuclear explosives device. President Zia has stated publicly that Pakistan will not manufacture a nuclear explosives device.”

Special Ambassador at Large Richard Kennedy, testimony before two House subcommittees, 1 November 1983: “By helping friendly nations to address legitimate security concerns, we seek to reduce incentives for the acquisition of nuclear weapons. The provision of security assistance and the sale of military equipment can be major components of efforts along these lines. Development of security ties to the U.S. can strengthen a country's confidence in its ability to defend itself without nuclear weapons. At the same time, the existence of such a relationship enhances our credibility when we seek to persuade that country to forego [sic] nuclear arms . . . We believe that strengthening Pakistan's conventional military capability serves a number of important U.S. interests, including non-proliferation. At the same time, we have made clear to the government of Pakistan that efforts to acquire nuclear explosives would jeopardize our security assistance program.”

Statement by Deputy Assistant Secretary of State Harry Marshall, 12 September 1983, before International Nuclear Law Association, San Francisco: “U.S. assistance has permitted Pakistan to strengthen its conventional defensive capability. This serves to

bolster its stability and thus reduce its motivation for acquiring nuclear explosives."

President Ronald Reagan, report to Congress pursuant to sec. 601 of the Nuclear Non-proliferation Act ("601 Report"), for calendar year 1982—"Steps were taken to strengthen the U.S. security relationship with Pakistan with the objective of addressing that country's security needs and thereby reducing any motivation for acquiring nuclear explosives."

President Ronald Reagan, report to Congress pursuant to sec. 601 of the Nuclear Non-proliferation Act ("601 Report"), for calendar year 1981—"Military assistance by the United States and the establishment of a new security relationship with Pakistan should help to counteract its possible motivations toward acquiring nuclear weapons . . . Moreover, help from the United States in strengthening Pakistan's conventional military capabilities would offer the best available means for counteracting possible motivations toward acquiring nuclear weapons."

Assistant Secretary of State James Malone, address before Atomic Industrial Forum, San Francisco, 1 December 1981: "We believe that this assistance—which is in the strategic interest of the United States—will make a significant contribution to the well-being and security of Pakistan and that it will be recognized as such by that government. We also believe that, for this reason, it offers the best prospect of deterring the Pakistanis from proceeding with the testing or acquisition of nuclear explosives."

Undersecretary of State James Buckley, testimony before Senate Foreign Relations Committee, 12 November 1981: "We believe that a program of support which provides Pakistan with a continuing relationship with a significant security partner and enhances its sense of security may help remove the principal underlying incentive for the acquisition of a nuclear weapons capability. With such a relationship in place we are hopeful that over time we will be able to persuade Pakistan that the pursuit of a weapons capability is neither necessary to its security nor in its broader interest as an important member of the world community."

Testimony of Undersecretary of State, James Buckley, in response to question from Sen. Glenn, Senate Foreign Relations Committee, 12 November 1981, on effects of a nuclear detonation on continuation of cash sales of F-16's: "[Sen. Glenn] . . . so if Pakistan detonates a nuclear device before completion of the F-16 sale, will the administration cut off future deliveries?"

"[Buckley] Again, Senator, we have underscored the fact that this would dramatically affect the relationship. The cash sales are part of that relationship. I cannot see drawing lines between the impact in the case of a direct cash sale versus a guaranteed or U.S.-financed sale."

Undersecretary of State James Buckley, letter to NY Times, 25 July 1981: "In place of the ineffective sanctions on Pakistan's nuclear program imposed by the past Administration, we hope to address through conventional means the sources of insecurity that prompt a nation like Pakistan to seek a nuclear capability in the first place."

EXHIBIT 2

[From Nucleonics Week, April 24, 1997]

PAEC OFFICIAL SAYS CHINA WILL MAKE KEY PARTS, FINISH CHASHMA BY 1999

(By Mark Hibbs)

TOKYO.—Pakistan's first imported PWR will be finished by the end of 1998, and contain equipment which China imported for its prototype PWR at Qinshan but which Chinese firms have since learned to make, according to Parvez Butt, a member of the

Pakistan Atomic Energy Commission (PAEC).

Butt described the 300-MW PWR at Chashma as 70% complete in terms of both cost and equipment installed. Still to be installed are reactor internals.

For Qinshan-1, the reactor vessel and internals and steam generator tubing were manufactured in Japan, Germany, France, Sweden, and Britain. At that time, Western industry firms involved in making the equipment claimed that China did not have the metallurgical know-how needed to make all the equipment needed to replicate the plant in Pakistan (NW, 6 Feb. '92, 2). South Korean officials said in 1995 that Korea Heavy Industry & Construction Co. Ltd. (KHIC) had been approached to make the vessel, since it is already manufacturing vessels for China's larger indigenous PWRs at Qinshan, but the idea was dropped when Seoul applied to join the Nuclear Suppliers Group (NW, 28 Sept. '95, 1).

Butt said that the pressure vessel for Chashma-1 was made at a factory in northern China and has been undergoing testing since October. Butt said the vessel would be "ready soon" and would conform to international quality standards. According to French industry sources, China sought to make larger pressure vessels for the next French-supplied PWRs to be built in Guangdong Province, but experts at Framatome refused, citing quality concerns.

The steam generators for Chashma-1 will be made by Shanghai Boiler Works, and Shanghai Turbine Works will make the turbine generator. The unit's two main circulation pumps will also be provided by Chinese firms. Instrumentation and control (I&C) equipment is of Chinese design, Butt said, and will be manufactured by Chinese firms in Shanghai and Beijing.

Butt said China will also provide the first core and three reloads, using Chinese uranium enriched and fabricated into fuel in China. China has trained about 150 Pakistani operating and maintenance personnel at Qinshan, Butt said. Pakistan industry input to the Chashma project has been limited to some auxiliary equipment such as decontamination tanks in the liquid waste treatment system.

According to Butt, Pakistan paid cash for all the Chinese input to the Chashma project. Financing for a second Chinese unit there, he said, has "not yet been arranged."

[From Nucleonics Week, March 27, 1997]

NEW PAKISTANI GOVERNMENT RESTORES FULL FUNDING FOR CHASHMA PROJECT

(By Abdul Rauf Siddiqi)

KARACHI.—The new government of Nawaz Sharif has decided to divert unutilized funds amounting to about 4-billion rupees (U.S. \$100-million) from the disbanded People's Works Programme to the 300-MW Chashma Nuclear Power Project, restoring the current year's budget to ensure the plant's on-time completion, government sources said.

The People's Works Programme was disbanded by the caretaker government headed by Miraj Khalid, which bridged the time between the dissolution of Benazir Bhutto's government to the formation of the current one. The caretaker government, brought into office on complaints of corruption, mismanagement, and misuse of funds in the Bhutto regime, allowed only those program projects which were near to completion to continue.

The caretaker government also reduced the allocation for Chashma by Rs 3-billion from the Rs 4.7-billion budgeted for fiscal 1996-97.

Chashma, being constructed at an estimated cost of Rs 31-billion by the China Na-

tional Nuclear Corp., is said to be progressing on schedule and is expected to be completed by the target of October 1998. It is modeled on China's indigenous-design PWR at Qinshan.

[From Nucleonics Week, March 20, 1997]

EX-ARMY HEAD SAYS PAKISTAN BOMB PASSED COMPUTER SIMULATION TESTS

(By Abdul Rauf Siddiqi)

KARACHI.—Pakistan has completed its tests of its atomic bomb capability successfully through computer simulation, according to Pakistan's former Army Chief, retired general Mirza Aslam Beg in an interview with the Urdu language national daily Pakistan published in Lahore.

Beg, who retired in 1990, is head of the Awami Qiyadat Party (AQP) and of an international think tank, Foundation for Research on International Environment, National Defence & Security. He took over the reins of the armed forces after his predecessor died in a 1988 plane crash. He was the first army chief to confirm Pakistan's nuclear capability, and disclosed that the government froze the nuclear program in 1989 under U.S. pressure.

The former army chief's confirmation of Pakistan's nuclear test via computer came as an India is preparing to conduct a final test of its intercontinental ballistic missile Prithvi at Arrisa, Khalij Bengal. Beg said that Pakistan's next step would be the technology to drop a bomb. He said he has no knowledge of Pakistan's possessing the needed missile technology, he said, "we can use F-16 aircraft for the purpose."

[From the Deutsche Presse-Agentur, July 3, 1997]

PAKISTAN CONFIRMS TEST FIRING ROCKET BUT GIVES NO DETAILS

ISLAMABAD.—A government spokesman in Islamabad confirmed Thursday that Pakistan's Space and Upper Atmosphere Research Council (Suparco) recently test fired a rocket.

"It was a routine test carried out by Suparco in rocket motor technology and was aimed at peaceful uses of technology," said the spokesman of the Foreign Ministry commenting on press reports that the test involved Hatf-3 missile.

The spokesman did not identify the rocket as Hatf-3 nor did he confirm a report that it had a range of 800 kilometres. "I do not have the technical details," he said.

Suparco is a civilian organization and its research had "no military component", he added.

Pakistan has been developing the Hatf missile to rival India's medium-range Prithvi missile. China has been helping Pakistan in the effort and has also supplied its M-11 missiles to the Moslem country.

"You are free and welcome to locate the factory," the spokesman said rejecting as "totally baseless" a U.S. Time magazine report last month that spy satellites of the American Central Intelligence Agency had spotted the layout of a new missile factory in the suburbs of Rawalpindi, adjacent to Islamabad.

In the past, American intelligence agencies reports about the existence of secret nuclear facilities near Rawalpindi have neither been admitted nor proved independently.

[From Nucleonics Week, July 3, 1997]

U.S. BELIEVES KHUSHAB STILL COLD, NO HEAVY WATER SOLD BY CHINA

(By Mark Hibbs)

BONN.—U.S. officials last week categorically denied a report from Pakistan which claimed that an unsafeguarded reactor near

Khushab has started operating. One official monitoring nuclear developments in Pakistan told Nucleonics Week instead that "all the data at hand indicates that the reactor is still cold."

Two weeks ago, the Pakistani English-language newspaper Dawn asserted that the reactor is finished and has started up, but cannot produce electricity or reach full power because of a shortage of heavy water (NW, 19 June, 15).

Western officials conjectured that the Pakistani claim may have been triggered by a construction milestone at the reactor site or planted in response to recent reports that India has deployed the Prithvi ballistic missile.

In 1994, Western officials told Nucleonics Week that Pakistan was building a plutonium production reactor, rated at between 50 and 70 megawatts thermal, at a site near Khushab. These sources later added that intelligence pointed to construction of a fuel fabrication or reprocessing center near the reactor (NW, 22 Feb. '96, 6). As late as this April, however, a member of the Pakistan Atomic Energy Commission denied flatly that the reactor existed.

According to one U.S. official this week, however, the Khushab reactor "is definitely out there" but not scheduled to be finished "until later this year or sometime in 1998." Another official said that, under the most optimistic schedule, completion of the reactor "is several months away." Sources indicated that the reactor had not yet undergone cold testing, let alone become critical.

The Pakistani report suggested that the reactor would be used for electricity production as well as for isotope production. Recent surveillance photographs of the site, however, do not indicate that Pakistan is building power grid infrastructure, such as turbine generator equipment, for electricity generation. Moreover, Western officials said, it is not believed the reactor's chief purpose is isotope or silica production, as stated in the Pakistani account. Pakistan has a technical cooperation program with the IAEA for these activities, "but none of this has got anything to do with Khushab," one Vienna official said, and the IAEA "has not been informed" by Pakistan that the reactor is under construction or that Pakistan plans to incorporate the unit into its existing technical cooperation program.

Sources said that, because Pakistan is facing a massive financial crisis, the U.S. and other creditor countries supporting the International Monetary Fund are trying to leverage Islamabad to keep the reactor from operating outside of IAEA safeguards. Zia Mian, a research fellow at the Union of Concerned Scientists in Cambridge, Mass., observed, "If Pakistan were to start operating the reactor now, it would be taking a very major foreign policy step," demonstrating to the world that its unsafeguarded program is going forward regardless of U.S. opposition, and escalating military nuclear activities to include significant plutonium production.

INDIAN REPORT ALSO UNCONFIRMED

U.S. officials last week confirmed the assertion by Dawn that a critical factor which may indefinitely delay full-power operation of Khushab is shortage of heavy water. But they did not confirm recurring Indian reports that China, which the U.S. believes to have supported construction of Khushab, also provided heavy water for it. According to Western intelligence sources, a full inventory of heavy water for the unit would be about 15-20 metric tons (MT), though it could go critical with a smaller amount.

Indian sources said that, in 1996, China sold Pakistan 40 MT for Khushab, U.S. officials said the Indian government had told Wash-

ington this recently, but U.S. government agencies "could not confirm" the Indian assertion. A U.S. official said last week that, when New Delhi made the allegations to Washington, the U.S. "went back to the Chinese on this" and received assurances from Beijing that Chinese entities did to sell heavy water to Pakistan for Khushab.

U.S. officials said Indian allegations of Chinese heavy water trading with Pakistan were first made during the 1970s, and the most recent claims were initially taken seriously because there is evidence of past Chinese heavy water sales to both India and Pakistan.

Last year, the Department of State, now negotiating a resumption of nuclear commerce with China, asserted to the U.S. Congress that as of May 1996, China was not assisting any unsafeguarded foreign nuclear programs. Despite the Indian claims, U.S. officials last week continued to back China's nonproliferation credentials. "That means nothing has gone to Khushab," since mid-1996, "and no heavy water," one U.S. official involved said June 26.

According to the Pakistani report, administrative difficulties in Pakistan had prevented heavy water from being allocated for the Khushab reactor. Sources told Nucleonics Week that, in fact, most of Pakistan's scarce heavy water resources have, over the last two years, been allocated for the Kanupp PHWR, which generates electricity under IAEA safeguards. That allocation, sources said, reflected a general policy by Pakistan under former prime minister Benazir Bhutto not to take any steps, such as producing high-enriched uranium (HEU) at the Kahuta centrifuge enrichment plant, which would be seen by Washington as provocative and escalating regional nuclear tension. One source said, "Keeping heavy water at Kanupp and away from Khushab should be seen by Washington as going hand-in-hand with not enriching uranium to HEU."

Mr. TORRICELLI. Mr. President, I rise today in strong support of the Harkin amendment which restores OPIC, IMET, Trade and Development Assistance [TDA], and democracy-building institutions in Pakistan.

This amendment provides us with a unique opportunity to strengthen and solidify our relationship with Pakistan. Pakistan is a friendly country and vitally important to the United States. By restoring these programs, we can influence the course that Pakistan's economic and political reforms take and improve the continuity of its democratic government.

Pakistan has made great strides in these areas, and Prime Minister Sharif's election signals a turning point in Pakistani politics. As he moves to improve the quality of his country's government, the United States should provide the support necessary. Prime Minister Sharif has sponsored changes in the Pakistani constitution to end the President's power to dismiss the elected government. In the economic sphere, his government has embarked on an ambitious reform program intended to stabilize the economy. These are positive developments, but we need to encourage Pakistan to go even further. Our own Secretary of State has met with the Pakistani Foreign Minister to discuss options for more extensive reforms.

It is in the United States' best interests to train Pakistani officials in how

to conduct legislative procedure and build lasting democratic institutions. It is also in our best economic interests to resume OPIC support for investment in Pakistan. Prominent U.S. business leaders have expressed their support for such an initiative, and I believe this option can benefit U.S. industry. The United States will be in a prime position to support economic reform in Pakistan, as well as compete for investment and trade opportunities there. We cannot, and should not, penalize U.S. companies looking to expand into this area of the world.

Neither should we jeopardize our stated goal of promoting nuclear nonproliferation. We have worked to prevent the nuclear arms race in South Asia, and future cooperation with Pakistan is now at stake. Restoring IMET in Pakistan is perhaps the best means we have of ensuring that nonproliferation becomes a reality. The Pakistani military controls the country's nuclear programs, but an entire generation of military officers has been denied access to training in the United States. By prohibiting IMET, we have succeeded in reducing our contacts within the leadership and limiting their exposure to U.S. values and institutions. If we allow IMET to resume, we will strengthen our position on nonproliferation by encouraging a Pakistani military that is as pro-United States as possible. Improved relations with Pakistan can only help our future nonproliferation efforts.

Mr. President, I am pleased to be a co-sponsor of this amendment, and I look forward to a close relationship with Pakistan in the future.

Mr. MCCONNELL. I am not aware of any opposition to the amendment on our side.

Mr. LEAHY. None here.

We are ready to move forward, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 899) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

The PRESIDING OFFICER. Without objection, the motion to reconsider is laid on the table.

The motion to lay on the table was agreed to.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 890

(Purpose: To state the sense of the Senate that most-favored-nation trade status for China should be revoked)

Mr. HUTCHINSON. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 890.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that further 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:

"It is the sense of the Senate that the non-discriminatory treatment extended to the People's Republic of China on May 29, 1997, pursuant to section 402(c) of the Trade Act of 1974 should be withdrawn."

Mr. HUTCHINSON. Mr. President, I offer amendment No. 890 to the foreign operations appropriations bill. This amendment which is a sense of the Senate, would disapprove the MFN status, most-favored-nation status, to the nation of China. I have opposed the renewal of MFN to China. On June 3 of this year I became an original cosponsor of Senate Joint Resolution 31, the legislation disapproving the extension of MFN.

Unfortunately, because of the joint resolution of disapproval in the House, which failed to pass the House of Representatives on June 24, as in past years or at least recent years, the Senate has not considered and has not had the opportunity to weigh in on and to voice its concern about the conditions in China, and particularly to cast a vote on the MFN status for China.

Today we will have that opportunity with this sense of the Senate. It has been almost 4 years, Mr. President, since the United States formally delinked the issues of trade and human rights with regard to China. Four years ago when we delinked, when we embarked upon our policy of constructive engagement, the logic was that greater trade, greater economic expansion within China itself, would result in political freedom, greater political freedom, less repression, more opportunity for the people of China.

The fact is, by every measure, the record of the Chinese Government on human rights has worsened since the time that we embarked upon this policy delinking trade and human rights. Whether you look at the crackdown on people of faith within China, whether you look at the practice of forced abortions, forced sterilization of the mentally handicapped, the near extinction of the expression of any opinion that would be contrary to the established line of the Communist Government in Beijing, by any measure, conditions are worse, freedoms are less, oppression is greater than it was 4 years ago when we started this policy of constructive engagement.

In fact, according to the 1996 country report issued by our own State Department, the U.S. State Department said that the Chinese Communist leaders have succeeded in silencing every known political dissident. Mr. President, that is every dissident, every free voice, every voice of dissent, every contrary opinion to the party line has now been extinguished in Communist China either through exile, through death, or through imprisonment.

So, Mr. President, I feel very strongly that our current policy of continuing normal trade relations without regard to human rights conditions has been ineffective in stemming this very alarming trend in China by turning a blind eye to the atrocities or abdicating our responsibility as a great and a free nation.

As we have continued to extend China's MFN status, insufficient progress has been made in opening the vast Chinese market to the American companies. The argument has been free trade, increased economic expansion. While our imports from China have increased dramatically during the last 4 years, the amount of goods we export to China has grown at a much, much smaller rate.

Moreover, Mr. President, China utilizes a vast prison system manned with slave labor to produce many products which are exported to the West. It is unfair to ask American laborers, American workers, to compete with the slave labor of Communist China. I believe in free trade. This is not free trade that we have currently. Soldiers of the People's Liberation Army stand guard atop the towers of the slave labor camps, known as Laogai. The PLA controls, either directly or indirectly, a significant portion of the Chinese industry. In fact, according to our CIA, thousands of industries that we are trading with on a routine basis are controlled by the People's Liberation Army. That is not free trade. It is not fair trade. It is not right.

Mr. President, it is believed that many of these industries are involved in the proliferation of weapons of mass destruction, arms smuggling, economic espionage, use of forced labor, piracy of intellectual property, and misinformation of sensitive military technology.

Mr. President, I know some of my colleagues, perhaps many of my colleagues, feel that this amendment is something they would rather not vote on. This sense of the Senate is something they would rather not have to go on the record on. I think that we are dealing with foreign operations. Section 524 of this bill bars indirect assistance to many countries, including China. So it is relevant. It is germane. It is important that the U.S. Senate have an opportunity to voice our concerns. It is a sense of Senate. It is not binding. It is important we send that signal.

We may not be able this year—we cannot, obviously, because of the House action—we may not be able to deny MFN status, but we can send a signal, and we should.

To my colleagues I say there are people watching. The Chinese Government is watching what this Chamber does. The Chinese people are watching. We can send a message that we do not condone the practices, the oppressive totalitarian practices of this government. We can, at the same time, to the tens of thousands, yes, the tens of millions of Chinese who are facing that op-

pression today, we can say to them there are those in America who stand with them and who will support them in their fight for freedom.

I know, Mr. President, that there are many bills that have been introduced to deal with China, and I hope that we will deal with that. I hope we will take those bills, whether Senator BROWNBACK's, Senator ABRAHAM's, or whoever may have introduced legislation to address the China question, and we will put that into some kind of omnibus bill in future weeks to send an even stronger message. Until then, this is our opportunity. This is our chance to, once again, give a voice to American foreign policy. This is our opportunity to say to the world and to say to the Chinese Government, America still stands for something, that we do not have a foreign policy void of value, that those values we espouse, which are embodied in our founding documents and in our very Constitution, live on, today, in the policy that we advocate toward China.

I know there were many who breathed a sigh of relief in the U.S. Senate when MFN went down in the House of Representatives. There was a sense of "we're off the hook." I say to all of those of my colleagues who have decried the conditions in China today, I say to all of my colleagues who in one form or another have said it is wrong what they are doing over there, to remember that while we may have been off the hook, there are tens of thousands of Chinese people in prison camps today who are still on the hook, this is our chance to give them the voice that their government has denied them.

I ask my colleagues to look deep within their soul, to look at their conscience, and I ask them to vote in favor of this sense-of-the-Senate resolution disapproving of most-favored-nation status for China.

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. McCONNELL. Mr. President, let me say in response to the amendment of my colleague from Arkansas, I and a number of other Members of the Senate were in Hong Kong a couple of weeks ago. I raise Hong Kong—even though I know the sense-of-the-Senate amendment deals with China—I raise Hong Kong because I think Hong Kong is the best hope for China. Hong Kong is going to lead the way to a new China, and a new China is already developing, which is not to say that any of us are entirely happy about everything going on in the People's Republic of China, but a lot of good things are happening, particularly on the economic side. No one in Hong Kong, not even Martin Lee and all of the democratic reformers that many of us know, is in favor of terminating MFN for China. You cannot find anybody in Hong Kong who thinks terminating MFN for China is a way to promote a better, more democratic, more open China.

So with all due respect to my friend and colleague from Arkansas, I think we have worked our way through this MFN debate. The President of the United States, as we all know, in 1992, when he ran, thought that MFN for China ought to be linked to human rights and democracy evolving in China, and as soon as the election was over, he took a closer look at it and he changed his mind. I must say I give him credit for changing his mind because I don't think this will bring about the kind of positive reform in terms of human rights and democracy in China that we would all hope.

What is changing China—unquestionably what is changing China—is economic reform. So I hope we will not support the amendment of the Senator from Arkansas. I think it would be a step in the wrong direction. I know there are other colleagues who share my view.

I see Senator FEINSTEIN on her feet now. I yield the floor.

Mrs. FEINSTEIN. I think the distinguished Senator from Kentucky, and I thank you, Mr. President, for this opportunity.

I didn't come to the floor prepared to speak on this amendment. I came to speak on a another amendment. Having said that, I must say I am sorry this sense-of-the-Senate amendment has been raised. I think it would be a big mistake to pass this sense of the Senate that would essentially say to the People's Republic of China, "we are going to isolate you from the rest of the world." Make no mistake about it, that is what this amendment says.

Anyone that has had a look at China knows that, historically, China has never wanted to interrelate with the rest of the world. Those of us who were in Hong Kong for the handover heard many comments about the British occupation of Hong Kong as a kind of bounty from the opium wars where Britain forced on China the opium trade, and the whole British control of Hong Kong as a colony developed from that time.

Having said that, the question is, really, is anything productive solved by forcing China into a position of isolationism, strengthening the hard-liners in China, providing a setback to the development of the rule of law and, most importantly, providing a setback to the economic democracy that is now developing all throughout the eastern seaports of the People's Republic of China? My answer to that is no. My answer to that is it signals to China that, effectively, Senate policy at the very least would be to try to contain China, isolate China, and not allow China to be a normal trading party with the United States of America. Internationally, that signals catastrophe.

Now, what does it mean for the United States? For the United States, and as a Californian, in my State, with one-third of our economy now dependent on Asia—not necessarily on China, but Asia—it means a loss of jobs. For the

rest of the United States, it means a loss of jobs. The Senator from Kentucky just alluded to what it would mean for Hong Kong. He alluded to the fact that we heard no democratic leader say MFN should be denied China. Exactly the opposite. We heard democratic leaders in Hong Kong saying to deny China MFN would negatively impact the people of Hong Kong.

They estimate it would take economic growth and cut it by half, from 5 percent to 2½ percent. They say that it would cost up to 86,000 jobs in Hong Kong, and that even a partial cancellation, even a 6-month extension, would create a kind of uncertainty that would disturb the market in Hong Kong.

I think it is misguided to think you can deny a nation as large as China, the largest nation in the world, normal trading relations—not special trading relations, nothing special about it, but normal trading relations—and do anything other than shoot ourselves in the foot, because a whole ripple effect would be felt throughout the United States. And the flip side in China would be the growing isolation, the hard-liners being able to say, "I told you so."

Right now in China it is widely speculated that the next premier will be a man whose name is Zhu Rongji. He was at one time the mayor of Shanghai. I know him. He also is the author of the marketplace economy for China. He supported Shanghai as the first independent economic zone, which really was the first of these dynamic economic zones, and then, second, he has supervised an amazing transformation of the marketplace.

Today, only 50 percent of the companies in China are wholly owned by the central government. It used to be 100 percent of the companies were owned by the central government; 25 percent of these are in private hands today. They are becoming more competitive, more efficient. Sure, it is difficult because the big employers of China are the centrally owned companies. So it takes time.

In direct response to the distinguished Senator's concern about human rights—because I share these concerns very, very much—I have been trying for 6 years now, almost twice a year, to get the Chinese Government just to sit down with the Dalai Lama, just to try to come to terms with him with respect to cultural and economic preservation of Tibetans within Tibet. So far, I have not been successful. I don't expect to stop trying.

But during the 6-year period, what I have noticed has been interesting within the rest of China. What I have noticed is a growth in the rule of law. What I have noticed is that the Chinese are now eager to modernize their commercial codes, their criminal codes. The next step needs to be an independent judiciary; by this, I mean independent from party control, a judiciary that is paid well, that is seen to be

independent. Qiao Shi, head of the National People's Congress, proposed a limitation of administrative detention today in China—picking up an individual, and holding them in custody cannot be done for more than 30 days. That is a step forward.

China has lived for 5,000 years under the rule of man; the rule of law is going to take some time. I commend the distinguished Senator for his commitment to this issue. If he had visited China in the late sixties or the early seventies, when Richard Nixon went to China and negotiated the Shanghai communique in 1972, it was a very much more constricted China. No one would have talked to the distinguished Senator. Everybody dressed alike. Everybody marched to the sound of the same drummer. The red books of the Cultural Revolution were still evident on the streets. The music still blared every morning. The controls were evident.

It is a very different China today. None of that is true today. People will talk. They will say what they think. There is a freer lifestyle. There is an improved standard of living. I believe that if you have an economic democracy, a social democracy will follow one day, just as sure as the sun comes up every morning, because the more people see the economic marketplace, the freedom that trade gives them, the increased educational levels, the benefit it produces, they then enter into the dialog and they learn about other cultures.

So I believe that from the days of the 1960's, of the Cultural Revolution and its aftermath, really lasting up to 1979, 1980, in the ensuing 17 years after 1980, there have been major changes within China. What we need to do is engage China, send working teams over on a regular basis, sit down with Chinese leaders, enable them to understand how our Government works and what our concerns are and what our national interests are and, I think, bring China into the mainstream of world leadership, not isolate it. Nothing sends a message of isolationism and containment for China more strongly than denying normal trading relations.

Mr. President, I believe this amendment should be defeated. It will not bring about a positive result for the ends that both the distinguished Senator and I would like to see.

I thank the Chair and yield the floor.

Mr. HUTCHINSON. Mr. President, I will briefly respond to my distinguished colleagues from Kentucky and California. I feel compelled, as I listen to the arguments that have been raised over and over again, and particularly the phrase that "it is a different China today."

Well, it is not my opinion that I am citing today. It is our own State Department's 1996 country report on the conditions in China. So I remind my colleagues on the floor right now that our State Department, in looking at China, said, yes, it is a different China;

the difference is that 8 years after the Tiananmen Square massacre, after those brave students stood in front of those tanks, there is not one remaining independent free voice in China today. That is our State Department. Every dissident has either been killed or imprisoned or exiled. There are none of those independent voices. That is the China that exists today. That is what our State Department has said.

Now, the State Department had a new report they were going to issue. It was supposed to have been out months ago. It was delayed. It was supposed to have been out in June, and it has been further delayed until after the MFN votes were over. I wish the administration had ordered that latest State Department report to be issued so that the Members of the Senate could see what the latest evaluation of the conditions in China really are. The latest we have, in the 1996 country report, is that there are no free voices in China today.

Now, they say we will isolate China. The same ones who say we are going to isolate China will say we can't deny MFN because they will send all of those goods to Europe, they will find markets for their products in Europe. Let me assure my colleagues, you will not isolate one-fifth of the world's population. And it is a self-contradictory argument to say we dare not isolate them or we will deny our American citizens these goods.

Now, my dear colleague and distinguished friend from Kentucky said Mr. Clinton had changed his mind when he got elected. Indeed, he did. He commended him for his change of mind. Well, I criticize him for his change of mind. I think he was right when he was a candidate. He then said that it was intolerable that we, as a people of conviction and values, should stand by and close our eyes to what is going on in China. So I regret that he made that change, as he has made changes in many other policies.

Well, then they say, "It just takes time, just give them time," and if we will give them time, my colleagues say, we will see political freedom, an increase in their economic opportunities and, as sure as day follows night, political freedom will come. Mr. President, I have been waiting for 4 years. I have been waiting for 4 years for one scintilla of evidence to support that notion. If I could have found just the slightest indication that things were getting better in China, I would have voted for MFN to encourage those positive changes. But by every measure, it has gotten worse, and every objective observer, from Amnesty International, to Family Research Council, to our own State Department, has said it's worse.

So how can we continue to say, well, business as usual, and if we keep on giving them time, it will get better, when, so far, every time they have thumbbed their nose at what we have done. Then we hear that no one calls

for it if you go to Hong Kong. I don't know about that, but I do know that if you were in mainland China today, you could not call for it because, if you dared, you would be imprisoned and you would risk your very life and the lives of your loved ones. There are no dissidents left.

So to my colleagues I say, the vote on this amendment is very simple: to embrace the policy of profits and appeasement, or to embrace the policy of principle and principled challenge to those who would abuse and persecute and execute their own citizens.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I rise to discuss the amendment introduced by the Senator from Arkansas regarding MFN status for China. This issue is of immense importance to Washington State and the Nation.

As a member of the Foreign Operations Subcommittee, I must state for the record that I believe that this is not the appropriate forum for this amendment. The Senator from Arkansas has chosen to spring upon the Senate—with little notice—his amendment to fundamentally alter our relationship with the world's most populous nation.

I am sure the Senator knows that the House of Representatives recently followed the process established by the Jackson-Vanik amendment to overturn the President's decision to renew most-favored nation status for the People's Republic of China. The House of Representatives in strong bipartisan fashion rejected the effort to overturn the President of the United States. I applaud the House for taking this action. The House vote in favor of MFN followed extensive hearings, much thoughtful debate, and considerable input from our constituents, the business community, and the Clinton administration.

While this is not a new issue to many in the Senate, the Senator from Arkansas now asks the U.S. Senate go on record on this important strategic issue on the wrong bill without the benefits of adequate debate and thorough consideration. I don't believe this is the way to make good policy, and particularly on the United States-China relationship which is perhaps the most important, most difficult and most challenging relationship for United States policy makers to manage.

I applaud Senator HUTCHISON's interest in the United States-China relationship. In fact, I share many of the concerns that he in his arguments has outlined. But I differ in his prescription for addressing the problems in the United States-China relationship. I don't believe ending MFN or normal trade ties with China will advance United States interests. Rather, I believe the approach prescribed by opponents of MFN would for all intensive purposes end our relationship with China. For my State, this would be disastrous.

Chinese students—some of whom will become future government leaders in

China—will likely discontinue their studies at universities in this country including at the Henry Jackson School of International Affairs at the University of Washington.

As many as 400 Washington State families might lose the ability to adopt a young Chinese girl in the coming year as a result of this amendment.

The Reverend Ned Graham and his East Gates Ministries based in Sumner, WA, could see its mission in China curtailed or possibly ended altogether. East Gates Ministries has distributed nearly 2 million Bibles printed in Chinese dialects throughout China. Other Washington State faith-based ministries are active in China and could see their activities halted if the Senate agrees to this amendment.

I recently traveled to Hong Kong and China to discuss candidly the issues like MFN, the World Trade Organization, Hong Kong's reversion to Chinese sovereignty, the trade imbalance between the United States and China, my personal concerns on human rights, and numerous other issues.

In Hong Kong, I met with officials from the U.S. Consulate, the American Chamber of Commerce, the Hong Kong Government, and others. On the street and in official meetings, I sought to determine the mood of the people of the former British Colony prior to the reversion to Chinese sovereignty. Again and again, I was encouraged to convey to the Congress the importance of MFN to Hong Kong. Virtually every leader from Hong Kong has communicated to Congress the devastating impact that MFN revocation would have on the island recently named the freest economy in the world.

In my view, it is important for all who want to influence change in China to recognize that Hong Kong's transition may be our best opportunity to further influence the mainland in such important areas as the rule of law, respect for individual rights, and the many democratic principles that we cherish in the United States.

In Beijing, I met with China's Vice Premier, Chinese Trade Ministry officials, and Chinese leaders involved in financial services, transportation, agriculture, electronics, and aviation. I also spent a significant amount of time with U.S. Ambassador Jim Sasser, our former Senate colleague. Ambassador Sasser, who was a China critic as a member of this body, now adamantly supports the renewal of MFN status for China.

In my meeting with Vice Premier Li Lanqing, I focused on the trade imbalance between the United States and China, my concerns and those of my constituents on human rights, and the importance of China abiding by its commitments to Hong Kong.

I also discussed the Chinese counterparts many other issues important to us, including the growth of the Internet in China, the competitive advantage of Washington State's ports and transportation infrastructure, the

future energy needs of China, food security issues, including China's ability to feed its own people, problems associated with large, unproductive state-owned enterprises and growth patterns in coastal and rural parts of China.

My point in discussing my trip to China tonight is quite simple: If the Senate adopts the Hutchinson amendment, it will have disastrous consequences on the United States-China relationship. I believe it will threaten our very ability to dialog with the Chinese on all of the issues I have just outlined.

If the opponents of MFN truly believe the Senate must go on record on this issue, so be it. Let's do it in a responsible fashion with the proper consideration that an issue of this importance merits.

I strongly encourage my colleagues to vote against the Hutchinson amendment. I believe it is unwise and irresponsible for the Senate to address this issue in this fashion.

Mr. DODD. Mr. President, pursuant to a request by the distinguished Senator from Kentucky, the chairman of the committee and manager of the bill, I ask unanimous consent that the amendment by the distinguished Senator from Arkansas be temporarily laid aside.

The PRESIDING OFFICER (Mr. FAIRCLOTH). Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 900

(Purpose: To suspend temporarily the certification procedures under section 490(b) of the Foreign Assistance Act of 1961 in order to foster greater multilateral cooperation in international counternarcotics programs.)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. LUGAR, Mr. DOMENICI, Mr. KERREY, Mrs. HUTCHISON, Mr. COCHRAN, Mr. HAGEL, Mr. WARNER, and Mr. INOUE, proposes an amendment numbered 900.

Mr. DODD. 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:

On page 102, between lines 9 and 10, insert the following:

TEMPORARY SUSPENSION OF DRUG
CERTIFICATION PROCEDURES

SEC. 575. (a) FINDINGS.—Congress makes the following findings:

(1) The international drug trade poses a direct threat to the United States and to international efforts to promote democracy, economic stability, human rights, and the rule of law.

(2) The United States has a vital national interest in combating the financial and other resources of the multinational drug cartels, which resources threaten the integrity of political and financial institutions both in the United States and abroad.

(3) Approximately 12,800,000 Americans use illegal drugs, including 1,500,000 cocaine

users, 600,000 heroin addicts, and 9,800,000 marijuana users.

(4) Illegal drug use occurs among members of every ethnic and socioeconomic group in the United States.

(5) Drug-related illness, death, and crime cost the United States approximately \$67,000,000,000 in 1996, including costs for lost productivity, premature death, and incarceration.

(6) Worldwide drug trafficking generates revenues estimated at \$400,000,000,000 annually.

(7) The United States has spent more than \$25,000,000,000 for drug interdiction and source country counternarcotics programs since 1981, and despite impressive seizures at the border, on the high seas, and in other countries, illegal drugs from foreign sources are cheaper and more readily available in the United States today than 20 years ago.

(8) The 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances form the legal framework for international drug control cooperation.

(9) The United Nations International Drug Control Program, the International Narcotics Control Board, and the Organization of American States can play important roles in facilitating the development and implementation of more effective multilateral programs to combat both domestic and international drug trafficking and consumption.

(10) The annual certification process required by section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), which has been in effect since 1986, has failed to foster bilateral or multilateral cooperation with United States counternarcotics programs because its provisions are vague and inconsistently applied and fail to acknowledge that United States narcotics programs have not been fully effective in combating consumption or trafficking in illegal drugs, and related crimes, in the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) existing United States domestic and international counternarcotics program have not reduced the supply of illegal drugs or significantly reduced domestic consumption of such drugs;

(2) the President should appoint a high level task force of foreign policy experts, law enforcement officials, and drug specialists to develop a comprehensive program for addressing domestic and international drug trafficking and drug consumption and related crimes, with particular attention to fashioning a multilateral framework for improving international cooperation in combating illegal drug trafficking, and should designate the Director of the Office of National Drug Policy to chair the task force;

(3) the President should call upon the heads of state of major illicit drug producing countries, major drug transit countries, and major money laundering countries to establish similar high level task forces to work in coordination with the United States; and

(4) not later than one year after the date of enactment of this Act, the President should call for the convening of an international summit of all interested governments to be hosted by the Organization of American States or another international organization mutually agreed to by the parties, for the purpose of reviewing the findings and recommendations of the task forces referred to in paragraphs (1) and (2) and adopting a counternarcotics plan of action for each country.

(c) SUSPENSION OF DRUG CERTIFICATION PROCESS.—(1) Section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), relating to annual certification procedures for assist-

ance for certain drug-producing and drug-transit countries, shall not apply in 1998 and 1999.

(2) The President may waive the applicability of that section in 2000 if the President determines that the waiver would facilitate the enhancement of United States international narcotics control programs.

Mr. DODD. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 901 TO AMENDMENT NO. 900

(Purpose: To perfect the pending amendment)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 901 to Amendment No. 900.

Mr. DODD. 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:

Strike all after the first word in the pending amendment and add in lieu thereof the following:

SEC. . SUSPENSION OF DRUG CERTIFICATION
PROCEDURES.

SEC. 575. (a) FINDINGS.—Congress makes the following findings:

(1) The international drug trade poses a direct threat to the United States and to international efforts to promote democracy, economic stability, human rights, and the rule of law.

(2) The United States has a vital national interest in combating the financial and other resources of the multinational drug cartels, which resources threaten the integrity of political and financial institutions both in the United States and abroad.

(3) Approximately 12,800,000 Americans use illegal drugs, including 1,500,000 cocaine users, 600,000 heroin addicts, and 9,800,000 marijuana users.

(4) Illegal drug use occurs among members of every ethnic and socioeconomic group in the United States.

(5) Drug-related illness, death, and crime cost the United States approximately \$67,000,000,000 in 1996, including costs for lost productivity, premature death, and incarceration.

(6) Worldwide drug trafficking generates revenues estimated at \$400,000,000,000 annually.

(7) The United States has spent more than \$25,000,000,000 for drug interdiction and source country counternarcotics programs since 1981, and despite impressive seizures at the border, on the high seas, and in other countries, illegal drugs from foreign sources are cheaper and more readily available in the United States today than 20 years ago.

(8) The 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances form the legal framework for international drug control cooperation.

(9) The United Nations International Drug Control Program, the International Narcotics Control Board, and the Organization of American States can play important roles in facilitating the development and implementation of more effective multilateral programs to combat both domestic and international drug trafficking and consumption.

(10) The annual certification process required by section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), which has been in effect since 1986, has failed to foster bilateral or multilateral cooperation with United States counternarcotics programs because its provisions are vague and inconsistently applied and fail to acknowledge that United States narcotics programs have not been fully effective in combating consumption or trafficking in illegal drugs, and related crimes, in the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) existing United States domestic and international counternarcotics program have not reduced the supply of illegal drugs or significantly reduced domestic consumption of such drugs;

(2) the President should appoint a high level task force of foreign policy experts, law enforcement officials, and drug specialists to develop a comprehensive program for addressing domestic and international drug trafficking and drug consumption and related crimes, with particular attention to fashioning a multilateral framework for improving international cooperation in combating illegal drug trafficking, and should designate the Director of the Office of National Drug Policy to chair the task force;

(3) the President should call upon the heads of state of major illicit drug producing countries, major drug transit countries, and major money laundering countries to establish similar high level task forces to work in coordination with the United States; and

(4) not later than one year after the date of enactment of this Act, the President should call for the convening of an international summit of all interested governments to be hosted by the Organization of American States or another international organization mutually agreed to by the parties, for the purpose of reviewing the findings and recommendations of the task forces referred to in paragraphs (1) and (2) and adopting a counternarcotics plan of action for each country.

(c) SUSPENSION OF DRUG CERTIFICATION PROCESS.—(1) Section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), relating to annual certification procedures for assistance for certain drug-producing and drug-transit countries, shall not apply in 1998 and 1999.

(2) The President may waive the applicability of that section in 2000 if the President determines prior to Dec. 31, 1999 that the waiver would facilitate the enhancement of United States international narcotics control programs.

Mr. DODD. Mr. President, I offered the second-degree amendment and it doesn't substantially change the original amendment, but it is so that we can have an up-or-down vote on the substance of the amendment I offered on behalf of myself, my colleague from Arizona, Senator McCain, Senator Daschle, Senator Lugar, Senator Domenici, Senator Cochran, Senator Kerrey of Nebraska, Senator Hutchinson, Senator Hagel, Senator Warner, and Senator Inouye.

Mr. President, we believe that the approach contained in this amendment will lead to a far more cooperative and effective effort to meet the international threat posed by the international drug trafficking that is occurring in our country and elsewhere around the globe.

The pending amendment calls upon the President of the United States to

establish a high-level interdisciplinary task force, under the direction of General Barry McCaffrey, Director of the Office of National Drug Control Policy, to develop a comprehensive strategy for dealing with the supply and demand side of the drug problem.

This amendment also urges the President of the United States to encourage other drug-producing, and transit countries to undertake similar efforts. Within a year's time, it calls for an international summit to be held, at which time the efforts of all of the parties would be merged into a multilateral battle plan to engage the illegal drug trade on every front.

In order to create the kind of international cooperation and mutual respect that must be present if this effort is to produce the results all of us desire, our amendment would also temporarily suspend, for 2 years, the annual drug certification procedure while efforts are ongoing to develop and implement a new strategy. It does not repeal the certification process, but suspends it for 2 years in order to try this new dynamic. Barry McCaffrey, Director of the Office of National Drug Control Policy, supports this amendment, as does the administration.

As you know, the issue of how best to construct and implement an effective counternarcotics policy has been the subject of much debate in this Chamber and, I add, much disagreement over the years. Our intention in offering this amendment today is to try and see if there isn't some way to end what has become a stale annual event, an event that has not brought us one step closer to mounting a credible effort to eliminate or even contain the international drug Mafia.

We all can agree that drugs are a huge problem and a growing problem. Illegal drugs aren't some theoretical abstraction that only concerns Members of Congress. Most American families know—many firsthand, unfortunately—the dangers inherent in the drug trade. They worry about their children, their schools, their streets, and their communities. They know only too well the impact that unfettered drug gangs can have on them, their families, and the towns in which they live.

We can all agree here, Mr. President, that there is an important international component to the drug menace. Drug kingpins have no respect for international borders. They ply their trade clandestinely wherever the opportunities may arise. The international drug trade poses a direct threat, I argue, to the United States as a government here at home, and to international efforts to promote democracy, economic stability, human rights, and the rule of law throughout the globe; but most especially, I think, here in our own hemisphere.

Mr. President, I have concerns about the international implications of the drug trade. Of even greater concern to me personally are the effects it is hav-

ing here in the United States. Today, approximately 12.8 million Americans use illegal drugs, including 1.5 million cocaine users, 600,000 heroin addicts, and 9.8 million people who have used marijuana.

This menace isn't just confined to our inner cities or the poor. Illegal drug use occurs among members of every ethnic and socioeconomic group in this country. The human and economic costs are enormous and staggering. Drug-related illness, death, and crime cost our Government and the taxpayers of this Nation approximately \$67 billion in 1996, including costs for lost productivity, premature death, and incarceration.

The drug trade is an enormously lucrative business. Drug trafficking generates estimated revenues of \$400 billion annually. Although often left unstated, it is United States' demands for these illegal drugs which has been a driving force making drug trafficking the incredibly lucrative enterprise it has become. The principal focus of the U.S. international counternarcotics efforts has been to endeavor to go to the source, to penetrate the narcotrafficking organizations that control the production and distribution of drugs, and to dismantle them. An important component of that international effort since 1986 has also included as its centerpiece the so called "annual certification process."

Mr. President, I commend those who authored the certification process. Their intent, as is the intent of us who offer this amendment, is the same; that is, to try and figure out a way to slow down this traffic that pours into our country. Mr. President, I respectfully suggest that, after 10 years, the certification process has not helped. Therefore, we are trying, through this amendment, a new process by which we might, hopefully, change the dynamic and reverse the present trends that continue upward. The United States has spent more than \$25 billion since 1981 for foreign interdictions and source country counternarcotics projects, and has been issuing an annual certification report card since 1986.

Yet, despite these efforts, seizures at the borders, from the high seas, and other countries, foreign drugs are cheaper and more readily available in the United States today than they were two decades ago. Drugs have continued to flood our neighborhoods and wreak havoc on our families and our communities. I believe, as do my cosponsors of this amendment, that it is time to be honest and to admit that our international drug strategy isn't working, and that means the entire certification process.

Let's look at what some leading editorial pages have recently said about certification; what the Nation's editorial pages say about drug "certification."

The Washington Post:

Congress put the United States into the business of grading other nations on their

performance in the war against drugs, and punishing those found to fall short, back in 1986. "Certification" then seemed an idea worth testing. It has now been tested. It's a flop.

The Miami Herald, I quote:

Not surprisingly, both certified allies and decertified pariah states have taken umbrage at this unilateral finger-pointing by the world's largest consumer of illegal narcotics * * * With certification on hold, the administration should have time to craft a better policy.

San Francisco Chronicle:

Often obscured in the complexities of international relations is the utter hypocrisy of the certification process, in which the United States—the world's leading consumer of illegal drugs—passes judgment on countries that do not live up to our lofty standards of narcotics control * * * If the United States, with all its power and riches, cannot control or even diminish the demand for drugs within its own borders, it is absurd to demand that much poorer nations save us from ourselves * * * Congress should rethink the world certification process and deal with international problems on a country-by-country basis as the need arises * * *

The Christian Science Monitor:

The U.S. and Mexico have every reason to be close partners and friends—able to offer warranted criticism. The yearly drug certification process is a very awkward, lopsided way of delivering it.

Newsday:

The real issue now is whether the rationale for certification has become so specious that the process has become irrelevant. At the very least, the entire drug-certification process needs to be reviewed.

The Boston Globe:

Certification is hypocritical and ineffective as a tool against drugs. It should be abandoned * * * Certification is largely blind to the contribution Americans themselves have made to an international problem. Frustrations over how to deal with that problem are not justification for pursuing poor policies—and certification is doing more harm than good.

Last, the New York Times:

The politicization of the debate is only one example of what is wrong with the whole certification process. It began in 1986 as a way to pressure supplier countries to fight drugs. It has not been successful and should be abolished * * * Latin Americans' resentment of the certification process makes it counterproductive * * * The process does not capture the ambiguities of cooperation * * * Certification is ultimately dangerous because it contributes to the myth that America's drug problem can best be fought overseas * * * Instead of international certification, Washington should examine how well its policies at home combat drugs.

Mr. President, I ask unanimous consent that the full text of these editorials be printed in the RECORD.

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

[From the Chicago Tribune, June 16, 1997]

RETHINKING DRUG CERTIFICATION

The United States' annual rating of other countries' sincerity and success in fighting the drug war has become a case of good intentions gone awry. The tit-for-tat sanctions of this blunt policy tool oversimplify complex issues and fail to weigh policy nuances or competing national interests.

Legislation introduced last week by Sens. Christopher Dodd (D-Conn.) and John McCain (R-Arizona), and slated for a vote in the Senate later this week, would suspend the certification process for two years to allow the development of more workable alternatives. It ought to be approved.

Last February's go-around over Mexico's certification demonstrated just how problematic the process has become.

Mexico, which was in the middle of an epic drug-related scandal, was certified. But Colombia, which had lost many more lives and scored significant victories fighting the drug cartels, was decertified.

It would have been absurd indeed for the U.S. to decertify and impose economic sanctions on Mexico, with which we had signed a free-trade agreement just three years before and which was recovering—thanks to a multibillion-dollar U.S. loan guarantee—from a deep economic crisis.

President Clinton, quite properly, gave greater weight to these economic realities and the totality of our relationship with Mexico than to the certification law's demand for sanctions. But not before relations between the two countries reached the lowest point in recent memory. And the way Mexican certification was rationalized fed popular cynicism in this country about the seriousness of the certification exercise.

Sadly, the bottom line on the usefulness of the certification strategy is that drugs today are far cheaper and more easily available in the U.S. than when Congress created the process 11 years ago.

There shouldn't be any doubt that fighting drugs must remain a top foreign and domestic policy priority and that an annual review properly focuses national attention on it.

But as the Dodd-McCain initiative suggests, the effort should be a more comprehensive and flexible exercise that, for instance, considers both foreign supply and domestic demand. A new approach also should emphasize multilateral, cooperative strategies as a strategy of first resort.

When that doesn't work, economic sanctions, diplomatic pressure, law-enforcement measures, economic aid and other measures should all be at the disposal of the president to ensure cooperation. The war on drugs is a long, arduous campaign that is more likely to be won through ingenuity and tenacity than annual grandstanding and empty threats.

[From Newsday, July 16, 1997]

FIND BETTER WAYS TO STEM THE FLOW OF ILLICIT DRUGS

An eminently sensible bill in Congress would begin to do away with the ineffective practice of certifying other nations' efforts to control production and shipment of illegal drugs and punishing those that don't meet U.S. standards. A two-year moratorium on certification is included in legislation, introduced by Sens. Christopher Dodd (D-Conn.) and John McCain (R-Ariz.), which calls for a presidential commission to come up with a coordinated strategy for drug control in consultation with other countries.

The drug-certification law was enacted in 1986 by a Congress intent on showing it could do something about drugs, but it has proved to have little impact. Worse, it has backfired more than once in the conduct of U.S. foreign policy. In practice, it has been applied with bald-faced hypocrisy: How else to explain the decertification last year of Colombia, which has done its best to cooperate, and the recertification of Mexico, whose government is riddled with narco-corruption? Simple: Mexico is economically and politically important to Washington; Colombia is not.

But there is a deeper hypocrisy in condemning other nations' efforts to stem drug supplies when the United States' own government has had so little success in suppressing domestic demand for drugs. Until America can address the demand problem more credibly than it has, it would be wise for Washington to cooperate with other nations affected by drug trafficking in devising new strategies, rather than browbeating them with meaningless report cards.

[From the Christian Science Monitor, June 16, 1997]

A GOOD STEP ON DRUGS

Since drug trafficking is an international problem, international cooperation to combat it has always made sense. But Washington's approach to such cooperation has for the last decade included a tool for bludgeoning others into antidrug partnership—the decertification process, by which other nations face economic sanctions by the US if they are deemed noncooperative. The result in the most important arena, Latin America, has been recurrent friction rather than tighter cooperation.

This year's certification of Mexico and decertification of Colombia made it more obvious than ever that this particular antinarcotics tool should be junked. Politics and US economic interests, rather than objective consideration of the antidrug records of both countries, dictated the final decision.

A new bill sponsored by Sen. Christopher Dodd (D) of Connecticut and Sen. John McCain (R) of Arizona would suspend the decertification process for the next two years. It also urges the formation of a high-level task force under the direction of the government's chief drug-control official, Barry McCaffrey, to reassess policy responses to both the supply and demand sides of the narcotics problem. The president would encourage other countries to form similar task forces, and in two years an international summit would be held to forge a joint anti-drug strategy.

Some may argue that this sounds like a megastudy of a problem that has already been studied to death. But the plan has three elements that strongly recommend it:

For at least two years, and maybe more, it gets rid of the divisive, counterproductive decertification club.

Inherent in it is a closer examination of the demand problem within the US, and the possibility of productively shifting resources to such needs as drug treatment. This aids cooperation as well, since Latin Americans have long charged that the US underplays its demand problem.

It holds out the possibility of an international antidrug partnership based on shared interests and ideas, rather than one forced together by US threats.

The Dodd-McCain bill should be promptly enacted.

[From the Washington Post, July 14, 1997]

DRUGS: INTERDICTING THE FLOW . . .

Congress put the United States into the business of grading other nations on their performance in the war against drugs, and punishing those found to fall short, back in 1986. "Certification" then seemed an idea worth testing. It now has been tested. It's a flop. By provoking local nationalism, this sort of unilateral American intervention has, in Mexico, Colombia and elsewhere, strained the anti-drug cooperation it was meant to strengthen. It has centered the American fight against drugs more on foreign supply than on consumption at home—an emphasis that, for all the successful drug seizures, has seen the international drug flow pick up over the years and force prices on the American street steadily down.

Now comes a move in Congress to look at certification with a beady eye. Sens. Christopher Dodd and John McCain are leading a bipartisan, ideologically neutral effort that draws reasonable and necessary conclusions from the experience of the past decade. They would suspend for two years the process of unilateral American certification and enlist the drug-producing and transit countries to join the United States in an international program to contend with both trafficking and consumption. In a word that Americans will have to get used to in dealing with these "global" issues, the United States would "multilateralize" the war against drugs. Cooperation would become the key.

International problems exist for which one-sided applications of American power—in this instance control of international credit—are a remedy. Drugs is not one of them. While other countries are the principal source of the supply, the United States is the dominant source of the demand. It is laughable to pretend that just one side of this equation can and need be dealt with. Then, a concentration on foreign supply ignores that Americans have done no better cleaning up trafficking networks in this country than others, including Latins, have done with the networks abroad. The certification policy, imperiously penalizing foreigners not just for their lapses but for the United States' own, ignores this evident fact.

Mexico provides a particular reason to review American drug policy. Its corruption is unquestionably responsible for some part of the flow of illegal drugs. But Mexico is also a country now making an immense effort to undo the political distortions that lie behind much of the corruption. By looking for cooperative ways on drugs, the United States tackles a hemispheric menace and encourages Mexican democracy at the same time.

[From the Miami Herald, July 7, 1997]

NOW, THAT'S A RESOLUTION

Sometimes, even if rarely, legislation makes such eminent good sense that you wonder why it wasn't proposed sooner. On point is a U.S. Senate resolution with a most reasonable response to the scourge of illicit drugs. The resolution not only suggests that the United States attack domestic demand as well as supply, but that it work with other nations to draft a cooperative "battle plan" to defeat the illegal-drugs trade on every front.

This commendable proposal was introduced the other day by Sens. Christopher Dodd, D-Conn., and John McCain, R-Ariz. The only shame was that, coming in the midst of furious budget wrangling and just before the Fourth of July holiday there was no time for its discussion and passage.

The resolution would suspend for two years the cumbersome certification process that Congress foisted on the president in the first place. By law the White House is required each year to pass judgment on the drug-curb-ing efforts of nations that serve as major narcotics producers or transit points. Countries that do not pass muster are decertified, obliging the United States to cut certain aid and oppose international loans. Other, more-dramatic sanctions also are authorized.

Not surprisingly, both certified allies and decertified pariah states have taken umbrage at this unilateral finger-pointing by the world's largest consumer of illegal narcotics. What right has the pot to call the kettle black? The whole certification sham even blew up on itself in March after President Clinton decertified Colombia, which had recently stepped up anti-narcotics efforts, while certifying Mexico, through which are thought to come as much as 80 percent of the illegal drugs entering the United States.

This after Mexico's chief anti-drug official was arrested for allegedly aiding the head of his country's biggest, most ruthless drug cartel.

With certification on hold, the administration should have time to craft a better policy. The bipartisan resolution encourages the president to foster international anti-drug cooperation, culminating in a summit where strategies could be mutually agreed upon. That global approach, it suggests, would work in sync with a comprehensive domestic plan, addressing both supply and demand problems, developed by Gen. Barry McCaffrey, director of the Office of National Drug Control Policy, and other experts.

"We need to reach out to other governments who share our concerns about the threat that drugs pose to the very fabric of their societies and our own. It is arrogant to assume we are the only nation that cares about such matters," said Sen. Dodd. "Together, working collectively, we can defeat the traffickers. But if we expend our energies playing the blame game, we are certainly not going effectively to address this threat."

Well said, Senator, and well proposed.

Mr. DODD. Mr. President, let me just emphasize, if I can, that I don't necessarily agree with all of the conclusions in these editorials. Some have suggested repeal. There is a part of me that finds that appealing. But I am not sure what we are going to offer over the next 2 years is necessarily going to work either. I don't have any absolute certainty of guarantees that what we offer as an alternative will work. But I think all of us can agree that suspension for a couple of years, as General McCaffrey has suggested, to try the cover the dynamic here is worth the effort and worth a try.

This doesn't mean you are less strong or less outraged or less concerned about what is happening to narcotics trafficking. Quite the contrary. I think those who support this recognize that we are trying to get a better handle on this to see if we can't have better answers because the current process is not working. We need a better idea. Hopefully people of good intention, good will, and putting their shoulders to the wheel in this country and elsewhere can come up with some better ideas over the next 2 years and really begin to make some headway in this effort.

Mr. President, I urge the adoption of this amendment.

Mr. MCCAIN. Mr. President, will the Senator yield for a question?

Mr. DODD. I gladly yield to my colleague from Arizona.

Mr. MCCAIN. Does the Senator from Connecticut believe that in the past 5 years that we have been winning the war on drugs? Does it indicate to him that perhaps the price of drugs in the streets of Hartford, CT, and Phoenix, AZ, is lower than it was 5 years ago? Has the Senator from Connecticut seen any meaningful gain in the war on drugs as a result of this recertification policy?

I have several other questions that I would like to ask.

Mr. DODD. Mr. President, in response to my colleague's questions, I would say, First, the price of drugs is lower

today, the lowest they have been in two decades. We just came from a hearing chaired by our colleague from Georgia, which my colleague from Massachusetts, who is on the floor, attended. We heard at that hearing that the problem is getting worse—not better. In the countries that we have decertified, I say to my colleague from Arizona, over the last couple of years the problem gets worse—not better. We are getting less cooperation in many places. There is a sense of antagonism about how we approach this issue.

So while I applaud the intentions of those who authored this process—and I understand the rationale for it back in 1986—from time to time I think we have to step back and ask ourselves blunt questions as to what we have tried to do, no matter how well intended. Is it working? If it is not, and if the problem is getting worse, then I would say to my colleague from Arizona, in response to his question, that maybe we ought to think anew. That is what this amendment does, without repealing the certification process but merely suspending it for a couple of years to see if we can't come up with a better idea.

Mr. MCCAIN. If the Senator from Connecticut will yield for a further question, isn't there an enormous inconsistency, and, in fact, a lack of credibility in this decertification process when we are faced with a situation where the President of the United States in the one case of Colombia decertifies Colombia as not being cooperative in the war on drugs—which is a country, as we all know, with incredible chaos and an anarchy that exists in that country—and at the same time certifies Mexico largely on the grounds not that you could make the argument that Mexico has been cooperative in the case of drugs, but there are certain economic interests and other interests that we have in Mexico which almost compel the President of the United States to not decertify Mexico under the same criteria that basically the President used to decertify Colombia, thereby revealing a significant flaw in this entire process and revealing a lack of credibility as far as adherence to the criteria that was supposed to be set up under the conditions for certification or decertification?

Mr. DODD. In response to my colleague's questions, I would agree with him. That is one of the problems with this. It is so uneven in its application, and as such one might argue that the effectiveness of it is thereby debilitating—that, if we are going to certify some, and waive others where the problem arguably is the same, although one might make a case that there are various efforts in certain countries, I think you end up with the kind of situation we are in today where the desire for cooperation and the efforts of cooperation have been severely curtailed as a result of it.

So even if you are trying to send a message here, it gets lost in the process. I note in the case of Colombia—

which is certainly a major source country problem without any question whatsoever—but I pointed out, as I know my colleague from Arizona has from time to time, that this has paralyzed the country of Colombia. Many may recall that a number of years ago the entire supreme court of that country was assassinated. One attorney general after the other, the chief prosecutor, all of these people have been assassinated. Presidential candidates get assassinated. One might argue that they are paying an awful price in that nation.

If we decertify, we lose any kind of cooperation in terms of what we ought to be trying to seek there. In the case of Mexico, as my colleague has pointed out—he certainly knows Mexico as well as any Member of this body—there are serious problems there and well documented. Yet, both of us are aware of the fact that there are serious economic implications. So we send a signal of waiving and apply a different standard, and that message is not just heard in both Colombia and Mexico, it resonates throughout this hemisphere. Again, my colleague from Arizona spends a great deal of time on hemispheric issues. He has heard what I have heard over and over again; this is not helping at all. There are other countries involved. We have laundering, transit countries, other countries producing, and, frankly, this effort of cooperation is just collapsing in our midst.

So this has not worked.

Mr. MCCAIN. If the Senator will yield for a further question which his response led to, isn't it true that there was a question that the administration had asked itself in this process: What would be the effect in Mexico of a decertification of Mexico, a country that is uncertain if not fragile and in transition to democracy? There is always a certain latent anti-Americanism in Mexico. I will not waste the time of the Senate or my knowledgeable friend's time in depicting the causes for that. And one of the greatest challenges that we face, I ask my friend from Connecticut, is getting the cooperation of the Mexicans. And, yet, isn't it also true that General McCaffrey would testify that despite all of the problems that are there, despite the corruption, there has been an attempt on the part of the Mexicans to arrest their drug czar, General McCaffrey's counterpart in Mexico, and other actions that have been taken by the Mexicans because of their recognition of the threat that drugs pose to their very national existence; and, that, if we had decertified Mexico in the last decisionmaking process that the President took, there is the opinion in the view of many that would have harmed relations and the cooperation that we are receiving would have been lessened rather than increased thereby inhibiting our ability to win the war on drugs and a demotivated factor in helping getting them to cooperate with us?

Mr. DODD. I say, in my response to the questions, the Senator is absolutely correct. He stated it very well. And that certainly was the evidence offered by General McCaffrey and others whose business it is on a daily basis to monitor these events—and he suggested to us that, if cooperation is what we are seeking, the vehicle we have been using is not having the desired effect despite again the good intentions of those who sought this process.

I say to my colleague from Arizona, in response to his question, that the genesis of the certification process dates back to a time when I think there was bipartisan frustration over whether or not there was enough attention being paid at the executive branch level in terms of the drug-related issue. So a certification process was put in place.

I think most would argue today that however true those feelings may have been over a decade ago that over the last number of years there has been a heightened degree of involvement on the part of the executive branch—witness, of course, General McCaffrey, whom we all respect—doing the best they can. It is their conclusion, as well as my colleague from Arizona, as he pointed out, that this is counterproductive.

I might point out, that the elections that recently took place in Mexico were historic. I think my colleague and I would agree on this. It looks as close to a democratic and corruption-free election as probably has been held in Mexico. You have new members of the national legislature, and hopefully a new beginning in many ways here. It seems to me that our efforts here might do a lot to get that kind of cooperation out of new members of the Mexican Government—the legislative branch, along with President Zedillo, who, I think all of us would agree, has certainly been most cooperative in this effort.

So I agree with my colleague.

Mr. MCCAIN. If the Senator will yield for a further question, isn't it also true that we will hear objections to this amendment? And some of those objections will be based on the lack of cooperation that we have received from Mexico in fighting the war on drugs, something I believe the Senator from Connecticut and I would be the first to acknowledge—along with the fact that the resolution of the Senator from Connecticut a few days ago put the Senate on record in praising the Mexican Government, by a unanimous recorded vote here in the Senate, for their efforts of transition to a free and democratic form of government for the first time since the revolution.

I ask the Senator from Connecticut if he would not believe at this time whether it would not be most inappropriate for the United States to be on record as condemning Mexico, at a time when we are seeing the progress that we have been urging for, in fact,

all of our adult lives, the Senator from Connecticut and I.

And I also want to ask, in addition, is the Senator from Connecticut aware of the White House letter dated July 16, signed by Samuel Berger, Assistant to the President for National Security Affairs:

I am writing to express the support of the administration for the amendment that you and Senator DODD are proposing. We believe your amendment would allow the administration to develop and implement a new multilateral strategy to stem the flow of illegal narcotics. We believe the passage of this amendment will lead to a more effective multilateral effort in the war against drugs.

And also, is the Senator from Connecticut, who I know shares my profound respect and appreciation for General McCaffrey and the job he is doing and the responsibilities, enormous responsibilities, we have placed on General McCaffrey and the universal respect and admiration in which he is held, aware of a letter he wrote also on July 16, in which he says:

Wanted to confirm that the Administration supports the Dodd-McCain legislation on international drug cooperation. Believe your thinking supports U.S. drug policy by recommending a mechanism that would allow us to make fundamental improvements in the way we cooperate with major drug producing and transit countries. At a minimum, your bill promises to remove a major cause of foreign policy friction especially with Latin American and Caribbean countries. Timing for consideration of new ideas is fortunate because of the upcoming Summit of the Americas and heightened interest in multilateral counter-drug cooperation following the President's travel to Mexico and Central America.

ONDCP is prepared to lead an interagency task force to develop a new strategy.

By the way, I ask my friend, is it not true that we need a new strategy? That is the whole point here of this legislation. I do not know how anyone could argue that the present strategy has succeeded.

Although we would want to explore a number of options, elements of a new strategy might involve increased use of multilateral mechanisms and international organizations such as the OAS. We might also consider expansion of ad hoc arrangements for in-depth bilateral counter-drug cooperation with countries of particular interest such as Mexico. The Department of State and ONDCP are already formulating plans for a fall conference to develop new thinking along the lines of your proposal.

Respectfully, Barry R. McCaffrey.

I ask the Senator from Connecticut, would it not be appropriate that we should view the opinions of the President's national security adviser and the drug czar very seriously when we take into consideration this legislation?

Mr. DODD. Mr. President, it would. I urge my colleague at the appropriate time to ask unanimous consent that these letters be a part of the RECORD. I thank General McCaffrey for his letter and Sandy Berger for his letter.

Again, they state it very well. My colleague from Arizona has stated it well. We offer this suspension—and,

again, I want to emphasize "suspension," Mr. President—for 2 years of the present law, not a repeal. There are some who would like to repeal it, and I might be counted among those, but I respect the fact that a suspension is the best way to go at this point.

But our colleague from Arizona states it well. The present system is broken. It is not working. We need some new, fresh efforts here. And with the commitment of General McCaffrey here saying to us, look, my office is prepared to lead an interagency task force to develop a new strategy. His letter to us today, I think it says it all. What better way to get started, if you will, than to have a clean slate for a couple of years to allow General McCaffrey and his team to go forward and try to do that without repealing the law of certification but merely suspending it.

You are going to get a lot more cooperation, it seems to me, with a suspension for 2 years and trying to bring these countries in than there will be if we gather as we do annually and go through this process, as our colleague from Arizona pointed out here, again on the certification. We are out here debating 11th-hour negotiations on waivers, all efforts to try to avoid a catastrophe, and once again find ourselves in a mess with certification practices and no advance strategy to deal with this issue. I am grateful to the Senator from Arizona, the administration and General McCaffrey for this effort.

I think this is a good, bipartisan effort, Mr. President, to come up with a new dynamic, and I thank again my colleague for his support and leadership on this effort.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

I rise in strong opposition, and I hope it will be robust opposition, to the Dodd-McCain amendment, which would gut the narcotics certification process and replace it with absolutely nothing.

Mr. President, I just heard the distinguished Senator say "trust General McCaffrey." With all due respect to General McCaffrey, this is such a volatile and unpredictable area that it is impossible to know what to believe. It is understandable that General McCaffrey could stand before the world and say, "I trust General Gutierrez Rebollo. He is an honest man."

Whoops. The next thing we know, he is on the take. My goodness, how can you gut a process and replace it with nothing except trust when we have already found that trust to be wanting.

Now, let me say for a moment, I want to divide my remarks into three parts. The first is foreign assistance and who should get foreign assistance as a product of this amendment. The second is a certification process and what it has actually done in Colombia. The third is

Mexico postsummit and what has not happened.

This debate is really about whether we should give foreign aid and support development loans to other nations with no strings attached even if we know that the leaders and government of the country do nothing to assist in stopping the flow of drugs to the United States.

I think we need to clear up a major misconception about the debate here today on the drug certification process. This is not a debate about whether drug certification is a process that hurts our relations with our allies in the hemisphere because we sit and pass judgment on other nations. This is a debate about foreign assistance and under what circumstances the United States should offer assistance to other nations. With the exception of humanitarian assistance, the United States provides foreign assistance not only because America has a great and good tradition of assisting other states, but because we want to encourage certain types of behavior—because we want cooperation on political, security, or economic policy.

The distinguished manager of the bill, Senator MCCONNELL, has said it very well today again and again. He said, "Foreign aid is not an entitlement program. Just because you received it last year does not mean you should receive it this year. You have to earn it."

A nation that does not fully cooperate with our efforts to keep drugs from reaching our schools and our children has not earned the right to receive foreign assistance from the United States. We are not obligated to provide assistance. We provide this assistance because it is in our interest to do so, because it encourages behavior and policies which we support. Before we provide money, we have every right to expect that we will get cooperation from those nations to which we provide it. Indeed, we have a duty to our constituents not to send their tax dollars to a country if it is undermining our counternarcotics effort. That, in fact, is why we have the certification process as an instrument for cooperation—not because we want or enjoy the opportunity to sit in judgment on other nations. It is not a policy for faint hearts. I admit that. It is not about rating who we like or who we do not like. It is not about saying you are good and you are bad.

The current certification process may not be perfect, but it accomplishes something very important. Once a year it focuses the attention of our executive branch and of other nations whose cooperation we need on what is perhaps the most crucial national security issue this country faces.

If anyone had to ask me what is America's No. 1 national security threat, I would say drugs, drugs, drugs. There is no other. It is my firm belief that without the drug certification process, we would have no debate of

this kind. So I am not sorry we have this process. I think it focuses our efforts, and, even when it bruises feelings of other nations, it ultimately produces more cooperation, not less.

Now, let us for a moment look at Colombia, a country which we did decertify 2 years ago. The evidence is clear. When we decertified Colombia, the reaction was initially very harsh, and then, very quickly, Colombian cooperation began to improve.

Colombian officials came to my office just a month or so ago, and here is what they told me: In the last year, Colombia has fumigated 20,000 hectares of cocoa, the most ever; destroyed 800 drug laboratories; began working with the United States to develop a radar system to allow the government to secure control of all Colombian airspace, an air control system that allowed them to force down approximately 50 small drug-runner planes—force down 50 small drug-runner planes—which would have otherwise evaded Colombian air traffic control.

They have begun working with the U.S. Coast Guard to develop strategies for intercepting narcotics traffickers at sea; they have passed tough new laws on asset forfeiture for narco-traffickers, and they are implementing them; they have arrested and convicted at least 5 politicians I know of, and incarcerated them for taking money into their campaign funds from narco-traffickers; they have passed tough new penalties increasing sentences by 4 and 10 times for drug-related offenses; and they have instituted aggressive new proceedings against the Cali and Medellin cartel leaders. The Medellin cartel leaders are all in prison. The cartel is no more. And the Cali cartel is in the process of disintegrating.

Does anyone honestly believe that Colombia would have taken these steps in this fashion if it had not been for the U.S. drug certification process? I think not. And as a matter of fact, I am of the view that if this continues, Colombia should be recertified, and we should say thank you for working on this problem in the way in which you have.

Before Colombia was decertified, the powers of the cocaine cartels grew. The number of hectares planted with coca grew. The corruption in the Colombian judicial and political systems grew. But when the United States said "enough" and decertified Colombia, all of a sudden the Colombian Government did an aboutface. I think that this example can affect other nations as well. Unfortunately, much of the trafficking and the transportation of drugs has moved to Mexico, and this is the next frontier of the battle.

Now, let's compare the situation in Colombia today with that in Mexico today post-summit, post-Presidential visit to Mexico. Still, not a single extradition of a Mexican national on drug charges. I say on drug charges. On other charges perhaps. Despite all of the debate last year, despite the economic summit, not a single extradition

of a Mexican national wanted in this country for drug charges has been carried out by the Mexican Government.

There are continued restrictions on the operations of United States drug enforcement agents in Mexico. Even when working in cooperation with their Mexican counterparts they still cannot protect themselves if they are working on the other side of the border. They still are not allowed to carry weapons. Coast Guard ships in pursuit of trafficking vessels on the sea still need to give Mexico 30 days' notice before putting into port to refuel. There are no air or maritime agreements to forge a joint approach for interdiction of narco-trafficking. There is still massive corruption at all levels of the government, law enforcement and the military, prosecutors killed, judges murdered, and, most recently, the plastic surgeon that did the surgery on Amado Carrillo-Fuentes has reportedly—I cannot verify it, but reportedly—disappeared.

Drug cartels are running rampant in Mexico. Corruption along the U.S. border—and I will speak for California—has never been worse, never been worse. The cartels are now controlling street gangs in Los Angeles, and this is where I stand up and say "I have had enough."

My distinguished colleague and friend from Connecticut read from a number of editorials. You know, I judge stories by the by-line. There is a reporter whom I respect very much. His name is Marcus Stern. He writes for the San Diego Union Tribune. This is a headline on the 12th of this month, "Drugs still flown over the border, say agents." Let me quote from part of this article:

But a dozen military and civilian officials directly involved with the counter-drug effort along the California-Mexico border said in interviews during recent weeks that the skies in San Diego and Imperial counties are largely out of control and are still being heavily used by drug traffickers.

It's pretty much wide open * * *

But the antidrug officials interviewed in recent weeks said military observation posts deployed along the border are spotting a half-dozen planes a week flying into Imperial County alone. The planes are flying low at dusk with their lights out, the officials said.

This is happening every day on the border. It is the wrong time to do gut the certification process. The administration has agreed to give us a report on September 1 on progress made by Mexico. That is pursuant to our Senate-passed resolution. I, for one, am eagerly awaiting it, to see what progress has been made. At this stage, I know of no real progress that has been made.

The sponsors of this amendment argue that Mexico fails to cooperate because of the certification process. They argue that Mexican pride and nationalism make it difficult to appear to respond to American threats. That's nonsense. It is baloney.

President Zedillo, whom we all believe is committed to fighting the drug

traffickers, has said repeatedly that drug trafficking is the No. 1 threat to Mexico's national security. Well, either it is or it isn't. If it's such a grave threat to Mexico's national security, they should cooperate with us in their own interests, not because we make demands. Extradite drug pushers, allow U.S. Coast Guard ships to refuel, allow DEA agents working the other side of the border to carry firearms to protect themselves. I believe we have every legitimate reason to make clear we will not accept anything less than full cooperation.

The whole issue is an issue right now, precisely, I believe, because the administration was not honest in the certification process in dealing with Mexico. As much as I, too, would like to see a more flexible certification process, the situation with Mexico, for me, underscores exactly why we need a certification process.

I come from a State that is perhaps the most impacted State in the Union with these drugs. Yes, cocaine prices have dropped on the streets of Los Angeles in the last 5 years. It is not because of a certification process. It is because we have not had the guts to do what we should have done and decertify Mexico. I believe that's the reason. To replace a policy which may come to some fruition this next year with nothing is wrong.

I agree with the idea of a commission. I am happy to have commissions. I learned when I was mayor, if you didn't know what to do, appoint a committee. Better still, appoint a commission.

But I know what to do. We have to stop those overflights. We have to see that the border is enforced. We have to press for cooperation. We have to have extradition for those for whom there is a bona fide American arrest subpoena or warrant who traffic in narcotics.

So, I am not prepared to vote for an amendment that leaves us with no plan but simply takes Mexico off the hook: No evaluation this fall, no ability to read the September 1 report presented by the administration and make a decision as to whether there has or has not been any progress, then wait 2 or 3 years for this undefined, ephemeral "something."

Respectfully, I can't turn around and just depend on trust when another nation's leading anti-drug official turns out to be on the take. What's wrong with our intelligence? How can that happen? We don't question it even. How can that happen? It did. And that, I believe, typifies our drug policy with Mexico. Frankly, it has been one of spin. I, for one, am not going to buy the spin. I want to see the results on the street.

When cocaine prices on the street corners of Los Angeles rise, I know something has happened. When I pick up this newspaper and, instead of seeing "Drugs still flown over the border," I see "Five Planes Downed, Pilot, Copilot Arrested, Two Tons of Cocaine Re-

covered," then I know we have something going on on the streets, as they say. So, that is what I am looking for. When I see Mexico say, "Here are the cartel leaders, we are going to bring them to trial, we are going to bust the cartels," then I know we have something going.

So, until then, to do away with the certification process, I think, is to say to the people of the United States, "We are going to do nothing for the next 3 years." I, for one, am not going to be party to that policy.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter signed by Senator GRASSLEY, Senator COVERDELL, Senator TORRICELLI, Senator JOHN KERRY, and myself, and I yield the floor.

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

U.S. SENATE,
Washington, DC, July 16, 1997.

Vote "no" on the Dodd-McCain amendment to end narcotic certification.

DEAR COLLEAGUE: We write to urge you to join us in opposing the Dodd-McCain amendment on narcotics certification. This amendment would dramatically weaken the United States' ability to gain cooperation from other nations in the war against international narcotics trafficking.

The Dodd-McCain amendment would effectively end the narcotics certification process and replace it with . . . nothing!

The Dodd-McCain amendment would tell other nations that we will provide them foreign assistance with no strings attached, even if they do nothing to assist stopping the flow of drugs to the United States.

The Dodd-McCain amendment would instantaneously deprive the United States of the leverage we have used successfully to gain greater anti-narcotics cooperation from many nations, including Colombia, following its decertification two years ago.

The Dodd-McCain amendment would send a signal to our friends and partners—and to the drug lords—that the United States is not serious about combating narcotics.

The Dodd-McCain amendment calls for a task force on international narcotics control and an international summit to develop a multilateral strategy—which are laudable goals—but it would unnecessarily gut one of the central tools in our current narcotics control strategy, without specifying what will replace it.

The influx of illegal narcotics is perhaps the gravest national security threat facing the United States today. In order to effectively combat this threat, the United States needs to work with our friends and partners in the Western Hemisphere to interdict this massive flow of drugs and to arrest and punish the drug lords.

But when we do not receive the full cooperation of other nations in these efforts, we must be able to act to let them know that they must do more. That is why we have the drug certification process. We urge you to oppose the Dodd-McCain amendment.

Sincerely,

DIANNE FEINSTEIN.
CHARLES E. GRASSLEY.
JOHN KERRY.
PAUL COVERDELL.
ROBERT G. TORICELLI.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Iowa.

Mr. GRASSLEY. I want to make it clear I disagree with the Dodd-McCain

amendment. We have been focusing in this debate on the necessity and the impact of the certification process on foreign countries as if the only purpose of this was to put pressure on foreign countries. That probably is the primary purpose and maybe the only one we talk about. But, as well, I would like to suggest that we have a situation where this process keeps our own Government decisionmakers responsible. In other words, through this certification process, we are causing them to make an annual judgment of whether or not our process of interdiction in other parts of the world on drugs is actually working and effective. I think that is a very important purpose of our process, to make our own elected and appointed government public officials take care to look at the process, look at whether the policies are working, to assess those policies, maybe to suggest changes in those policies—maybe even in basic law—but, also, to make a judgment of whether or not they are effectively carrying out the laws the way intended.

I find the assumptions upon which the Dodd-McCain amendment is based to be wrong. I believe what it represents is a moving away from a serious standard of dealing with the drug problem. I believe it gives other countries a bye on taking drugs seriously. I believe it lets the U.S. administration off the hook. So I urge my colleagues to join me in voting against this amendment. If anything, we should be discussing measures to strengthen the process. It is a process that has served us well.

We have had a letter by the present drug czar quoted on the floor of the Senate as supporting this amendment. I would like to suggest to you that I have had an opportunity to visit with another drug czar—former drug czar now—Bill Bennett. He was a very good drug czar. He was a drug czar when policies were working. He speaks very strongly in support of the present certification process and, consequently, would urge our vote against the suggestions of Senator DODD and Senator MCCAIN.

It is argued by the proponents that the certification process does not work. No evidence is offered for this view. It is simply asserted. But what does “working” look like? I would like to ask a question in a different context to make this very point. Just recently we passed legislation putting more teeth into the sanctions for countries that support international terrorism. Do we believe that passing such laws will end international terrorism forever? Or do we believe that we need to have measures in place to ensure appropriate means are available to us, means that will help us uphold U.S. interests and international standards of conduct? I do not think anyone here believes that our laws will necessarily end terrorism as we know it. That is not the intent. The intent is to set a standard that terrorism is wrong and that we are going to fight terrorism wherever we can.

We have passed legislation to hold countries responsible for violating intellectual property rights. Do we expect this legislation to end all pirating of books or CD's? Or do we expect to have the means available to us to respond to all counterfeiting, to send a message about what the standard is that we believe that we need to uphold? I think everyone knows the answer.

Why are we seeking to establish some sort of different standard for drugs? It seems to me in the case of terrorism we say terrorism is wrong, we pass laws against it, we fully expect to enforce them in every way we can in an effort to end terrorism. We may not actually end terrorism, but it is a standard. So the certification process is not about the ultimate end to drug production or trafficking. Our law will not end that any more than any of these other laws that I have mentioned will end the problems that they address. The intent is to establish needed standards, to set the terms of reference for what doing something meaningful looks like, and to take appropriate action when this does not happen.

Some, however, seem to want to hold drug certification to an impossible standard of judgment. The argument made is that certification does not work. In fact, certification is doing exactly what Congress intended. It forces the U.S. administration at least once a year to take international drug policy seriously. It also requires them to account for their actions to the Congress. I can appreciate that the administration may not like having to make all these very tough decisions. But we must hold this President and future Presidents, as we have held past Presidents, accountable for this process.

Certification also forces other countries to do the same thing. Now, what about those other countries? These are countries that are major drug producers or transiting countries for illegal drugs. A goodly percentage of those drugs are then smuggled into our country. These activities are illegal under international law and even under the laws of the countries from which the drugs come.

In any case, these same countries have bilateral agreements with the United States committing them to take steps to stop drug trafficking and production. In addition, many of these countries receive U.S. assistance, that is money and support, to combat illegal drug trafficking.

What does certification do then? It asks that these countries take serious steps to meet their obligations under international law, under local law, and under these bilateral agreements. It asks the administration to report to Congress on whether countries are doing this. It sets measures for determining what cooperation looks like. If, in the judgment of the administration, the country does not meet these standards, then it proposes limited sanctions. It also provides a means for Congress to exercise its foreign policy-

making authorities to override the President if it does not accept his determination.

It is hardly outrageous, Mr. President, that we expect other countries to abide by laws and by commitments, international and otherwise, made by those countries. It is hardly unfair to expect an assessment of these efforts. It is not unrealistic to expect that we will take appropriate responses if minimal standards are not met, and we are perfectly within our right to decide not to continue our support. That support, after all, is not an entitlement, and it is not beyond the pale that we ask for an accounting.

Certification has been around for about 10 years. As with other cases, the longer the requirement has been on the books and the more Congress has insisted that it be taken seriously, the more used and useful the process has become. The process has gathered momentum. Last year, in fact, I asked the Congressional Research Service to review the merits of the certification process. That review, which is still available, makes clear how the certification process has matured and proved effective. In that review, a former senior State Department official and ambassador makes the point that the certification process works. Other countries take it seriously. He recommended keeping it.

Not only has the standard been applied with more rigor, it has also encouraged greater cooperation from certified countries. All in all, more countries now take as a given that drug control must be an important element in their thinking. This was not always the case. It is why Congress required certification in the first place. The need has not changed. If anything, the need is greater today.

I want to make one final point. Some have argued that we must not continue the certification process in regard to Mexico because it might damage the evolution of democracy there. While I agree that we must support democracy in Mexico, we must not end up supporting a narcodemocracy there. A recent New York Times piece by Tim Golden makes it clear just what the problems we and the Mexicans face from their drug traffickers because of their influence within the country of Mexico. Their strength and influence is all the more reason why we must not back away from certification.

Although it can be a painful process, it forces both countries and their governments to examine their situations. Sometimes the role of a friend is to deliver bad news. Nor do we become the friend of democracy in Mexico by shying away from our duty to the American people. As long as Mexico remains a major producing and transiting country, as long as Mexican authorities cannot or will not take adequate steps to control corruption, we cannot afford to ignore what happens in Mexico.

With these thoughts in mind, I ask you to vote against the Dodd-McCain

amendment. But in addition, we were told again, referring to a letter from General McCaffrey, the President's drug czar, about his support for this amendment.

I refer, in closing, to the March 1997 report from the U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs, the International Narcotics Control Strategy Report. This is an annual report, and on page 6, it speaks about the certification process. The last paragraph says: "The process works." This is a document that has been approved by every Government agency that has something to do with the war on drugs. It says, after "The process works":

The certification process has proved to be a remarkably effective diplomatic instrument for keeping all governments aware of the need to pull their weight in the international antidrug effort.

I ask unanimous consent that the rest of the paragraph be printed in the RECORD.

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

By now, most governments are aware that US law requires the President to provide an annual assessment of counternarcotics performance. And most know that the outcome of that assessment depends heavily on their efforts throughout the year. The drug certification process holds them publicly responsible for their actions before their international peers. Though many governments understandably resent the process, most governments try to ensure that they receive full certification the following year. They know that the President of the United States would not make such a serious determination without sound, objective evidence. The purpose of the law is not to punish; it is to hold every country to a minimum acceptable standard of cooperation, either by meeting the goals and objectives of the 1988 UN Drug Convention or by their own efforts. We believe that openness is one of the best safeguards against corruption. Most governments also recognize that we are not asking any country to do the impossible. By regular and sustained collaboration throughout the year we work with most of the governments concerned to establish realistic goals for certification purposes. We know that some governments face greater obstacles than others and we take that into account.

Mr. GRASSLEY. Mr. President, in conclusion, when we are being read letters and saying how the administration supports this, remember that every agency within the Federal Government that had to review this process in March of this year said the process works. I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask my colleagues to step back carefully and to analyze, as closely as possible, the realities that surround this question of certification. Two of the more capable and knowledgeable Senators with respect to international affairs—and I respect both of them enormously—are bringing this amendment to the floor. On most issues, we agree. This is one where I am convinced of the bona fides

of their intent, but where I am equally as convinced that the effect of what they are doing, the effect of this amendment will be to take a serious step backward in whatever level of war on drugs you want to determine exists.

I do not believe that that is anything but an inescapable conclusion based on a number of different realities: based on what countries are doing today because of the certification process, based on the choices available to the President within the certification process and, most important, based on what they are proposing, as opposed to the road that we have already traveled.

What do I mean by that? Mr. President, the Senator from Arizona and the Senator from Connecticut are proposing that we just chuck the certification process for a 2-year period, a suspension they call it, while we gather a task force and ultimately, hopefully, a summit. Who will attend the summit is totally up for grabs. Who will appoint a task force is totally up for grabs. But I ask every Senator here who has traveled the journey of drug fighting over the last years to ask themselves if what they need is another task force when, in fact, everything that we are asking other nations to do is part of an international convention today.

The certification process is not some American-dreamed up notion of taking an American standard and asking Mexico or some other country to live up to the American standard. We are asking countries to live up to the standard that they have signed, that they have agreed to live up to already, that they already got together on at a global summit under the United Nations and agreed would be the standard of their behavior. That is what this is all about.

If the Senate wants to come here today and vote to say that they can better the Vienna Convention, the United Nations Convention Against Illicit Traffic in Narcotics Drugs and Psychotropic Substances, then I would like to know how.

The countries that have already signed the international agreement are the very countries about whom today we are making a judgment about whether or not they are cooperating: Afghanistan, Antigua and Barbuda, Bahamas, Bolivia, Colombia, Ecuador, Haiti, Panama, Paraguay, Nigeria, Mexico, the Russian Federation, Syria—they are all signatories. They already came together. They already signed an agreement. They said they would behave by a different standard, and all we are doing in the certification process is saying we are going to make a judgment about whether or not the taxpayer dollars of U.S. citizens ought to go to a country that signed an international agreement, said it would do X, Y, and Z, but isn't doing it.

What are we being offered instead? Instead, we are being offered the notion that we are going to chuck the process of certification so we can take a couple of years to meet again and come to

agreement again on the very thing we agreed on, presumably, a number of years ago. What are the things we agreed on in this convention that we have already signed?

Let me give you one example. Here is one called extradition. Each of the offenses to which this article applies shall be deemed to be included as an extraditable offense in any extradition treaty existing between the parties.

We have an extradition treaty with Mexico. It is an agreement as part of the 1990 accord. We already ratified it. We signed it. They signed it. But they don't do it. So what is the response? The response is to come to the floor and say, "Oh, gosh, these countries get really upset because we try to hold them to the standard they said they would live by, so we better pull back because they don't like the fact that we want to hold them to their word, and we're going to go talk about what we might do in order to, once again, get them to do what they already said they would do."

It is the most incredible thing I have ever heard. Of course, they don't like the certification process, because it works. This is not a stale annual event. It is anything but stale. It is working, and it is working, Mr. President, because we have taken it seriously.

Senator GRASSLEY just quoted the International Narcotics Control Strategy Report of the United States of America, this year, this March, 1997. This is what our State Department said only a few months ago:

The certification process has proved to be a remarkably effective diplomatic instrument for keeping all governments aware of the need to pull their weight in the international antidrug effort. By now, most governments are aware that U.S. law requires the President to provide an annual assessment. . .

And so on.

"Proved to be remarkably effective." This is Mexico driven, because we had a difficult time, frankly, because many of us thought that the administration made the wrong decision. They could have certified Mexico with a waiver, and that would have permitted Mexico to continue to get its aid because, as a matter of national security interests, most of us thought it should, but we also knew there were problems in cooperation.

Mr. President, if my colleagues believe that the next step in the drug war is to come to the floor and take 2 years to go through some kind of task force effort to dream up some better way of holding these countries accountable, I would be amazed if there is any response from those other countries except continued delay, obfuscation. If they want our money and they are willing to do something to get our money, but we take away that whole requirement, what is going to leverage that cooperation? More talk? More good wishes? More signatures on a piece of paper that they have already signed?

Let me share with my colleagues some of the things that they have already said they would agree to do.

They would agree to promote cooperation among the parties so they may address more effectively the various aspects of illicit traffic in narcotic drugs.

They will carry out their obligations under this convention in a manner consistent with the principles of sovereign equality and territorial integrity.

Each party shall adopt measures as may be necessary to establish as criminal offenses the production, manufacture, and so forth.

There are still nations struggling to do that.

Each party is supposed to make the commission of the offense established in this treaty subject to imprisonment or other deprivation of liberty.

They are supposed to ensure that their courts will have jurisdiction. They are supposed to ensure that they trade evidence. They are supposed to extradite. They are supposed to provide mutual assistance and the transfer of evidence and people. They are supposed to enter mutual legal assistance treaties.

There are a whole bunch of things here that we already agreed we are going to do. And under the certification process, all we do is make a judgment as to whether or not they are doing it and as to whether or not we are going to give them continued American aid if they are not.

Mr. President, let me just share with you, our colleagues have come to the floor and they have said, "Gee-whiz, people are complaining. And this doesn't work." But they have not shown you how it does not work. There is no showing that this does not work.

The fact that drugs still enter the United States is more a reflection of our unwillingness to commit adequate resources to drug treatment, to drug testing, to education, to alternatives for children, to police in the streets and all the things that would make more of a difference than it is to the certification process. But the fact is, that on the international front the certification process has worked.

Let me be very specific about it.

In the Bahamas, effective counternarcotics cooperation specifically intensified with the implementation of the certification process in 1987. The Bahamian Government's willingness to accept more of our assets, U.S. Government assets, and to provide additional resources of its own in the fight increased the moment they knew they were subject to certification.

In December of 1986, the Bahamas passed a new, tougher drug law. And more recently, in 1995 and 1996, the Bahamas passed money-laundering laws and implemented regulations based on U.S. Government certification related to demarches. The fact is, we had issued demarche after demarche to those countries, and they have responded to those because they knew there was a

process in place that created accountability for the first time.

Another example. Jamaica. The Jamaican Government was particularly slow to pass money-laundering legislation or to even ratify the very treaty that I just talked about. But as a result of the demarches that we issued, and using the leverage that existed in the certification process, Jamaica specifically reversed that situation in 1995 and 1996.

Jamaica is now a party to the convention and has a new money-laundering law. In 1995, the President gave Peru a national defense certification because their record was mixed. They had successful interdiction but they had no reduction in the coca crops. Since that time, the Government of Peru has implemented a strong coca reduction, an alternative development program which has resulted in an 18 percent reduction in the total of Peruvian coca cultivation. So that worked as a result of the decertification process.

What about Colombia which we heard talk about? Colombia was decertified in 1996 and 1997. It received a national interest certification waiver in 1995. There is no question that the Colombians were very unhappy with the original decertification. Who would not be? But the fact of the matter is, that when they were faced with the ramifications of that decertification, the Colombian Government's law enforcement efforts have improved ever since then.

Key Cali syndicate leaders have been arrested, and there is the aerial eradication of coca and opium and poppy which has improved. In addition to that, the longstanding constitutional prohibition against the extradition of Colombian nationals has now been reopened in the form of legislation presented by the Colombian Government to the Colombian Congress. Let me emphasize that. Colombia took away one of the principal ingredients of the international convention. The international convention required people to be able to extradite. Colombia wrote that in at the insistence, Mr. President, of the cartel. How do we know that? We know that because subsequent raids uncovered documents that showed the cartel's own drafting of the constitutional amendment to do away with extradition.

So as a result of our decertification, we have been able now to move toward the process of changing the one thing that the cartel members fear the most, the possibility of being extradited to serve time in an American prison, not in one of their prisons of comfort and of personal convenience that they negotiate in Columbia. That is why they took it away. And now we are on the road to getting it back. Why? Because we had the certification process in place. That is why.

I talked to General McCaffrey today. And I understand how administrations work and the marching orders are, but

I will tell you, I sensed no great overpowering conviction that this is the right step to take, notwithstanding the letter that he has written.

In addition to that, I believe that this process is being foisted on the Senate in a way that does not adequately permit for alternative possibilities. I am not suggesting the certification process is the only way to proceed. I am not suggesting that it is the best thing in the world. I am not suggesting that it cannot be refined.

What I am saying, Mr. President, is that rather than just suspend it altogether with some high hope that you are going to come back and somehow do what we have already done, we ought to at least leave it in place until we offer some concrete alternative or put together a task force that works while it is in place so we can continue this process, and then if there is a legitimate substitute, open our minds to substituting it. But what we are being offered is a suspension with a hope that some future photo opportunity or some future meeting will produce what meetings heretofore have not been able to produce.

I say to my colleagues, that even in Mexico—even in Mexico—the possibility that we might have decertified them actually produced last-minute steps in an effort to try to say, gee, we really are cooperating. And so they dismissed some 1,250 Federal law enforcement officers, they removed the drug czar for narcocorruption in February, they passed the organized crime bill and the criminalization of money laundering and chemical diversions, and they reorganized Mexico's whole anti-drug structure. How can you say it is not even working in Mexico when the fact is, that those steps were taken precisely because the decertification process is in place?

I am not going to go through all of them now, but while my colleagues come here and talk about the discomfort that is created or talk about how uncomfortable it is for our relationship with these countries, you can look at every single other country, and you will see progress that is being made as a consequence of the existence of this bill. You can see it in Panama. You can see it in Bolivia. You can see it in Paraguay. And you can see it elsewhere, Mr. President.

So the point is, the certification process is not a substitute for a comprehensive strategy to deal with drugs, but it is an effective tool which the State Department only a few months ago was lauding as an effective tool.

And it seems to me that the hue and cry you hear from these countries, "Gee, we don't like you holding us accountable," is in fact its best argument for the reality that this works. Is it a rough tool? Yes, I will admit, sure it is. It has its element of hardness in that sense. But Mr. President we have traveled this road for a long time—a long time.

We have written a number of drug bills in our country. We have put additional cops on the streets. We are trying to augment our own drug strategy at home. But the fact is, that the domestic side is only one piece of any strategy to deal with drugs. You need effective law enforcement at home, you need effective education at home, and you need effective treatment at home.

And we have been negligent with respect to a number of those. But that does not mean that you can turn around and throw away the other side of the coin, which is the interdiction and international cooperation which is also an important tool. And I respectfully suggest to my colleagues that the certification process deserves better than simply to be put into hanging suspension, with some promise of more talk that will only result in ratification ultimately of the very international agreement that it is based on.

I emphasize to my colleagues, this is not some "Yankee from the North" standard. That is how they effectively play those politics. They very effectively do that. And then they complain to our diplomats when they go to Mexico, and they say, "Oh, boy, you guys are stirring up the politics of our country because you're sort of imposing this standard on us."

Mr. President, it is not our standard. It is their standard. They signed the international treaty. And all we are doing is making a judgment of whether our tax dollars ought to be given to those countries that signed the agreement and then do nothing to live up to the standard. This is not our standard. It is the world's standard. They have signed on to it. They ought to live up to it. And we should not walk away from the one effective tool we have put in place that helps us hold on to that standard.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I will be brief. I know that the managers of the bill and everyone else wants to get votes and final passage on this issue. I think the issue has been pretty well ventilated.

I will just make a couple comments. One is that a comment was made earlier about General McCaffrey. I think it is important to point out that no matter where we are on this issue—which side—that General McCaffrey deserves our respect and our admiration and appreciation. There was some allegation about his judgment of the Mexican general, and I think we all make mistakes from time to time. But the fact is that General McCaffrey has, in the view of all objective observers, done an outstanding job.

The Senator from Massachusetts just made a reference to our tax dollars. The Senator from Massachusetts knows full well that no foreign aid goes to Mexico. The only money that goes to Mexico is strictly for the purposes of drug interdiction. That is the only

money. In fact, the Mexicans pride themselves on not taking foreign aid from the United States of America. So I think it ought to be viewed in that context.

But finally, Mr. President, when we vote on this I think the fundamental questions are as follows: Has the present policy succeeded in helping us win the war on drugs? Has the present process of certification or decertification raised the price of drugs in Phoenix, AZ, and Detroit, MI, and New London, CT, and Boston, MA? Has the present policy been instrumental in getting the kind of cooperation and assistance that we need from the Mexican Government and their officials? Has the present policy of certification, decertification, had any beneficial impact on stopping the drug trafficking which goes across our border in large quantities as we speak?

Those are the questions that have to be asked. And if you believe that the present policy and certification has worked, and has proved a benefit and has been helpful or has been an ingredient in raising the price of drugs, winning the war on drugs, closing our border to the flow of drugs, increasing cooperation assistance on the part of the Mexicans, then I say vote against this pending amendment.

But I say that the President's national security adviser, the drug czar, and many other experts throughout the country have said, look, let us try something different. Let us come up with some new ways which can address this terrible scourge that is destroying the youth of America. Let us try a new way.

That is all this says. Let us try to be more effective. Let us try a way of suspending, simply suspending for 2 years, not abolishing, but suspending for 2 years the certification process in hopes that all of us together, the executive and legislative branch, working with the American people, can come up with a way of winning a war that it is sad to say, Mr. President, we are losing.

If those who oppose this amendment think that what we are doing now works, fine. They are entitled to that opinion. But I do not believe that those we place in positions of responsibility in the executive branch of Government share that view, nor do most experts. The Senator from Connecticut read off the editorial comment from literally every major newspaper in America in favor of this amendment. And I do not blindly follow the advice and recommendations of all of the experts, nor the leaders of our administration and those we entrust to conduct of our national security policy and our drug policy. But I say, we ignore that advice and recommendation at some risk.

So, Mr. President, I hope we can quickly dispense of further debate and vote on this.

I thank the chairman and floor manager for his indulgence as we have discussed this very important issue. I yield the floor.

Mr. McCONNELL. Mr. President, we will be able to get a consent agreement to have a series of votes here shortly. I know Senator COVERDELL is here and wants to speak to the Dodd-McCain amendment. We will offer a unanimous consent request for some votes on or around 6 o'clock shortly.

Mr. KERRY. I know the Senator from Georgia wants to speak. I will take 2 quick minutes, if I may.

I answer the question the Senator from Arizona asked, which was the question about the effectiveness and price. The test of whether or not certification is effective is not just a reflection of what happens to the price of drugs or their availability. Everybody knows that interdiction is ultimately an impossible task. Drugs will come in. The question is, are you raising the cost of business sufficiently that the risks are great enough for those who engage in it that you have a legitimate effort to reduce it from scourge to nuisance? The truth is, Mr. President, there are a whole set of other questions you have to ask to really test that effectiveness.

For instance, do they extradite people? Do they have a law of extradition? Do they have asset seizure and forfeiture laws? Have they implemented the laws of asset seizure and forfeiture? What kind of sentencing structure do they have? Do people actually serve time? Do they trade evidence with you? Do they create a mutual legal assistance treaty? There are a whole series of judgments here where, I suggest respectfully to my colleagues, the vast majority of the evidence is on the side of those who say this certification process is working because it has produced results in every one of those other areas of measurement.

Now, the other point I make—I know that you have editorials. Sure you have editorials. I have read some of them. One comes from my own newspaper in Massachusetts. Most people that I have talked to about this process make the judgment that the reason they viscerally feel it is not a fair thing to do is they think we are implementing a standard that is just American, that we are sort of judging them and then, in a high-handed fashion, coming in and saying, "Hey, you are not good enough for America." The point that I think needs to be reemphasized over and over that many are not aware of is, it is not an American standard, it is the internationally arrived at standard which they have agreed to live up to themselves. So we are really finding only one tool existed in the process.

The last point I make is that this does not have to be as difficult as it was made this year with respect to Mexico. Most people, I think, came to the conclusion ultimately that, while they wanted to avoid a politically sticky situation, Mexico was not, in fact, capable of cooperating fully, and there were plenty of ways to praise the democratic process, plenty of ways to praise President Zedillo, plenty of ways

to bolster those who wanted to make it happen and provide a waiver that allowed them to be certified, but on the basis of national interest.

Had that happened, there would have been no great fight in the U.S. Senate, and had that happened, we would not be here today putting to the test the one tool that has worked in helping us to hold the Vienna Treaty accountable.

Mr. COVERDELL. Mr. President, I will not be supporting the Dodd-McCain amendment, but I wanted to make several observations about the situation we are facing this evening.

First, I want to commend Senator DODD of Connecticut for his extended interest in this subject, for his cooperation and longstanding work on the matter. I am an admirer of his work. I believe, however, that this is not the way to close the circle on the long, extended debate on certification and that process.

As chairman of the Western Hemisphere Subcommittee, I promised to hold hearings on the issue. As Senator DODD knows, I have long said there are real questions about this process that need airing. I have to say I am somewhat disappointed by General McCaffrey and NSC Adviser Berger coming forward in this manner without a thorough discussion. I worked extensively, along with Senators DODD, KERRY, MCCAIN, HUTCHISON, and others, when this became so contentious before, and I think we ought to have had more notice with regard to their views on this than we have had.

I want to point out that the certification process has had successes, as Senator KERRY has pointed out, and it has created issues and problems, as Senator DODD has pointed out. There have been benefits and there have been problems. The idea of shutting the process down without a fix on where we are going to go bothers me. Senator DODD and I have talked about an alliance. Well, maybe that would be an appropriate new place to go. But to just stop what we are doing without knowing where that new place is and in this manner, I don't think is appropriate.

Mr. President, the certification process is not only about other governments. It has been a tool for the Congress to be at the table on these issues with our own executive branch. In fact, in the long debate over certification of Mexico, it did result in this letter from the President to myself and Senator FEINSTEIN, and it makes an extensive outline.

It says:

I want to keep the Congress informed of the progress we are making toward achieving the objectives set forth in my 1997 national drug control strategy and the U.S.-Mexico alliance against drugs. Director McCaffrey will provide further details on these issues to Members of both Houses in the near future. My administration will also provide the Congress, by September 1, [that is this September] 1997, a report covering each of the issues contained in the Senate Resolution passed in March as elaborated in your recent letter and discussions with my administration.

In other words, through the discussions about the process, the administration has told the Congress it is going to come with a full report and present it to the Congress in just a month and a half. It strikes me that we ought to see the report, hold the hearing, and then see what it points us toward—not just suddenly come forward and end the process before we have had the report. I have to say, Mr. President, if it were not for the process, I doubt we would have ever gotten this letter.

The last point I make is, I just came from a hearing, a portion of which Senator DODD was able to attend, but he had to return to the floor. The discussions by the various witnesses were exceedingly alarming. They described, on our border, armed conflict. They described drug cartels operating in military fashion—not a bunch of hooligans—with the most sophisticated equipment, semiautomatic weapons, night goggles and sophisticated communication systems that allowed them to ambush our own agents. The testimony alluded to a growing number of occurrences, already 70 this year, of similar incidences—armed assault on U.S. Border Patrol, targeted agents, assassination threats.

Senator MCCAIN is correct, the status quo is not working. I believe the correct response is to hear from the administration as they promised, to hold our public hearings, to air the various ideas and concepts, and then come forward in an organized, methodical manner and hear where we go in the future. Senator DODD and I agree completely that the status quo is unacceptable. We are just not quite on the same time line as to where we go from here.

I yield the floor.

Mr. DOMENICI. Mr. President, I am pleased to cosponsor Senator DODD's amendment. The drug certification process is fatally flawed.

Mexico was fully certified even though 7 percent of the cocaine and 50 percent of the marijuana sold in the United States comes in through Mexico.

Colombia wasn't certified, neither were other rogue states even though their contribution to the drug supply is not prominent. Under this process, our diplomatic friends get certified as "fully cooperating," and rogue nations do not regardless of whether a country is a major contributor to the supply of drugs in the United States or not.

I view the determination of which countries are cooperating as a law enforcement function, yet the State Department has prominent role in advising the President.

This sense of the Senate amendment calls for the suspension of the drug certification procedures for two years. It calls for high-level task force to develop a comprehensive program for addressing domestic and international drug trafficking and fashioning a multilateral framework for improving international cooperation.

It would put the Director of the National Drug Policy in charge of the task force.

The amendment calls for the President to persuade other heads of state from drug producing countries and major drug transporting countries to establish similar task forces.

Not later than 1 year after the date of enactment, the amendment calls for the President to convene an international summit.

We need a better tool than the certification process.

The new strategy has to focus on bringing the known traffickers to justice.

Last year, I offered an amendment to withhold foreign aid to Mexico until Mexico either brought to trial themselves or extradited the ten most wanted drug lords living in Mexico.

Two of the top ten are no longer heading up the big drug cartels.

Juan Garcia Abrego was convicted in Houston and sentenced to 11 life sentences.

Amador Carillo Fuentes, considered the wealthiest and most powerful drug baron died earlier this month. He was known as the "lord of the skies" because he owned a fleet of 727's which allowed him to transport drugs from Colombia to Mexico.

His headquarters were in Juarez, a little more than an hour away from New Mexico.

He died earlier this month, but this will not be the end of this cartel's influence and drug dealing.

We have to do something more effective in this area.

The new policy has to be primarily a law enforcement function.

Enhanced extradition has to be an important part of the new policy.

Comprehensive money laundering laws must be passed in all countries and officials must be trained to identify money laundering schemes and to enforce the laws.

Young people need to be educated about the dangers of drugs.

We can't solve this drug problem alone. We need international cooperation.

This amendment provides a framework for a better, more aggressive policy.

Mr. BAUCUS. Mr. President, I rise in support of the Dodd-McCain amendment.

For the past 11 years, we have experimented with the policy of "certifying" foreign countries as cooperating or failing to cooperate with our efforts against the international narcotics trafficking. That is a fair test for any policy. And it appears to me that the certification policy simply isn't working.

Many countries we have decertified—Burma, for example, or Afghanistan—now produce significantly more narcotics than they did before. Cocaine, heroin, and marijuana are at least as easy to find on our streets today as they were in 1986. It is clear that, at best,

our decertification of these countries did nothing to stop them and their mafia organizations from producing narcotics.

So certification has been an ineffective policy. And the Dodd-McCain amendment takes a sensible approach—it does not abolish certification, but suspends it while we try to work out a more effective approach. If there is nothing better out there, certification will go back into effect.

Finally, in my view, annual debates over whether to certify various foreign countries has distracted us from the more fundamental problems we face here at home. That is, enforcing the laws. Putting drug dealers in jail. Rehabilitating drug users when possible. And stopping kids from trying drugs in the first place. If we can do those things, the actions of foreign countries will still be important, but they will be secondary issues.

So I think Senator DODD and Senator MCCAIN have a good idea. We should take a second look at a policy that doesn't work very well. We should try and find a better one if we can. And we should get back to basics and solve our problems here at home.

Mr. President, I have a full statement on the underlying bill and the importance of keeping up on our commitment to Israel and the Middle East. I ask unanimous consent that it be printed in the RECORD at this time.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Texas.

Mrs. HUTCHISON. Madam President, I rise to speak on the Dodd-McCain amendment that will put this charade of certification aside and try something new in the war on drugs. I think, Madam President, all of us want the same result; we want to stop the illegal drugs from coming into our country. Today, 13 million Americans use illegal drugs; 1.5 million use cocaine, 600,000 use heroin, and 10 million use marijuana.

Madam President, it is coming in through Mexico. Twenty percent of the heroin, 70 percent of the marijuana in this country, and 50 to 70 percent of the cocaine comes in through Mexico. This is under the process we have now—certification—which is insulting, which does not have any positive consequences and, I submit, really only has negative consequences.

Madam President, how is the best way for us to attack the issue of illegal drugs coming in from Mexico? Is it to insult our neighbor? Is it to berate them? What does that give us? It gives us a hostile neighbor. Is that going to help? I hear people on this floor talking about Mexico as if it is 2,000 miles from our border. Madam President, Mexico is our border. We share family ties, we share a trade relationship, we share problems for both of our countries in illegal drug transit. It is bad for Mexico, it is bad for the United States. And I submit that we share friendship. We

know Mexico is not doing enough; they know it. I have met with President Zedillo on this issue. I am convinced that he is trying to do everything he can. He is attacking this issue. Berating his country is not going to help the situation.

So I urge my colleagues to vote for the Dodd-McCain amendment. Let us try something new. Let us look for positive results in a partnership, not an adversarial relationship that cannot help us. It will not solve our problem and it could make worse problems on our border than we could ever foresee. Let's do something different; let's give it a chance. Thank you.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas, [Mr. GRAMM], is recognized.

Mr. GRAMM. Madam President, since 1986, we have had a policy called "certification," whereby we stand in judgment of our neighbors as to whether they are in fact making the best effort they can make in helping us keep drugs out of our country and helping themselves prevent drugs from corrupting their country.

In the case of Mexico, we have declared through a Presidential certification, since 1986, for 11 years, that Mexico is making a full-faith effort, and every year for 11 years we have suspected that it was not so. For the first 10 years of this process, I kept hoping things would get better, hoping for the best, voting to certify something that we suspected was not true but hoped that it would become true. This year, I decided that maybe we should try something different and deny certification. The President decided to move ahead with certification.

The point I want to make is very simple: It can never be good public policy to put ourselves in a position where, in order to continue to work with our neighbors to try to keep drugs from coming into our country, we have to certify something that is not true. I think that, after 11 years, it has become clear that this process is not working. It puts us continually in a position of choosing whether to certify things that are not true. It seems to me that as a matter of national policy, just as well as a matter of personal policy, that can never be a good thing to do.

I don't know whether certification was ever a good policy or not. But I think that after 11 years, we know it does not work. And I think setting the process aside for 2 years, giving us an opportunity to try to figure out what we are going to do in terms of a permanent policy, is the right thing to do.

I agree with my colleague from Texas. If you want your neighbors to work with you, the worst thing you can do is slap them in the face.

We are under a procedure now that does not work. I think it is time to change it. The proposal before us is simply to set it aside for 2 years to fig-

ure out what we are going to do permanently. I think it is a reasonable proposal. I hope my colleagues agree.

Mr. MCCONNELL. Madam President, I have a unanimous consent request—

Mr. DODD. Will my colleague yield for 2 minutes before he makes that request?

Mr. MCCONNELL. Madam President, I yield the floor.

Mr. DODD. I thank the Senator.

Madam President, I have been listening for the last hour and a half, roughly, to all the argument against this amendment, except for my 2 colleagues from Texas, to whom I am grateful for making their case. I want to make the case on behalf of Senator MCCAIN and myself, and Senators DOMENICI, COCHRAN, DASCHLE, KERREY, WARNER, INOUE, HUTCHISON, and others who have supported this amendment, the cosponsors of the amendment. We have had 11 years. We didn't come up with this overnight. We have had 11 years. We have now 12.8 million people using illegal drugs in this country; 1.5 million cocaine addicts; 600,000 heroin addicts. What do we want to do, wait another year, another 2 years? Do you want that number to be 13 million drug addicts in the country? How about a million heroin addicts? When do we stop?

The present system isn't working. We have decertified about 7 countries over the last several years. If anything, we have had less cooperation—Afghanistan, Burma, Iran, Syria, Colombia—and what do we get back from it? If this is working so well, are these countries cooperating today? No, we are not getting cooperation. All we are getting is a deluge of drugs pouring into the country.

So I don't disagree that maybe the certification may be the only answer. But how about for 24 months we try something else, after 11 years, and if we get nothing but an increase in supply, lower costs, and the problem becomes worse and worse and worse, why don't we try something else? That is all Senator MCCAIN and I are suggesting—for 24 months, suspend the certification process. Listen to General McCaffrey; he supports what we are trying to do here. He doesn't have a silver bullet either. But maybe, just maybe, we might come up with a better idea and do so in a sense of cooperation with nations we are going to have to have cooperation from if we are going to succeed.

So, Madam President, with all due respect, when I hear that this is coming sort of unannounced—and I listened today, as I was at those hearings as well, to those witnesses and I heard them as well. The situation is worse today than 6 months ago, a year ago, or two years ago, and it is getting worse. So how about trying something else, which is something we don't do terribly frequently around here; we stick with provisions and say you can't change them.

We represent 5 percent of the world's population and we consume over 50 percent of the illegal drugs in the world. Before we start lecturing everybody else, we ought to look in our own backyard and decide what we can do here at home as well.

For those reasons, I urge our colleagues to give us a chance, with this modest proposal, to try something different. As General McCaffrey said in his letter, and Sandy Berger at the National Security Council, this deserves an opportunity to be tried. I urge my colleagues to do that.

I ask unanimous consent that a letter from Barry McCaffrey to Senator MCCAIN and a letter from Samuel Berger to me be printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF NATIONAL DRUG
CONTROL POLICY,

Washington, DC, July 16, 1997.

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

DEAR SENATOR MCCAIN: Wanted to confirm that the Administration supports the Dodd-McCain legislation on international drug cooperation. Believe your thinking supports U.S. drug policy by recommending a mechanism that would allow us to make fundamental improvements in the way we cooperate with major drug producing and transit countries. At a minimum, your bill promises to remove a major cause of foreign policy friction, especially with Latin American and Caribbean countries. Timing for consideration of new ideas is fortunate because of the upcoming Summit of the Americas and heightened interest in multilateral counter-drug cooperation following the President's travel to Mexico, Central America and the Caribbean.

ONDCP is prepared to lead an interagency task force to develop a new strategy. We must build on our National Drug Control Strategy. We can accomplish the requirement to build a more effective concept for multi-national cooperation in the two years provided by your bill.

Although we would want to explore a number of options, elements of a new strategy might involve increased use of multilateral mechanisms and international organizations such as the OAS. We might also consider expansion of ad hoc arrangements for in-depth bilateral counter-drug cooperation with countries of particular interest such as Mexico. The Department of State and ONDCP are already formulating plans for a fall conference to develop new thinking along the lines of your proposal.

Thanks for your continued leadership on the drug issue.

Respectfully,

BARRY R. MCCAFFREY,
Director.

THE WHITE HOUSE,
Washington, DC, July 16, 1997.

Hon. CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: I am writing to express the support of the Administration for the amendment that you and Senator McCain are proposing to S. 955, the Foreign Operations, Export Financing and Related Operations Appropriations Bill for FY '98.

We believe your amendment would allow the Administration to develop and imple-

ment a new multilateral strategy to stem the flow of illegal narcotics. We believe the passage of this amendment will lead to a more effective multilateral effort in the war against drugs.

I, therefore, urge the Senate to pass your and Senator McCain's amendment.

Sincerely,

SAMUEL R. BERGER,
*Assistant to the President for
National Security Affairs.*

UNANIMOUS-CONSENT AGREEMENT

Mr. MCCONNELL. Madam President, let me say, before propounding this unanimous-consent request, we can see the light at the end of the tunnel. This unanimous-consent request has been cleared on both sides. We will have three votes beginning in about 10 minutes from now and that leaves very little left to do before final passage. So we are almost through.

Madam President, I ask unanimous consent that I now be recognized for up to 8 minutes for an explanation of the amendment on Cambodia, which is at the desk, and further, following that debate, the Senate proceed to vote on or in relation to the McConnell amendment No. 886, the one I will describe shortly, to be immediately followed by a vote on or in relation to the McConnell amendment No. 887, also about Cambodia, which I anticipate will be voice-voted, to be immediately followed by a vote on or in relation to the Allard amendment No. 891, to be immediately followed by a vote on or in relation to the Dodd amendment No. 901. I further ask consent that there be 2 minutes of debate equally divided prior to the remaining votes in the sequence. I finally ask unanimous consent that all votes in the sequence following the first vote be limited to 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Madam President, before the Senator from Kentucky continues, I also ask unanimous consent that Greg May, a fellow in Senator FEINGOLD's office, be granted floor privileges for the remainder of the consideration of this bill.

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

Mr. LEAHY. Madam President, I join my friend from Kentucky and say that we do see light at the end of the tunnel. I urge Senators, if they really have something they feel is absolutely urgent for the good of the world and the Nation and their States and the Senate, and so forth, that they discuss it with the Senator from Kentucky and myself during these rollcall votes, so that we can wrap this bill up.

Mr. MCCONNELL. Madam President, I might say that, other than the Hutchinson amendment, I am not aware of any other votes that we will need before going to final passage.

When the subcommittee marked up this bill, the situation in Cambodia was grim. The Far Eastern Economic had labeled Phnom Penh, the Medellin on

the Mekong. In a shocking series of stories, the Review described a nation's slide into corruption and the close collaboration between senior Cambodian officials and drug smugglers. Making matters worse, a senior officer said, "Cambodia is now like Noriega in Panama. Nobody dares to speak out because they will be killed."

Journalists who have called attention to the corruption and smuggling have been fined, jailed, and assassinated. Days after running a story detailing the criminal kingdom built up by a close associate of Hun Sen, the newspaper's editor was gunned down midday in downtown Phnom Penh.

However, this is not a situation which has just unraveled over the past month. This is a story which has unfolded over the past 2 years and unfortunately, U.S. Government officials and policy appear to have aided and abetted this sorry turn of events.

As the committee report notes, the evidence of corruption and political violence is not new. Democracy has been under attack for the past 2 years.

In testimony before the House International Relations Committee, the president of the International Republican Institute pointed out in 1995, tiring of his attacks on their corruption, Government officials engineered the ouster from the party and Parliament of Sam Rainsy. The testimony then went on to say the following:

Building on their success in removing one vocal critic, the government has targeted up to six other parliamentary members for expulsion . . . the number of newspapers is declining by the month. Journalists are regularly harassed and beaten and several have been killed . . . The government has been largely successful in silencing all internal opposition and criticism.

Unfortunately, for the past 2 years as the problems mounted, the administration failed to use our assistance programs, strong ties, and close relationships to leverage reforms crucial to the country's survival.

A few short months ago, in testimony before the subcommittee, AID's administration compared Mongolia and Cambodia, citing both as democratic success stories. At the same time, the lives of opposition candidates were being threatened, Hen Sen was actively thwarting all efforts to appoint independent judges or create a commission to establish the framework for the planned 1998 elections.

When weeks of Mr. Atwood's testimony, 16 people were killed and another 120 wounded in a grenade attack on a public rally against corruption. Human rights organizations claimed this was a clear attempt to assassinate one of the Government's most vocal critics, Sam Rainsy.

As the political violence escalated, the administration continued to endorse Cambodia as a responsible candidate to join ASEAN. Evidence that narcotics traffickers were subsidizing the leadership was dismissed. In May, in the face of overwhelming evidence that drug related corruption tainted

the most senior leaders in government, Secretary Albright testified before the subcommittee, that "we are very careful in the way we do the certification" and expressed confidence that Cambodia deserved to be recognized as fully cooperating in our international counternarcotics efforts.

During his visit here this spring, Sam Rainsy, the critic who has been targeted by Hun Sen's henchmen, pleaded with the State Department to change course and move quickly to condition aid to his country—to take every step necessary to force Prince Ranariddh and Hun Sen back to the negotiation table—to make every effort to salvage what was left of his country's hope for democracy. He called attention to the increasingly public efforts both leaders were making to arm private militias—a sign, he warned of the civil conflict to come.

While the administration continued to talk of Cambodia's success, the committee listened to the Cambodians and international observers who urged action to stop the slide toward war. In response to the deteriorating situation, we reported out a bill which required the Secretary to certify that four conditions had been met prior to the release of any additional assistance. Specifically, she had to determine that the Government had taken steps to: First, end political violence and intimidation of opposition parties and members; second, establish an independent election commission; third, protect the rights of voters, candidates and election observers and participants by establishing laws which guaranteed freedom of speech and assembly; and fourth, eliminate all official corruption and collaboration with narcotics smugglers.

We had hoped that the Secretary would deliver a similar tough message during a planned June trip to Phnom Penh. Many of us held out the slim hope that she would be take on the important challenge of getting the two leaders to the table to work toward reconciliation and free and fair 1998 elections. I believe her planned visit represented the last window of opportunity to effect any change. Unfortunately, there were sufficient uncertainties about the outcome that prompted her advisors to recommend the visit be canceled—and with that, the window of opportunity slammed shut.

The rest, as they say, is history.

Since the coup, it is clear, the administration continues to be reluctant to challenge or confront Hun Sen. I think this is a serious mistake. It not only causes friends and allies to doubt our commitment to democracy, we risk further instability in a vital part of the world. If an interest in South East Asian stability does not persuade my colleagues of the merits of engagement, they might consider the need to see some good come out of the substantial bilateral and multilateral commitment we have supported which now exceeds \$4 billion.

To address the changes which have occurred since the bill was reported

from committee, I would now like to offer two amendments which modifies the two Cambodia-related sections in the bill. They are virtually identical but affect two different spending accounts. In each, I have added a new condition which prohibits aid to Cambodia unless there is a certification that the Government has not been installed by the use of force or a coup.

I understand that some of my colleagues believe there should be language linking aid to the restoration of a democratically elected government. In theory, I agree. However, given the fact that Hun Sen actually participated in the election, I believe the administration would continue on the wrong policy track and take advantage of such a provision and simply certify that an elected official was serving in office.

Prince Ranariddh must be restored to office and his party must be given the opportunity to actively and freely engage in the political process. But that will not happen unless the Administration takes the first basic step and acknowledges that he has been the victim of a bold, ruthless military coup. These amendments compel the administration to make that decision.

To address the changes which have occurred since the bill was reported, I have an amendment at the desk which adds a new condition banning aid until the Secretary certifies the government was not installed by force or coup.

AMENDMENTS NOS. 886 AND 887, AS MODIFIED

Mr. MCCONNELL. Madam President, I now send modifications to amendments 886 and 887, which are already at the desk, and ask that Senators KERREY of Nebraska and HAGEL be added as cosponsors.

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

The amendments will be so modified.

The amendments (Nos. 886 and 887), as modified, are as follows:

AMENDMENT NO. 886 AS MODIFIED

On page 11, line 14 strike all after the word "Of" through page 12, line 13, ending with the number "1997." and insert in lieu thereof the following:

"None of the funds appropriated by this Act may be made available for activities or programs in Cambodia until the Secretary of State determines and reports to the Committees on Appropriations that the Government of Cambodia has: (1) not been established in office by the use of force or a coup d'etat; (2) discontinued all political violence and intimidation of journalists and members of opposition parties; (3) established an independent election commission; (4) protected the rights of voters, candidates, and election observers and participants by establishing laws and procedures guaranteeing freedom of speech and assembly; (5) eliminated corruption and collaboration with narcotics smugglers and; (6) been elected in a free and fair democratic election: Provided, That the previous proviso shall not apply to humanitarian programs or other activities administered by nongovernmental organizations: Provided further, That 30 days after enactment of this Act, the Secretary of State, in consultation with the Director of the Federal Bureau of Investigations, shall report to the Committees on Appropriations on the re-

sults of the FBI investigation into the bombing attack in Phnom Penh on March 30, 1997."

AMENDMENT NO. 887 AS MODIFIED

On page 96, line 20 strike all after the word "Cambodia" through page 97, line 2, ending with the word "smugglers." and insert in lieu thereof the following: "has: (1) not been established in office by the use of force or a coup d'etat; (2) discontinued all political violence and intimidation of journalists and members of opposition parties; (3) established an independent election commission; (4) protected the rights of voters, candidates, and election observers and participants by establishing laws and procedures guaranteeing freedom of speech and assembly; (5) eliminated corruption and collaboration with narcotics smugglers and; (6) been elected in a free and fair election."

Mr. KERREY. Madam President, I am pleased to be a cosponsor along with Senator MCCONNELL and Senator LEAHY of amendments numbered 886 and 887 to S. 955, the foreign operations appropriations bill for fiscal year 1998. These amendments will prohibit the Government of Cambodia from receiving financial assistance from the United States until the political violence is ended, the human rights of Cambodians are respected, and either the former coalition government is restored or free and fair democratic elections take place. These amendments will also ensure that the United States will oppose aid offered by multilateral financial institutions to Cambodia until those same conditions are met.

The events of the past week in Cambodia have focused our attention again on a nation that has experienced tremendous suffering in the last 30 years. Twenty years ago, the murderous reign of Pol Pot and his Khmer Rouge began in Cambodia. The genocidal Khmer Rouge regime imprisoned thousands of its citizens and executed an estimated one million people or 20 to 30 percent of the populace. I had hoped that such horrors had ended for Cambodia. Unfortunately, last week political intimidation and violence again erupted in the capital of Phnom Penh, ending the rule of law and bringing chaos and uncertainty to the nation.

Recent press stories detailing the forced emigration and extrajudicial executions of opposition leaders highlight the gravity of the situation.

It would be easy to turn our backs to a nation with such a dark past. But the poor and terrifying history of Cambodia should not influence our decision on whether to stay involved in Cambodia. The nation and the people of Cambodia are important to our national interests. The United States must stay engaged and continue to work for democracy and the rule of law in Cambodia. In 1991 a significant agreement was signed in Paris between the political factions in Cambodia which brought the promise of elected government and democratic institutions. Under the auspices of the United Nations and observer nations, elections were held in Cambodia in 1993. The clear desire of the Cambodian people

for democracy was shown by the participation of ninety percent of the population in those elections. In the four years since those elections, the people of Cambodia have worked to preserve their fragile democracy and the rule of law. Cambodia may have suffered a setback in its efforts to build strong democratic institutions. But it is not without hope.

The United States should not abandon a people committed to the ideals of democracy and the rule of law. These amendments hold out the promise of renewed United States assistance to Cambodia once the political violence ends and an elected government takes power in Cambodia.

Until these conditions are met, this legislation allows humanitarian assistance to be sent to Cambodia, but only if it is administered through non-governmental organizations and not the Government of Cambodia.

It is my hope that the situation in Cambodia improves and our two nations can again work together to build a democratic Cambodia. If the coalition government is restored, these amendments permit the resumption of assistance to the Government of Cambodia. If elections are held in 1998 as planned, the United States may again provide assistance to a democratically elected government in Cambodia.

While we can play a major role, the United States alone cannot help bring democracy and the rule of law in Cambodia. I fully expect the Administration to continue to work with the Association of Southeast Asian Nations [ASEAN], the United Nations, and donor nations to improve the situation in Cambodia. Other nations such as Thailand and Japan have played a major role in promoting democratic ideals in that nation. The United States needs to work with these nations to return a democratically-elected government to Cambodia and promote the institutional reforms that will bring peace and prosperity to a people who so desperately need it.

AMENDMENT NO. 886, AS MODIFIED

Mr. MCCONNELL. I ask for the yeas and nays on the MCCONNELL amendment No. 886.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Madam President, will the Senator yield a minute of his time?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. MCCONNELL. Yes. I yield such time as he may desire.

Mr. LEAHY. Madam President, I strongly support what the Senator from Kentucky wants to accomplish with his amendment on Cambodia. There has been a violent coup, if the press reports are accurate, and we have no reason to believe they are not. Members of the opposition have been assassinated. Leaders in the opposition have been murdered. This is a violent coup.

The amendment makes clear that assistance for nongovernmental organizations would be allowed to continue.

I want to make sure we don't inadvertently prevent aid from resuming if the democratically elected government is restored. But I have no doubt, in that kind of situation, that the Senator from Kentucky would want to make clear—or, if that occurred, would want to join with some of us to make clear—that such aid would continue. But this has been a very violent coup. Opposition people are being silenced or killed. And I support the intent of the amendment by the Senator from Kentucky.

Mr. MCCONNELL. I thank my friend from Vermont.

Madam President, if I have any time, I yield it back.

The PRESIDING OFFICER. All time is yielded.

The question now occurs on amendment No. 886, as modified, offered by the Senator from Kentucky [Mr. MCCONNELL]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana [Mr. BURNS] is necessarily absent.

I further announce that, if present and voting, the Senator from Montana [Mr. BURNS] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—99

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Gregg	Nickles
Brownback	Hagel	Reed
Bryan	Harkin	Reid
Bumpers	Hatch	Robb
Byrd	Helms	Roberts
Campbell	Hollings	Rockefeller
Chafee	Hutchinson	Roth
Cleland	Hutchison	Santorum
Coats	Inhofe	Sarbanes
Cochran	Inouye	Sessions
Collins	Jeffords	Shelby
Conrad	Johnson	Smith (NH)
Coverdell	Kempthorne	Smith (OR)
Craig	Kennedy	Snowe
D'Amato	Kerrey	Specter
Daschle	Kerry	Stevens
DeWine	Kohl	Thomas
Dodd	Kyl	Thompson
Domenici	Landrieu	Thurmond
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Warner
Enzi	Levin	Wellstone
Faircloth	Lieberman	Wyden

NOT VOTING—1

Burns

The amendment (No. 886), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 887, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for debate on amendment 887, as modified, offered by the Senator from Kentucky.

Mr. BYRD. Madam President, may we have order in the Senate? I cannot even see the Presiding Officer.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. I hope that Senators will listen to the Chair.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. I hope Senators will show respect to the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Madam President, this is an amendment previously discussed before the vote started. I am prepared to take a voice vote on it. It is noncontroversial and I think supported by my colleague.

Mr. LEAHY. I join with the distinguished Senator from Kentucky in that request.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 887), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 891

The PRESIDING OFFICER. There now will be 2 minutes of debate on amendment No. 891 offered by the Senator from Colorado [Mr. ALLARD].

The Senator from Colorado is recognized.

Mr. ALLARD. Madam President, I thank you. In 1994, OPIC's lending authority for its insurance financing was last raised and has been frozen ever since. Since that time, the administration—

Mr. BYRD. Madam President, I do not know whether other Senators can hear or not. I cannot. May we have order.

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order. The Senate will be in order. Senators will please cease their conversations or take their conversations to the Cloakrooms.

Mr. BYRD. Madam President, I thank the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. I thank the Chair.

In 1994, OPIC's lending authority for its insurance and financing was last raised and has been frozen since then. On the administrative cost side, we have seen a growth during that period, when their authority was limited, from \$20 million to about \$32 million. This amendment just takes the administrative cost back to the 1994 level. It is a

reduction of \$11 million in administration. I ask for a yeas vote.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, this in many ways would cut off our nose to spite our face.

I oppose this amendment but I see the Senator from Nebraska, who had spoken earlier, and I will yield to him.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. I thank the Chair.

I again say what I said this afternoon regarding my good friend and real neighbor next to me. His amendment I think at best is shortsighted. I came to this body with the background of a small businessman, Madam President. I know a little something about OPIC. I have marketed companies, built companies, that have worked around the world. I understand the importance of what OPIC is. This is an organization that, in fact, sends money back to the Treasury each year. This is an organization that creates jobs. It has a tremendous ripple effect all across this country. And as we are able to export American technology and products abroad, the support for all of those products comes from American companies in each of our States. I respectfully request that my colleagues vote against this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announced that the Senator from Montana [Mr. BURNS] is necessarily absent.

I further announce that, if present and voting, the Senator from Montana [Mr. BURNS] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 35, nays 64, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—35

Allard	Feingold	Lott
Ashcroft	Gramm	McCain
Brownback	Grams	Nickles
Bryan	Gregg	Reid
Coats	Helms	Roberts
Collins	Hollings	Sessions
Coverdell	Hutchinson	Smith (NH)
Craig	Hutchison	Thomas
D'Amato	Inhofe	Thompson
DeWine	Kempthorne	Wellstone
Dorgan	Kohl	Wyden
Faircloth	Kyl	

NAYS—64

Abraham	Cochran	Hagel
Akaka	Conrad	Harkin
Baucus	Daschle	Hatch
Bennett	Dodd	Inouye
Biden	Domenici	Jeffords
Bingaman	Durbin	Johnson
Bond	Enzi	Kennedy
Boxer	Feinstein	Kerrey
Breaux	Ford	Kerry
Bumpers	Frist	Landrieu
Byrd	Glenn	Lautenberg
Campbell	Gorton	Leahy
Chafee	Graham	Levin
Cleland	Grassley	Lieberman

Lugar	Reed	Snowe
Mack	Robb	Specter
McConnell	Rockefeller	Stevens
Mikulski	Roth	Thurmond
Moseley-Braun	Santorum	Torricelli
Moynihan	Sarbanes	Warner
Murkowski	Shelby	
Murray	Smith (OR)	

NOT VOTING—1

Burns

The amendment (No. 891) was rejected.

Mr. LEAHY. Madam President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Madam President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order.

The Senator from Vermont.

Mr. LEAHY. I ask the Presiding Officer, what is the parliamentary situation?

AMENDMENT NO. 901

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for debate equally divided on the Dodd amendment No. 901. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I am going to yield 30 seconds to my colleague from Arizona.

This amendment, offered by myself, Senator McCain and many others, suspends for 24 months the voting on the certification process. All the reports are collected, but this is an opportunity, as General McCaffrey says in his letter endorsing this amendment, this gives us time to try something different. After 11 years, the problem has gotten worse. We need to try a different dynamic. This will give us 24 months to try it. We urge the adoption of the amendment.

I yield to my colleague from Arizona.

Mr. McCONNELL. Madam President, I yield 1 minute in opposition to the amendment to Senator COVERDELL.

The PRESIDING OFFICER. I believe the Senator from Arizona was recognized for 30 seconds.

The Senator from Georgia is recognized for 1 minute.

Mr. COVERDELL. Madam President, the certification process is not perfect. The Foreign Relations Committee has committed to hearings on this. That is the appropriate venue to discuss it. We should not suspend the process without the new place to go or the new system being in order. We send the wrong message at the wrong time, and I urge my colleagues not to suspend and leave no system in place.

Mr. DODD. I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT REQUEST

Mr. LOTT. Madam President, I would like to see if we can get a unanimous consent agreement, and if we can, we can tell the Members we will not have any further votes tonight. I have discussed this with the distinguished Democratic leader. I do have one other amendment I have to put in the stack. We may work something out on it, but in case we cannot, we need to have the vote in the morning.

I ask unanimous consent that the vote occur on the Bingaman amendment No. 896 at 9:30 a.m.—let me modify that. Let's put that at 10 o'clock on Thursday—to be followed immediately by a vote on the HUTCHINSON amendment, to be followed immediately by third reading of the bill and final passage, all occurring without action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BINGAMAN. Madam President, I assume that we will have 2 minutes equally divided for debate on the amendment before voting?

Mr. LOTT. I amend the UC to make it clear to have, what has become customary, 2 minutes for a final explanation of what is in the amendment.

Mr. CHAFEE. Will these be 10-minute votes after the first one?

Mr. LOTT. Madam President, we intend to have 10-minute votes after the first vote.

The PRESIDING OFFICER. Is there objection?

Mr. TORRICELLI. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Madam President, the Bingaman amendment would be a change in policy toward Cuba and we would have only 2 minutes to discuss that relative to its merits.

Mr. LOTT. There will be debate on that issue further tonight. The question was, would there only be 2 minutes for debate on the Bingaman-Graham amendment. I believe there would be further discussion on that.

Mr. McCONNELL. As long as Senators would like to discuss it.

Mr. LOTT. Tonight.

Mr. TORRICELLI. Would it be possible to ask, given the interest of many on this and the impact this would have on American policy toward Cuba, that we might, in this instance, ask for 5 minutes on each side to make our positions clear to Members before they vote?

Mr. LOTT. Madam President, I amend the UC to ask consent that we have 10 minutes equally divided on both the Bingaman amendment and the Hutchinson amendment if that time is required, with the debate on those to begin shortly after we come in at 9:30, and then the vote to begin at 10 a.m.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, I understand Senator SPECTER has a problem, and we will hear from him in a few minutes. He is apparently on his way.

Mr. LOTT. I didn't hear any objection.

I think it is unfortunate we are not going to be able to get a unanimous-consent agreement now. By not doing so, we may have a proliferation of amendments, and we may have to go on later tonight. We have really been working very well across the aisle to avoid this sort of problem, but I don't think we can resolve it right now.

So, we can proceed with this vote and see if we can work out an understanding as to how we will proceed later on tonight or in the morning, and we can try the unanimous consent request again after the vote. We cannot assure Senators at this point that there will be no further votes tonight.

Mr. DASCHLE. If the leader will yield, in the interest of accommodating a lot of our Senators who have made plans, could we at least give them assurance that between now and 9:30 there will be no votes tonight?

Mr. LOTT. If I could, I appreciate the Democratic leader's efforts. His effort has been about like mine—not too good yet.

[Laughter.]

Let's have the vote and work on this during the vote and try to get a UC after the vote.

I believe we have the yeas and nays on this amendment.

VOTE ON AMENDMENT NO. 901

The PRESIDING OFFICER (Mr. SMITH of Oregon). The question is on agreeing to the Dodd amendment No. 901. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana [Mr. BURNS] is necessarily absent.

Mr. FORD. I announce that the Senator from Ohio [Mr. GLENN] is necessarily absent.

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—38

Akaka	Hagel	Levin
Allard	Harkin	Lieberman
Baucus	Hollings	Lugar
Bryan	Hutchison	McCain
Chafee	Inouye	Mikulski
Cleland	Jeffords	Moynihan
Cochran	Johnson	Murray
Daschle	Kennedy	Robb
DeWine	Kerrey	Sarbanes
Dodd	Kohl	Stevens
Domenici	Kyl	Thompson
Gorton	Landrieu	Warner
Gramm	Leahy	

NAYS—60

Abraham	Byrd	Enzi
Ashcroft	Campbell	Faircloth
Bennett	Coats	Feingold
Biden	Collins	Feinstein
Bingaman	Conrad	Ford
Bond	Coverdell	Frist
Boxer	Craig	Graham
Breaux	D'Amato	Grams
Brownback	Dorgan	Grassley
Bumpers	Durbin	Gregg

Hatch	Moseley-Braun	Shelby
Helm	Murkowski	Smith (NH)
Hutchinson	Nickles	Smith (OR)
Inhofe	Reed	Snowe
Kempthorne	Reid	Specter
Kerry	Roberts	Thomas
Lautenberg	Rockefeller	Thurmond
Lott	Roth	Torricelli
Mack	Santorum	Wellstone
McConnell	Sessions	Wyden

NOT VOTING—2

Burns Glenn

The amendment (No. 901) was rejected.

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

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

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENTS

Mr. LOTT. Mr. President, I ask unanimous consent that the vote occur on or in relation to the Bingaman amendment No. 896 at 10 a.m. on Thursday, to be followed immediately by a vote on or in relation to the Hutchinson amendment No. 890, to be followed by third reading of the bill and final passage occur all without further debate or action.

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

Mr. LOTT. I further ask there be 10 minutes equally divided for debate relative to the Bingaman and Hutchinson amendments prior to each vote with respect to the amendments that are pending.

Mr. LEAHY. Reserving the right to object, does the leader also intend to ask unanimous consent to vitiate the yeas and nays that have been ordered on the underlying amendment, or ask to have it withdrawn?

AMENDMENT NO. 900, WITHDRAWN

Mr. LOTT. Mr. President, I ask unanimous consent that the Dodd amendment be withdrawn.

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

The amendment (No. 900) was withdrawn.

Mr. LOTT. I further ask that when the Senate receives the House companion bill, the Senate immediately proceed to its consideration and all after the enacting clause be stricken, the text of S. 955, as amended, be inserted in lieu thereof, the bill be read for a third time and passed and the Senate insist on its amendment, request a conference with the House on the disagreeing votes and the Chair be authorized to appoint conferees on the part of the Senate.

Mr. McCONNELL. Mr. President, reserving the right to object, as I understand this agreement, it does not prevent us from going ahead and facilitating the passage of some agreed-to amendments this evening. There are two Senators here with amendments.

Mr. LOTT. It does not in any way prevent that.

Mr. BYRD. Reserving the right to object, I don't expect to object, what is S. 955?

Mr. LOTT. The foreign ops bill.

Mr. BYRD. I have no objection.

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

Mr. LOTT. There will be no further votes this evening. The next votes will occur at 10 a.m. on Thursday.

I yield the floor.

AMENDMENT NO. 902

(Purpose: To express the sense of the Senate on the European Commission's handling of the Boeing McDonnell Douglas merger)

Mr. GORTON. Mr. President, I have an unprinted amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] for himself, Mrs. FEINSTEIN, Mrs. MURRAY, and Mrs. BOXER, proposes an amendment numbered 902.

Mr. GORTON. 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:

The Boeing Company and McDonnell Douglas have announced their merger; and

The Department of Defense has approved that merger as consistent with the national security of the United States; and

The Federal Trade Commission has found that merger not to violate the anti-trust laws of the United States; and

The European Commission has consistently criticized and threatened the merger before, during and after its consideration of the facts; and

The sole true reason for the European Commission's criticism and imminent disapproval of the merger is to gain an unfair competitive advantage for Airbus, a government owned aircraft manufacturer;

Now therefore, It is the Sense of the Senate that any such disapproval on the part of the European Commission would constitute an unwarranted and unprecedented interference in a United States business transaction that would threaten thousands of American aerospace jobs; and

The Senate suggests that the President take such actions as he deems appropriate to protect U.S. interests in connection therewith.

Mr. GORTON. I ask unanimous consent Senators MURRAY and BOXER be added as cosponsors of the amendment.

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

Mr. GORTON. Mr. President, this is a last-minute amendment and I greatly appreciate the indulgence of the managers, but it is of vital importance. It now is increasingly evident, overwhelmingly evident, that the European Commission is going to attempt to reject the Boeing-McDonnell Douglas mergers in spite of the fact that the Department of Defense feels this is a significant step forward for our national defense, in spite of the fact the Federal Trade Commission has not determined there are any trade violations in connection therewith.

That decision on the part of the European Commission seems to have been made in the absence of any evidence

and before any evidence was submitted to it and solely on behalf of creating a competitive advantage for Airbus. If it should hold, it will have a seriously adverse impact on employment in the United States, particularly with the Douglas portion of McDonnell Douglas, which could not survive unaided or unmerged.

This resolution simply states those facts and states that any such disapproval would be an unwarranted and unprecedented interference in a business decision appropriately made in the United States and suggests to the President he take such actions as he deems necessary under the circumstances.

I will make more extensive remarks on this issue sometime tomorrow, but I appreciate the support of my colleagues on a matter of great importance to employees in many States throughout the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 902) was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. MCCONNELL. I move to lay it on the table.

AMENDMENT NO. 898

Mr. SPECTER. Mr. President, I send an amendment numbered 898 to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 898.

Mr. SPECTER. 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:

SEC. . RESTRICTION ON ASSISTANCE MADE TO THE PALESTINIAN AUTHORITY.

None of the funds appropriated or otherwise made available by this Act may be obligated or expended with respect to providing funds to the Palestinian Authority, unless the President certifies to Congress that:

(1) the Palestinian Authority is using its maximum efforts to combat terrorism, and, in accordance with the Oslo Accords, has ceased the use of violence, threat of violence, or incitement to violence as a tool of the Palestinian Authority's policy toward Israel;

(2) after a full investigation by the Department of Justice, the Executive branch of Government concludes that Chairman Arafat had no prior knowledge of the World Trade Center bombing; and

(3) after a full inquiry by the Department of State, the Executive branch of Government concludes that Chairman Arafat did not authorize and did not fail to use his authority to prevent the Tel Aviv cafe bombing of March 21, 1997.

Mr. SPECTER. Mr. President, this amendment provides that none of the funds appropriated or otherwise made available to the Palestinian Authority shall be paid over to the Palestinian Authority unless the President cer-

tifies to the Congress, first, that the Palestinian Authority is using its maximum efforts to combat terrorism in accordance with the Oslo accords, has ceased the violence or threat of violence or incitement of violence as a tool of the Palestinian Authority.

Second, after full investigation by the Department of Justice, the executive branch of Government concludes that Chairman Arafat had no prior knowledge of the World Trade Center bombing.

Third, after a full inquiry to the Department of State, the executive branch of Government concludes that Chairman Arafat did not authorize and did not fail to use his authority to prevent the Tel Aviv cafe bombing of March 21, 1997.

Mr. President, this amendment would not impact upon the expenditures of U.S. funds for projects like water authorities or other projects which go to the people who are now directed to receive these funds, but to articulate with precision, would only involve the moneys which would be paid to the Palestinian Authority.

It may well be that there is no intent to pay money now in the pipeline for the Palestinian Authority, but I must say, Mr. President, that after making substantial efforts to find out exactly what is going on in the administration, I have been unable to make that determination. But whether or not there is an intent by the administration not to pay money in the pipeline to the Palestinian Authority, it is my view that this amendment is necessary as a matter of policy.

With respect to the issue of Chairman Arafat's knowledge of the Trade Center bombing, a report has been made by Deputy Education Minister Moshe Peled of Israel that Arafat had prior knowledge of the bombing of the Trade Center in New York City in 1993.

I have asked the Department of Justice, Mr. President, to conduct an investigation to determine whether or not that is true.

I ask unanimous consent the correspondence be printed in the RECORD at the conclusion of my statement as if read in full.

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

(See exhibit 1.)

EXHIBIT 1

Mr. SPECTER. The essence of the matter is that this issue has been raised by a responsible Israeli official, and if Arafat in fact had prior knowledge of the bombing of the Trade Center, he may well be an accessory before the fact, or a coconspirator, and if that is so, he would be extraditable to the United States under provisions of our terrorist legislation passed in 1984 and 1986.

It is simply unsatisfactory and intolerable to have that issue outstanding and be providing funding for the Palestinian Authority.

The issue has also been raised on the bombing of the Tel Aviv cafe on March

21, 1997, as to whether Chairman Arafat and the PLO made a maximum effort to stop that kind of terrorism. Immediately after the bombing, Israeli Prime Minister Netanyahu said that Arafat gave a green light to that bombing. When Secretary of State Madeleine Albright appeared before the Foreign Operations Subcommittee in our hearing this spring, she responded that Arafat had not given a green light, but neither had he given a red light. Under the provisions of the amendment introduced by Senator SHELBY and myself, Arafat has an absolute obligation, along with the PLO, to make the maximum effort to fight terrorism.

I have written to Secretary Albright on this subject, and I ask unanimous consent that a copy of my letter be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

EXHIBIT 2

Mr. SPECTER. It is unsatisfactory, Mr. President, if Arafat did anything but put down a red light to stop the bombing of the Tel Aviv cafe which killed three Israelis and wounded dozens more, estimated to be approximately 40 other Israelis. There ought to be absolutely no doubt that if any funding is to come from the U.S. taxpayers to the Palestinian Authority, there be a certification by the President, based on evidence that Yasser Arafat was not a party to, did not know about, was not an accessory before the fact, or a coconspirator on the bombing of the Trade Center in 1993 and he, in fact, made the maximum effort which would require a red light on the bombing of the Tel Aviv restaurant.

It is my understanding, Mr. President, this amendment is acceptable to both managers of the bill.

EXHIBIT 1

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 29, 1997.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: This is in response to your letter to the Attorney General dated April 1, 1997. Your letter encloses a news article from The Jerusalem Post in which it is reported that Yasser Arafat may have had prior knowledge of the bombing of the World Trade Center building on February 26, 1993.

Aside from the news report enclosed with your letter, the Department of Justice is unaware of any information that Yasser Arafat either had prior knowledge of the bombing of the World Trade Center or was in any way involved in the conspiracy to bomb the building. We have queried the Israeli authorities about this information and they deny the accuracy of the statements attributed in the article to the Deputy Education Minister.

I hope this information is helpful. If we can be of further assistance with regard to this or any other matter, please do not hesitate to contact this office.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 14, 1997.

Hon. JANET RENO,
Attorney General,
Department of Justice,
Washington, DC.

DEAR ATTORNEY GENERAL RENO: By letter dated April 1, 1997, (copy enclosed) I wrote to you concerning Israeli Deputy Education Minister Moshe Peled's statement that Palestinian Authority Chairman Yasser Arafat had prior knowledge of the 1993 plot to bomb New York City's World Trade Center.

By letter dated April 29 (copy enclosed) Assistant Attorney General Andrew Fois responded with a very generalized statement about having "queried the Israeli authorities." No mention was made whether the Department of Justice talked to Deputy Education Minister Moshe Peled or did any real pursuit on the matter.

Since I do not speak Hebrew, my assistant, David Brog, Esquire, talked to Mr. Peled. Mr. Peled said that he was not prepared to disclose any more information on Chairman Arafat's connection in the World Trade Center bombing beyond what he told the Jerusalem Post. Mr. Brog said that Mr. Peled was not flexible on this point and that he (Mr. Brog) had the impression that Mr. Peled had gotten into some trouble for his previous disclosure.

I am interested to know whether the Department of Justice talked to Mr. Peled before Mr. Fois's letter to me of April 29. If so, what he said. If not, why wasn't Mr. Peled questioned.

I considered this an extremely serious matter. As you know, Chairman Arafat could be extradited to the United States if there is evidence to support Mr. Peled's charge.

I formally request the Department of Justice to conduct a real investigation on this matter.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, April 1, 1997.

Hon. JANET RENO,
Attorney General,
Department of Justice,
Washington, DC.

DEAR ATTORNEY GENERAL RENO: Just yesterday I saw a news report that Israeli intelligence has evidence that Palestinian Authority Chairman Yasser Arafat had prior knowledge of the 1993 plot to bomb New York City's World Trade Center which killed six people.

That news report quoted Deputy Education Minister Moshe Peled stating:

"More than that, he [referring to Arafat] was part of the discussions on the operation."

The news report further said that Arafat was privy to the conspiracy and met with Sudanese and Islamic terrorist leaders.

With this letter, I am enclosing for you a photostatic copy of the news report from the Jerusalem Post on March 26.

I would very much appreciate it if you would conduct the appropriate investigation to determine what evidence exists, if any, of Arafat's complicity in this matter.

It appears to me that, if true, Arafat would be prosecutable under U.S. criminal laws. I would appreciate your advice as to what indictments could be brought as to Chairman Arafat.

Thank you for your consideration of this request.

Sincerely,

ARLEN SPECTER.

EXHIBIT 2

U.S. SENATE,
Washington, DC, March 25, 1997.

Hon. MADELEINE ALBRIGHT,
Secretary of State,
Washington, DC.

DEAR SECRETARY ALBRIGHT: According to the weekend press reports, Israeli Prime Minister Benjamin Netanyahu has stated that Palestinian Chairman Yasser Arafat has indirectly given a green light to the terrorists resulting in the suicide bomb which killed and wounded many Israelis last Friday.

According to the news reports, Chairman Arafat and the Palestinian authority released Ibrahim Maqadmeh. Prime Minister Netanyahu further stated that Chairman Arafat and the Palestinian authority have failed to detain known terrorists and to confiscate weaponry.

In my judgment, it is very important for the State Department to make a factual determination as to whether Chairman Arafat and the Palestinian authority did give a green light indirectly to the terrorists and whether there was a failure to detain known terrorists and to confiscate weaponry.

I would appreciate your advice, as promptly as possible, on your Department's conclusion as to whether Chairman Arafat and the Palestinian authority gave an indirect green light to the terrorists.

As you know, an amendment offered by Senator Shelby and myself to the Middle East Peace Facilitation Act of 1995 conditions the \$500 million in U.S. aid to the Palestinian authority on presidential certification that the Palestinian authority is complying with all of its commitments under its peace accords with Israel, including its commitment to prevent acts of terrorism and undertake "legal measures against terrorists, including the arrest and prosecution of individuals suspected of perpetrating acts of violence and terror."

The Senate Appropriations Subcommittee on Foreign Operations, on which I sit, will soon be considering this issue for fiscal year 1998 so I would appreciate your prompt response.

In addition, I would appreciate your advising me as to whether there is any U.S. aid in the pipeline which has not yet been turned over to the Palestinian authority. If so, I request that such payments be withheld until the determination as to whether the Palestinian authority is complying with the Specter-Shelby amendment.

Sincerely,

ARLEN SPECTER.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 898) was agreed to.

Mr. SPECTER. I move to reconsider the vote.

Mr. BENNETT. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, we have passed, have we, the amendment of the distinguished Senator from Washington [Mr. GORTON]?

The PRESIDING OFFICER. We agreed to the amendment.

Mr. LEAHY. Did that show the other distinguished Senator from Washington as a cosponsor?

The PRESIDING OFFICER. That is correct.

EGYPT

Mr. WYDEN. Mr. President, the hour is late, and I know a number of our col-

leagues, Senator DEWINE in particular, has been very gracious or anxious to discuss some important issues.

I just rise for a few moments to discuss the role of Egypt in the Middle East process. I think we all understand the dream of peace in the Middle East is going to take courage, patience and commitment from all of the countries in the region. Unfortunately, Egypt, the second largest recipient of U.S. aid, has taken a number of actions of late which seem more likely to undermine the peace that grew out of Anwar Sadat's courageous decision to go to Israel.

I rise, therefore, with several other colleagues, questioning several of these actions by Egypt, a long-time recipient of substantial amounts of U.S. foreign assistance. These actions, in my view, raise serious questions, especially when they seem to contradict U.S. efforts to secure a lasting peace in the Middle East. Specifically, I am troubled by Egypt hosting an Arab League summit in Cairo earlier this year in which Egypt supported the renewal of the Arab League boycott of Israel. This represents a clear violation of the Israeli-Egyptian peace treaty. U.S. policy has long sought to end the boycott. Yet, in this situation there is a recipient of U.S. aid that supports it. I am also troubled that Egypt has emerged as Libyan Leader Qadhafi's most important advocate internationally.

Egyptian President Mubarak has publicly stated that Egypt does not produce chemical weapons, that Libya does not produce chemical weapons. He has advocated easing United States sanctions on Libya, and he has violated the U.N. ban on air travel by allowing Qadhafi to fly to the Arab summit in Cairo.

What is particularly of distress to this Senator is President Mubarak was the only leader to decline President Clinton's invitation to attend an October Middle East summit in Washington to revise the peace process and to end ongoing violence.

Most recently, Mr. President, and colleagues, we have seen some efforts by top Egyptian officials to take actions to reinvigorate the peace negotiations. I am very hopeful that those recent actions will be a signal that Egypt intends to play a more constructive role in the days ahead, in terms of producing a lasting peace. I have been especially pleased to see the strong, bipartisan support here in the Senate for the Middle East process, and for the good work begun in Oslo, and I am very hopeful that Egypt will see that there is strong concern right now in the United States Senate about a number of their actions of late and that the Congress will be monitoring those actions carefully.

Mr. President, I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

AMENDMENT NO. 903

(Purpose: To limit assistance for Haiti unless certain conditions are satisfied)

Mr. DEWINE. Mr. President, I send an 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 Ohio [Mr. DEWINE] proposes an amendment numbered 903.

Mr. DEWINE. 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:

On page 10, line 4, strike "Institute." and insert "Institute: *Provided further*, That of the funds made available under this heading for Haiti, up to \$250,000 may be made available to support a program to assist Haitian children in orphanages."

On page 18, line 2, before the period insert the following: "": *Provided further*, That of the amount appropriated under this heading, not less than \$500,000 shall be available only for the Special Investigative Unit (SIU) of the Haitian National Police".

On page 93, strike lines 7 through 24 and insert the following:

LIMITATION ON ASSISTANCE FOR HAITI

SEC. . (a) LIMITATION.—None of the funds appropriated or otherwise made available by this Act may be provided to the Government of Haiti unless the President reports to Congress that the Government of Haiti—

(1) is conducting thorough investigations of extrajudicial and political killings;

(2) is cooperating with United States authorities in the investigations of political and extrajudicial killings;

(3) has made demonstrable progress in privatizing major governmental parastatals, including demonstrable progress toward the material and legal transfer of ownership of such parastatals; and

(4) has taken action to remove from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights.

(b) EXCEPTIONS.—The limitation in subsection (a) does not apply to the provision of humanitarian, electoral, counter narcotics, or development assistance.

(c) WAIVER.—The President may waive the requirements of this section on a semiannual basis if the President determines and certifies to the appropriate committees of Congress that such waiver is in the national interest of the United States.

(d) PARASTATALS DEFINED.—As used in this section, the term "parastatal" means a government-owned enterprise.

Mr. DEWINE. Mr. President, my amendment is an attempt to strengthen our aid program to the troubled republic island of Haiti. It would help make sure that United States assistance is properly targeted, so it can be more readily effective in areas vital to United States interests.

Mr. President, my amendment does three things. No. 1, it provides up to \$250,000 for a program to assist Haitian children currently in orphanages. Today, Mr. President, Catholic Relief Services [CRS], and the Adventist Development and Relief Agency [ADRA] support thousands of Haitian children. They basically administer AID Food.

There are thousands of children who are receiving one meal a day because of AID assistance that is administered through both CRS and the ADRA. It is vitally important that this assistance continue.

Mr. President, my amendment does not deal directly with this food. What it does deal with is the bigger problem of the orphanages of Haiti. I have had the opportunity to visit at least 12 of these orphanages in Haiti over the last few months. There are at least 70 such orphanages just in the Port-au-Prince area alone, containing thousands of children. It is something to see and something to behold to see the work that is being done. These orphanages would break a person's heart, and does, when you see the children who are there. This amendment sets aside a relatively small amount of money to look at this problem from the long range.

Frankly, Mr. President, due to lack of resources the orphanages in Haiti cannot take in many of the needy children. This amendment would provide much-needed resources to help alleviate the demand on these orphanages, by helping take care of the children in other ways.

Clearly, what these children need, in the final analysis, is not just temporary shelter, but permanent placement in safe, stable homes where they can count on food and clothing. The funds provided by this amendment would help make that permanent home a reality for more of Haiti's children. It would do this by bringing about some coordination among the orphanages and coordination with respect to our AID mission.

Mr. President, the second part of our amendment would specify that no less than \$500,000 be made available, and made available only for the Special Investigation Unit, the SIU, of the Haitian national police.

Mr. President, in my visits to Haiti I have talked with members of the SIU, and I talked with the American contract officer who is down there assisting the SIU unit. One of the things that we have observed and that this country has promoted in emerging democracies is the belief that if a country is to emerge as a democracy, whether it be Haiti, whether it be Bosnia, wherever in the world, that the country has to turn its back on its past and has to stop tolerating political murders, political killings, political crimes, whether they occur from the left or from the right. The SIU unit has a very specific task. Its task is to target these political murderers, to bring them to justice, and to see that they are successfully tried. By doing that, and only by doing that, Mr. President, can we effectively see justice in these emerging democracies. And only by doing this can the people of the country understand that democracy not only means free elections, but democracy also means justice, and these days of political killings must be over.

It is important, Mr. President, that support for the SIU investigations con-

tinue as investigators build compelling cases against those who have used brutal force to achieve, in the past, political goals.

Mr. President, over 80 extrajudicial and political killing cases have been assigned to the SIU by the Government of Haiti. The Government has requested that close to two dozen of those cases be investigated on a "priority basis." However, sadly, not enough progress has been made on these high-profile political murder cases. In fact, to date, none of the cases have been successfully prosecuted.

Mr. President, the SIU is being integrated slowly into the newly formed judicial police and is receiving more and more political support, and support from the Haitian people. The people of Haiti want to turn the corner on their long history of political violence. Continued assistance and targeted assistance to the SIU would strengthen Haiti and strengthen United States-Haiti relations as well.

No. 3, and probably most important. This amendment would limit assistance to Haiti, unless four conditions are met:

Funds are made available if the President reports to Congress that the Government of Haiti, No. 1, is conducting thorough investigations of extrajudicial and political killings; No. 2, is cooperating with the United States authorities on this matter; No. 3, has made progress in privatizing major Government-owned enterprises, including progress toward the material and legal transfer of ownership of these enterprises; finally, No. 4, that the government is taking action to remove from the Haitian national police, and from related agencies, individuals who are alleged, credibly alleged, to have engaged in or conspired to conceal gross human rights violations.

Now, Mr. President, in essence, my amendment is designed to make clear that Congress does not intend United States assistance to Haiti to be viewed as unconditional. In fact, the first two conditions that I have just mentioned were already imposed by Congress in the form of an amendment sponsored by our distinguished colleague, former majority leader of the U.S. Senate, Senator Bob Dole. By adding the new third and fourth conditions, this amendment strengthens the Dole amendment that currently governs our policy toward Haiti.

Now, the limitations I propose will not apply to the provision of humanitarian, electoral, counternarcotics, or developmental assistance, and it does, as the Dole amendment does, contain a "national interest" presidential waiver.

Mr. President, the amendment currently in force which limits assistance to Haiti, the Dole amendment, has been waived four times over the last two years by this administration.

I believe the conclusion is clear. To make sure United States interests in Haiti are protected, that amendment

needs to be strengthened. That is the purpose of this amendment that I am offering today.

Mr. President, Haiti is now in the midst of a political crisis. The resignation of Prime Minister Rosny Smarth on June 9 has laid bare a very serious problem of leadership. For a number of reasons, which include the political prominence of former President Aristide, the current President, President Preval—despite some truly heroic efforts—has not yet been able to effectively promote economic reform.

Mr. President, if this crisis is not met successfully, it could pose a real threat to United States policy interests and to the overall investment the United States has made in Haiti since our deployment of troops beginning in September 1994. In my view, Mr. President, if President Preval is given the space to govern, there is no reason to believe he will not make the necessary reforms—as he did previously in promoting fiscal austerity over the last 16 months.

Mr. President, we want to help President Preval find that space to govern. That is one major purpose of the amendment that I am proposing.

In conclusion, Mr. President, we as a nation cannot afford to wash our hands of a country in which we have made such a sizable investment. The amendment I am proposing today would make our aid more effective and would help the forces in Haiti that are fighting the uphill battle for genuine reform.

Mr. President, I request a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 903) was agreed to.

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

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

The motion to lay on the table was agreed to.

FULL FUNDING FOR THE INTERNATIONAL DEVELOPMENT ASSOCIATION

Mr. JEFFORDS. Mr. President, today I voice my support for meeting U.S. commitments to the International Development Association [IDA] by fully funding replenishment to IDA-10 and IDA-11.

The International Development Association was established in 1960 to lend to the poorest and least creditworthy developing countries on confessional terms. Only countries with a per capita income below \$905 with limited or no ability to borrow on market terms and a record of using IDA resources effectively are eligible. Currently, 79 countries meet IDA's loan criteria—55 percent of the world's population. Twenty countries have graduated from IDA. Very notably, three of these graduate countries—Botswana, Korea, and Turkey—are now IDA donors. This is a solid rate of success.

IDA provides development assistance to poor countries through loans, rather than grants. Loans must be repaid in

full. IDA funds come largely from contributions of 35 donor countries negotiated in general replenishment. Increasingly, repayments of past IDA loans are supplementing IDA income. As a result, the U.S. share of contributions to IDA has decreased by 20 percent since it was established in 1960.

The administration's request of \$1.035 billion for IDA is divided into two parts: \$235 million to meet U.S. payments to IDA's 10th replenishment and \$800 million for the first of two U.S. payments for IDA-11. The subcommittee recommends \$950 million in funding for IDA for fiscal year 1998. This would fully fund the first U.S. payment for IDA-11 but not fully meet payment owed for IDA-10. I support increasing the appropriation for IDA by \$84.5 million to fund both replenishments in full.

I appreciate the work that the subcommittee has done to address a major concern associated with IDA: Restrictions on U.S. procurement opportunities imposed by the Interim Trust Fund [ITF]. The ITF was created by donors who did not want to disrupt IDA's operations by leaving a 1-year gap in new funding when the U.S. budget situation precluded us from meeting commitments to both IDA-11 and IDA-10. At that time, controversy emerged over the terms of the ITF which limited decisionmaking and procurement to contributing countries only. As a result, U.S. officials and businesses were excluded from participating in projects financed by the \$3.3 million fund. Last year, the Foreign Operations appropriations bill contained a provision that required the administration to work with other donors to modify procurement restrictions. The administration has negotiated an agreement with the ITF whereby \$1 billion, or about one-third, of projects financed by the trust fund have not yet been completed. Full funding of IDA-10 and IDA-11 will allow U.S. firms to bid on these contracts. The Foreign Operations Subcommittee's efforts on the matter of U.S. procurement are commendable.

SECTION 569

Mr. GRAHAM. Mr. President, I would like to engage in a colloquy with the distinguished ranking member, Mr. LEAHY, regarding the meaning and intent of a provision in this bill, section 569. This involves a matter of great importance to my colleague Mr. LEAHY and myself—human rights. I commend my colleague for his leadership on this important issue.

I share your concern that U.S. foreign assistance funds not be used by perpetrators of gross violations of human rights. I also share your interest in ensuring that perpetrators of such crimes are brought to justice. To this end, section 569 of this act prevents funds made available under this act from being provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence to believe a member of such unit has committed gross violations of

human rights. Would the Chairman agree that this provision only applies to units of the security forces of a foreign country that currently have members against whom we have credible evidence of gross violations of human rights.

Mr. LEAHY. That is correct.

Mr. GRAHAM. So that if a unit was believed to have had, at some time in the past, a person against whom we have credible evidence of human rights abuses, but that no such person currently is a member of such a unit, that unit would be eligible to receive assistance under this act?

Mr. LEAHY. That is correct.

Mr. GRAHAM. I thank my colleague, the Senator from Vermont, and I look forward to working with him on this matter in the future.

Ms. MIKULSKI. Mr. President, I would like to engage in a colloquy with the distinguished ranking member of the Foreign Operations Subcommittee.

It is my understanding that the foreign operations bill for fiscal year 1998, S. 955, includes an increase of \$30 million to combat infectious diseases such as TB, malaria, dengue fever, and the ebola virus.

It has been brought to my attention that the Gorgas Memorial Institute is developing an innovative regional TB control initiative designed to address major issues in reducing the global TB epidemic through training and new approaches to disease control. I believe the work done at the institute would fit well with the priorities outlined by the committee.

Would the ranking member join me in urging the Agency for International Development to provide funding for this initiative?

Mr. LEAHY. This initiative sounds like the kind of initiative the committee wanted to consider supporting in providing these funds and I would encourage AID to give full and fair consideration of the Gorgas Institute's proposal.

NAGORNO KARABAGH

Ms. MIKULSKI. Mr. President, I would like to engage the ranking member of the Foreign Operations Subcommittee in a colloquy regarding humanitarian assistance to Nagorno Karabagh.

The conflict in Nagorno Karabagh has cost over 15,000 lives and has created severe economic hardship and deprivation. In Nagorno Karabagh there are thousands of land mines directly threatening lives and stifling agricultural production. There is a severe shortage of medicines and vaccines. This shortage has made it difficult to treat and prevent intestinal and acute respiratory infectious diseases in children. The Azerbaijani and Turkish blockades have substantially worsened these problems.

The U.S. Agency for International Development and the United Nations provide humanitarian aid to Armenia and Azerbaijan—but this aid does not get to the people of Nagorno Karabagh.

Nongovernmental organizations do provide a small amount of humanitarian assistance to the people of Nagorno Karabagh, but these programs receive no funding from USAID.

I strongly believe that the United States should provide funds to nongovernmental organizations to provide aid to all areas of conflict in the Caucasus—including Nagorno Karabagh. Politically based discrimination against providing humanitarian assistance to particular categories of recipients is against our values—and is inconsistent with America's long-term foreign policy goals.

Mr. President, few people have done more to provide aid to people in need than the Senator from Vermont. I would like to ask him if he will continue to work with me to remove any constraints in providing humanitarian aid to the people of Nagorno Karabagh?

Mr. LEAHY. I appreciate the Senator's position. I strongly support the principle of delivering humanitarian aid to those in need in the Caucasus and will work with her in the conference to try to ensure that these needs are met.

Mr. DOMENICI. Mr. President, the Senate is now considering S. 955, the foreign operations and export financing appropriations bill for fiscal year 1998.

The Senate bill provides \$16.8 billion in budget authority and \$5.1 billion in new outlays to operate the programs of the Department of State, Export and Military Assistance, Bilateral and Multilateral Economic Assistance, and Related Agencies for fiscal year 1997.

When outlays from prior year budget authority and other completed actions are taken into account, the bill totals \$16.8 billion in budget authority and \$13.1 billion in outlays for fiscal year 1998.

The subcommittee is at its section 602(b) allocation for budget authority and outlays.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of this bill be inserted in the RECORD at this point.

I urge the adoption of the bill.

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

S. 955, FOREIGN OPERATIONS APPROPRIATIONS, 1998,
SPENDING COMPARISONS—SENATE-REPORTED BILL
(Fiscal year 1998, in millions of dollars)

	De- fense	Non- de- fense	Crime	Man- datory	Total
Senate-reported bill:					
Budget authority	16,721	44			16,765
Outlays	13,083	44			13,127
Senate 602(b) allocation:					
Budget authority	16,721	44			16,765
Outlays	13,083	44			13,127
President's request:					
Budget authority	16,844	44			16,888
Outlays	13,171	44			13,215
House-passed bill:					
Budget authority					
Outlays					
SENATE-REPORTED BILL COMPARED TO—					
Senate 602(b) allocation:					
Budget authority					
Outlays					
President's request:					
Budget authority	(123)				(123)
Outlays	(88)				(88)

S. 955, FOREIGN OPERATIONS APPROPRIATIONS, 1998,
SPENDING COMPARISONS—SENATE-REPORTED BILL—
Continued

(Fiscal year 1998, in millions of dollars)

	De- fense	Non- de- fense	Crime	Man- datory	Total
House-passed bill:					
Budget authority	16,721	44			16,765
Outlays	13,083	44			13,127

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

SECTION 571

Mr. CHAFEE. Mr. President, I am pleased that this bill has come to the Senate floor, and commend the Senator from Kentucky and the Senator from Vermont for all of their hard work in authoring this important legislation. S. 955 provides increased funding for international affairs functions of our Government, a priority that has been neglected in recent years. I agree with Secretary of State Madeline Albright, who has argued that we can no longer conduct foreign policy on the cheap.

Section 571 of this bill is a briefly worded but very significant restriction on U.S. military assistance. Mr. President, Indonesia is an emerging power in South Asia that has a very considerable economic relationship with the United States. I have long believed that we should fully engage the developing world not only for our own economic interests, but also so that the citizens of these nations can enjoy economic prosperity. Such economic development is the best means of enhancing long-term peace and stability.

Unfortunately, though, Indonesia has yet to join the community of nations in respecting basic human rights and permitting political freedom. Indonesia's continuing repression of East Timor has dampened hope that this nation's tremendous economic success will be matched by progress on human rights and democracy. In just the past month, international human rights activists have cited the disappearance and possible torture of a number of East Timorese civilians. This news comes as the State Department has sharply criticized Indonesia's human rights record in its annual report issued in January.

These events are just the latest examples of the Indonesian Government's continuing denial of fundamental rights to the people of East Timor. This past May, Indonesia held an election which was widely discredited as undemocratic. This election, which returned the ruling party to power as has been done in every election since 1971, was marred by violence that killed 200 people. Clearly, Indonesia must end its behavior that has caused so much pain and suffering among its people.

Mr. President, section 571 would simply prevent United States military equipment sold or transferred to Indonesia from being used in East Timor, the site of the most egregious human rights violations committed by this government. The United States should have no part of this oppression, par-

ticularly through the provision of military equipment. I commend the managers of this bill for including this important restriction, and am hopeful that it will be enacted into law.

Mr. LEVIN. I am pleased that the bill managers were able to accept my amendment to prohibit Army Corps consideration of permits that would result in the diversion of ground water from the Great Lakes Basin.

As my Great Lakes colleagues know, the Army Corps recently stated its opinion that ground water is not covered by section 1109 of the Water Resources Development Act of 1986. This section states that, "No water shall be diverted from any portion of the Great Lakes within the United States, or from any tributary within the United State of any of the Great Lakes, for use outside the Great Lakes Basin unless such diversion is approved by the Governor of each of the Great Lakes States . . ." and places constraints on funds for any Federal agency study of the feasibility of such a diversion. As I have indicated to the Army Corps, a careful review of the act's legislative history, the Great Lakes Charter, the Boundary Waters Treaty of 1909, the Federal charter of the Great Lakes Commission and its predecessor, and subsequent congressional authorizations and appropriations referencing the waters of the Great Lakes Basin, shows that ground water recharging or discharging into the Great Lakes is clearly part of the Great Lakes Basin hydrologically speaking and is therefore not divertable without adherence to section 1109. In a nutshell, I disagree with the Corps' conclusion.

Mr. President, I look forward to working with my colleagues in the Great Lakes region and the conferees to keep this provision intact. This 1-year prohibition will provide time for the appropriate parties to get together and determine how best to proceed, including possible legislative clarification, to permanently prevent covert diversions of a very precious resource, ground water in the Great Lakes Basin.

Mrs. MURRAY. Mr. President, as a member of the Foreign Operations Subcommittee, I want to commend both Chairman MCCONNELL and Senator LEAHY. Once again, the leadership of the subcommittee has produced a bill that I am sure will be widely and bipartisanship supported by the Senate.

I also want to take this opportunity to commend Secretary of State Madeline Albright. The Secretary appeared before the subcommittee to explain and justify the administration's increased request for this bill. But she went further than this, further than her Democratic and Republican predecessors at the State Department. Secretary Albright has taken the case for foreign aid and the work of this subcommittee directly to the American people. She has done a remarkable job conveying to our constituents the benefits to the American people of our role in the world and the importance of continued U.S. leadership abroad.

The foreign operations, export financing, and related programs Appropriations bill provides monies to meet a great number of important policy initiatives. I want to use my time today to draw attention to just a few of the important initiatives.

Importantly and with my full support, this bill fully funds the Administration's assistance request for our democratic ally Israel. I visited Israel late last year with a delegation of my constituents. It was my first trip to the Middle East. The trip was a wonderful experience that has benefited me personally and professionally as I approach my work at the Foreign Operations Subcommittee. I met with Prime Minister Netanyahu, with the chief Palestinian negotiator, and with the Norwegian diplomats who negotiated the Oslo accords. I met with the Ambassador to Israel, toured important historic and cultural sites, and stood atop the Golan Heights. More than ever, I am convinced that the foreign assistance moneys provided by this legislation to Israel and in support of the peace process are warranted and of strategic importance to the United States.

This bill is also a key tool in our efforts to increase U.S. exports and to generate new jobs all across the country. The provisions of this bill providing moneys for the Export-Import Bank of the United States, the Overseas Private Investment Corporation and the Trade Development Agency are vitally important to my constituents. A recent 1997 study titled, "Foreign Exports and the Washington State Economy," concluded that "no state derives more economic benefit from the production of goods and services for the foreign markets than Washington State." Shortly after the turn of the century, one in three Washington State jobs will be reliant upon international trade. Jobs related to trade in my state also paid wages 46 percent higher than the State average. These trade promotion programs are priority issues for me and I am pleased that we've met the administration's request for these programs. In the case of the Ex-Im Bank, the subcommittee has exceeded the administration's request.

Another key component of this bill is our assistance program to Russia and the newly independent states. This assistance is as important as any granted by the United States. It is a small price to pay to ensure that the trillions of dollars spent on the cold war does not go to waste. Certainly there are problems on the ground in Russia and the NIS countries; religious persecution, political and economic corruption, weapons proliferation and environmental pollution to name just a few. The United States must be diligent in tackling these problems as they arise in our continuing efforts to promote and support democracy.

I am particularly interested in our efforts to increase and highlight the linkages between the Russian Far East

and the west coast of the United States. Washington State is as involved in the Russian Far East as any State in the country. Chairman STEVENS is also personally very knowledgeable about the importance of this region as Alaska also maintains many direct ties to the Russian Far East.

The Committee bill also contains many important provisions to children. It contains funding for UNICEF and other child survival programs. Our bill provides moneys to educate young girls as well as provide microcredit loans to young families and women in the developing world. These funds make an enormous difference in the lives of millions of children and families in the world.

I have touched on just a few of the provisions within this important bill. Again, I want to thank the manager's for bringing this legislation to the Senate today. And I encourage my colleagues to support the foreign operations legislation.

Mr. BYRD. Mr. President, I wish to commend the managers of the FY 1998 Foreign Operations Appropriations bill for their hard work in fashioning this measure, and for getting it to the floor in a timely manner. The bill appropriates some \$13,244,208,000 for the programs in FY 1998, is within its 602(b) Allocations, and is below the amount requested by the Administration by about \$116 million.

The committee in its report indicates that the time is arriving for a review of our priorities and programs in this area, a bottom up review and a new scrutiny over programs and the extent to which they serve U.S. interests abroad. I am pleased that the Committee has focused on the progress we are making in supporting the growth of democracy and free market economies in Eastern Europe, the former states of the Soviet Union, and Russia and the Ukraine. Certainly the payoff for helping stabilize and nurture the growth of solid democratic institutions is far preferable to the extreme expense of maintaining arms races, such as we had to do during the course of over four decades of cold war.

I am pleased that the Committee has included a provision that I suggested to provide traditional incentives, through programs such as the EXIM Bank, OPIC, the Trade and Development Program and the Foreign Commercial Service, to American companies operating in the oil-rich new sovereign nation of Azerbaijan. The bill pays appropriately high attention to the Caucasus, including Georgia, and Armenia, as well as Azerbaijan, and I think it is appropriate. American companies need the unstinting support of our government so as to compete effectively in that region, in light of the fact that foreign nations provide heavy assistance to their firms in that region. We need to keep the playing field level so that our firms stand a fighting change of success in that region in the development of Caspian region oil.

I am pleased that the chairman of the subcommittee, Mr. McCONNELL has offered an amendment to restore the earmark for Egypt in the bill. I believe that there should be a time in the not too distant future when the earmarks for Egypt and Israel should be reduced and finally eliminated. They are in effect entitlements which have accounted for a large percentage of our national program, and I do not think they should be regarded as permanent. They must be subject to review just as the rest of our programs are. Having said that, however, I believe that, so long as the earmark for Israel remains in the bill, that for Egypt must as well.

Egypt has been a pillar of strength and support for the United States across the board. It has served to pick up the flagging momentum of the peace process which resulted from the negative actions by the Israeli Prime Minister and his right wing constituency in initiating inflammatory new settler housing in disputed Arab territories throwing a cold bucket of water on the momentum of that process. The Egyptian government has acted with courage and constancy in bringing its good offices to bear as an intermediary between the Israeli government and the Palestinians as a time when the United States needed help in that role;. I did not agree with removing the earmark for Egypt, just at a time when I think Egyptian actions were serving as invaluable support for the United States in keeping the peace process moving against a difficult adverse current established by Israeli actions. So, encourage the President of Egypt, Mr. Mubarak, to continue his efforts to play the constructive role that he has been playing in the Middle East.

I would also point out, Mr. President, that Egypt and the United States have a special security relationship, a relationship that proved invaluable to the United States during the Gulf War against Kuwaiti aggression, is the basis for extensive exercises and joint operations day in and day out, together in the Middle East. Our two nations work closely together to counter terrorism, and extremism, to protect the secure flow of oil from that region, and the safe use of the vital air and sea routes in the region. It should be clear that Egypt's important strategic, geographical position, commanding the waterways linking the Gulf, Europe and the United States, makes her an indispensable strategic partner of the United States. This is a relationship that requires nurturing and regular dialogue and support.

Mr. BIDEN. Mr. President, I support the foreign operations appropriations bill now before the Senate, which will provide the necessary funds for foreign assistance programs of the United States in the coming fiscal year. Foreign aid is an important component of U.S. foreign policy. In addition to being a tangible demonstration of American leadership, it is a key instrument in encouraging and supporting

American values of democracy, respect for human rights, and free trade.

In recent years, foreign policy spending has suffered drastic cutbacks. According to a study of the Congressional Research Service, prepared earlier this year at my request, foreign policy spending for the current fiscal year is at its lowest level in 20 years.

Moreover, the steepest reductions in our foreign policy budget have come in foreign assistance, which at \$11.5 billion last year, in fiscal year 1998 dollars, is lower, in real terms, than any year of the last twenty, and some 36 percent below the historical average of that period.

Mr. President, this year's foreign operations bill thankfully has started to reverse this precipitous decline. It provides \$13.24 billion for foreign assistance and export financing programs. I commend the Appropriations Committee for its hard work and applaud the bipartisan effort its members have shown in enhancing the level of funding for our Nation's foreign assistance programs.

This legislation provides enhanced funding for critical foreign assistance programs, a few of which I will mention briefly.

The Appropriations Committee has recognized the importance of development assistance programs by providing \$1.8 billion, \$100 million over the President's request.

While the \$485 million appropriated for the seed program for newly democratizing countries in Eastern Europe is regrettably below the President's request, the Committee's recommendation of \$800 million for the nations of the former Soviet Union will allow our Nation to continue its efforts to bring democracy, stability, and prosperity to those former Communist States.

Mr. President, I am somewhat concerned about the considerable number of earmarks in this bill, and the number of "subearmarks," that is, designation of funds for specific programs within specific countries in Eastern Europe and Eurasia.

I am not opposed to earmarks in principle; Congressional priorities often differ with those of the executive branch, and the Congress has every right to protect those priorities by specific earmarks.

But the proliferation of such provisions unduly limits the administration's flexibility in a region that is constantly in flux. So I hope the committee will consider reducing the number of earmarks in the conference with the House.

Mr. President, unfortunately it has become popular of late to assert that foreign aid is merely the foreign policy equivalent of welfare—a supposed massive giveaway that yields few benefits to American interests.

To the contrary, American contributions to these efforts are an important way in which we protect our interests abroad, a fact that the Appropriations Committee has recognized through its

enhanced funding levels for foreign assistance programs.

I wish to congratulate Senator MCCONNELL and Senator LEAHY once again for their work on this important piece of legislation. I urge my colleagues to support it.

CHILD SURVIVAL AND DISEASE PROGRAMS

Mr. DEWINE. Mr. President, I express my strong support for the child survival and disease program fund. I understand that the House Committee on Appropriations, as a part of its foreign operations, export financing, and related programs bill, has recommended that \$650 million be allocated to the fund's programs for fiscal year 1998. On the House side, the subcommittee Chairman CALLAHAN has taken the lead, as my colleague from Ohio, Congressman TONY HALL, has also in protecting these child survival programs. I commend him for his leadership on this issue.

The Clinton administration, however, has not specifically designated any direct funding for the child survival programs. Mr. President, in order to preserve the benefits of these important programs for children worldwide, I believe that the Senate should accept, when we go to conference, the House language that was agreed to in committee for this fund. It is, I believe, Mr. President, a tragedy, that millions of children die each year through disease, malnutrition, and other consequences of poverty that are both preventable and treatable. The programs in the child survival fund, which are intended to reduce infant mortality and improve the health and nutrition of children, address the various problems of young people struggling to survive in developing countries.

Mr. President, this fund places a priority on the needs of more than 100 million children worldwide who are displaced and/or who have become orphans. The fund includes initiatives to curb the resurgence of communicable diseases, such as malaria and tuberculosis, in the underdeveloped world, eradicating polio, as well as preventing and controlling the spread of HIV and AIDS.

Mr. President, aside from the addressing issues of health, the fund also supports basic education programs. Investment in education yields one of the highest social and economic rates of return because it gives children the necessary tools to become self-sufficient adults. Each additional year of primary and secondary education results in a 10-to-20 percent wage increase, and a 25-percent net increase in income.

Mr. President, the programs supported by the child survival fund are effective, and they are effective because they save three million lives each year through immunization, vitamin supplementation, oral rehydration therapy, and also through the treatment of childhood respiratory infections which are the second largest killer of children on Earth.

Mr. President, eliminating the symptoms and the causes of this problem is not only the humane thing to do. It is also a necessary prerequisite for global stability and for global prosperity.

In my view, Mr. President, Congress needs to maintain its support for these very valuable programs. It is my hope that the Senate Foreign Operations Subcommittee will, when we go to conference, accept the House language.

The child survival and disease programs are effective, they are important, and they should, Mr. President, be continued.

Mr. President, I see the distinguished chairman of the Senate Foreign Operations Subcommittee on the floor, and my colleague from the State of Kentucky. I wonder if he has any comment about this.

Mr. MCCONNELL. Mr. President, I have listened closely to the comments of my good friend from Ohio, and I would like to thank him for them and commend him for his tireless efforts in supporting the children's causes, not only here in the United States but throughout the world.

I would like to assure my good friend from Ohio that I will give every possible consideration to his request when we go to conference with the House on the bill.

Mr. DEWINE. I appreciate that very much.

Mr. President, if I could inquire of my colleague from Kentucky, I have a statement which I would like to give at some point this evening in regard to the vote we are going to have tomorrow. I can refrain from doing that if it works with the chairman's schedule, or I can do it now.

Mr. MCCONNELL. I have a block of amendments that have been cleared on both sides that I would like to offer. Senator BENNETT is also here.

Mr. DEWINE. I yield the floor at this time, Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENTS NUMBERED 904 TO 919, EN BLOC

Mr. MCCONNELL. Mr. President, I am going to submit all of the following to be considered en bloc. They have been approved by Senator LEAHY.

A Kyl amendment earmarking legal aid for Ukraine; a Kyl amendment adding ballistic missiles to Iran restrictions; a Baucus amendment relating to the P.R.C. environment programs; an Enzi amendment relating to climate change; a Hagel amendment authorizing OPIC; a Lautenberg-Kennedy amendment on Libya; a Leahy amendment on war crimes; a Domenici Law Enforcement Center amendment; a Dodd amendment on IMET in Latin American; an amendment by Senator TORRICELLI on terrorism in Sri Lanka; a Durbin amendment on Peru IMET; a Leahy-Lugar-Sarbanes amendment on bank authorization; a D'Amato-Helms-Faircloth amendment on the NAB; a Leahy amendment on demining; a Faircloth amendment on the Congo; and a Lott, et al, amendment on NATO expansion.

Mr. President, I send those amendments to the desk en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments numbered 904 through 919 en bloc.

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 en bloc are as follows:

AMENDMENT NO. 904

(Purpose: To allocate funds for legal restructuring in Ukraine necessary to support a decentralized market-oriented economic system)

On page 23, line 17, insert after "Provided," the following: "That of the funds made available for Ukraine under this subsection, not less than \$25,000,000 shall be available only for comprehensive legal restructuring necessary to support a decentralized market-oriented economic system, including the enactment of all necessary substantive commercial law and procedures, the implementation of reforms necessary to establish an independent judiciary and bar, the education of judges, attorneys, and law students in the comprehensive commercial law reforms, and public education designed to promote understanding of commercial law necessary to Ukraine's economic independence: *Provided further*,".

AMENDMENT NO. 905

(Purpose: To prohibit assistance to Russia unless Russia terminates activities relating to ballistic missile or nuclear programs in Iran)

On page 25, line 24, insert after "reactor" the following: "or ballistic missiles"

AMENDMENT NO. 906

(Purpose: To permit funds made available to the United States-Asia Environmental Partnership to be used for activities for the People's Republic of China)

On page 102, between lines 9 and 10, insert the following:

USE OF FUNDS FOR THE UNITED STATES-ASIA ENVIRONMENTAL PARTNERSHIP

SEC. . . Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this or any other Act making appropriations pursuant to part I of the Foreign Assistance Act of 1961 that are made available for the United States-Asia Environmental Partnership may be made available for activities for the People's Republic of China.

Mr. BAUCUS. Mr. President, this is a short, simple amendment dealing with our China policy. It has the support of the State Department; business; and Chinese dissidents. I hope it will also get the support of Congress.

The amendment, very simply, allows the Asian Environmental Partnership to operate in China. It does not add any spending to the bill, and does not change the basics of the program in any way. So I hope this will not be controversial.

Let me begin with a review of what the Asian Environmental Partnership does. AEP is a small export promotion program created during the Bush Ad-

ministration. It offers technical help with environmental policy, and brings foreign governments together with American producers of environmental services and technologies.

In several Southeast Asia countries, AEP has helped us achieve environmental goals and to boost American exports to a region where we suffer large trade deficits. But the Asian Environmental Partnership does not now operate in China. That is because it receives some funds from the Agency for International Development, which is barred from operating in China.

It is very clear, of course, that we do not need a foreign aid program for China. China has a lot of money and is quite capable of supporting itself.

But it is just as clear that we need a sound approach to environmental problems in China. Whether you look at water pollution, urban air, rural lakes and streams, or hazardous waste, China is one of the world's most polluted countries. That causes a great deal of suffering for Chinese people. And as China grows, it makes more and more contribution to global climate change, ocean pollution, and other phenomena which affect China's neighbors and even us here in the United States.

We in America can help ease these problems. We can provide some humanitarian relief from needless suffering caused by unsafe water, air and waste. We can help protect ourselves from future environmental threats.

And we can gain some benefit for ourselves in the process. We are among the world's most competitive producers of environmental goods and services, and with some effort we can create a large foreign market for our companies.

That brings me to the second reason we need this amendment. That is, we need an export promotion policy for China.

Last year, we exported about \$14 billion worth of goods and services to China, while importing about \$51 billion. So we had a \$37 billion deficit. This year's figures look no better.

The main reason for this deficit is the massive set of tariffs, discriminatory inspection standards, quotas and other trade barriers erected by the Chinese government. But a second reason—one which we don't really like to admit to ourselves—is that we do very little export promotion to China.

Germans, Japanese, Southeast Asians and other competitors push exports as hard as they can. We don't match their efforts anywhere in the world, and we do worst of all in China, where agencies like AEP can't operate. There is no doubt that costs us.

This is basically common sense. It is good for everyone. For no additional money, this amendment will help us export and improve our trade balance. It will help us deal with some very difficult environmental problems. And it will, to some extent, supplement our human rights goals by making life in China a little better.

That is why this amendment has gotten very broad support. The State Department supports it. American environmental and business groups support it. And Chinese dissidents, support it. Let me quote from a letter I received from the China Strategic Institute, founded by former political prisoner Wang Juntao:

The China Strategic Institute is pleased to learn of your efforts to bring the US-Asia Environmental Partnership to the People's Republic of China. Not only can such a program assist China in combating the severe environmental degradation that plagues the Chinese population, but also . . . the development of civil society. I strongly hope that this amendment finds the support to become law.

To sum up, with this amendment we can do something good for everyone. By passing it, we can promote American exports. We can do something good for the Chinese people. We can promote the interest of both countries in a healthy environment. And we won't spend any more money. So I hope the Senate will support it.

Thank you, Mr. President.

AMENDMENT NO. 907

(Purpose: To ensure Congressional notification of the costs to the Federal Government of all federal programs associated with the proposed agreement to reduce greenhouse gas emissions pursuant to the Framework Convention on Climate Change (FCCC))

At the appropriate place in the bill, insert the new section as follows:

SEC. . REQUIREMENTS FOR THE REPORTING TO CONGRESS OF THE COSTS TO THE FEDERAL GOVERNMENT ASSOCIATED WITH THE PROPOSED AGREEMENT TO REDUCE GREENHOUSE GAS EMISSIONS.

(a) The President shall provide to the Congress a detailed account of all federal agency obligations and expenditures for climate change programs and activities, domestic and international, for FY 1997, planned obligations for such activities in FY 1998, and any plan for programs thereafter in the context of negotiations to amend the Framework Convention on Climate Change (FCCC) to be provided to the appropriate congressional committees no later than October 15, 1997.

Mr. MCCONNELL. Mr. President, let me commend the Senator from Wyoming for his efforts to fully disclose all the resources the Administration has allocated to the climate change issue. To my knowledge nobody has been able to determine how much or from what offices funds been spent on global climate change.

It is imperative that we have a clear understanding of the resources being expended from all federal agencies and offices for the purposes of education, lobbying and research.

AMENDMENT NO. 908

(Purpose: To amend the Foreign Assistance Act of 1961 with respect to the authority of the Overseas Private Investment Corporation to issue insurance and extend financing)

On page 102, between lines 9 and 10, insert the following:

SEC. . AUTHORITY TO ISSUE INSURANCE AND EXTEND FINANCING.

(a) IN GENERAL.—Sectin 235(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)) is amended—

(1) by striking paragraphs (1) and (2)(A) and inserting the following:

“(1) INSURANCE AND FINANCING.—(A) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 234(a), and the amount of financing issued under section 234(b) and (c), shall not exceed in the aggregate \$29,000,000,000.”;

(2) by redesignating paragraph (3) as paragraph (2); and

(3) by amending paragraph (2) (as so redesignated) by striking “1997” and inserting “1999”.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 235(a) of that Act (22 U.S.C. 2195(a)) as redesignated by subsection (a), is further amended by striking “(a) and (b)” and inserting “(a), (b), and (c)”.

AMENDMENT NO. 909

(Purpose: To withhold assistance to countries that are violating United Nations sanctions against Libya)

On page 102, between lines 9 and 10, insert the following:

WITHHOLDING ASSISTANCE TO COUNTRIES VIOLATING UNITED NATIONS SANCTIONS AGAINST LIBYA

SEC. 575. (a) WITHHOLDING OF ASSISTANCE.—Except as provided in subsection (b), whenever the President determines and certifies to Congress that the government of any country is violating any sanction against Libya imposed pursuant to United Nations Security Council Resolution 731, 748, or 883, then not less than 5 percent of the funds allocated for the country under section 653(a) of the Foreign Assistance Act of 1961 out of appropriations in this Act shall be withheld from obligation and expenditure for that country.

(b) EXCEPTION.—The requirement to withhold funds under subsection (a) shall not apply to funds appropriated in this Act for allocation under section 653(a) of the Foreign Assistance Act of 1961 for development assistance or for humanitarian assistance.

Mr. LAUTENBERG. Mr. President, I am pleased that Senator KENNEDY is an original cosponsor of this amendment along with Senators MOYNIHAN, D'AMATO, and TORRICELLI.

This amendment would withhold 5 percent of funds made available in this bill to any country that the President determines violates United Nations sanctions against Libya. The amendment exempts development assistance and humanitarian assistance.

As my colleagues know, the United Nations imposed sanctions against Libya in 1992 in response to the Libyan Government's failure to extradite to the United States or Scotland two Libyan intelligence agents indicted for the 1988 bombing of Pan Am Flight 103. One hundred and eighty-nine Americans were killed in that terrorist bombing. The families of those innocent victims are still waiting for justice.

Among other things, the U.N. sanctions prohibit international flights into and out of Libya. They also prohibit supply to Libya of aircraft and aircraft components.

Nonetheless, some countries in the international community continue to help Libya's Khadaffi violate the sanctions.

For example, five countries have allowed Libyan airlines to land on their

soil in violation of the sanctions. These countries include Niger, Nigeria, Saudi Arabia, Egypt, and Ghana.

The amendment we are offering today would force countries that help Libya violate U.N. sanctions to choose between 5 percent of their foreign assistance and their support of a terrorist state.

The amendment is forward looking. It does not penalize any country for past actions. Let me repeat that. It does not penalize any country for past actions. Nor does it single out any country.

Rather, it lays down a marker and sends a signal that in the future violating the international sanctions against Libya will have a financial cost.

I urge my colleagues to adopt this amendment.

Mr. KENNEDY. Mr. President, I'm honored to be a sponsor of Senator LAUTENBERG's amendment to withhold 5 percent of United States assistance from any country which, in the future, violates the United Nations sanctions against Libya.

It is nearly 9 years since December 1988, when Pan Am flight 103 was bombed out of the sky over Lockerbie, Scotland, killing 270 people, including 189 Americans. In 1991, after an extensive international investigation, two Libyans were indicted for that terrorist bombing, but they have never been brought to trial because the Government of Libya continues to defy the international community.

United Nations sanctions against Libya were first adopted in 1992. These sanctions prohibit international flights to and from Libya, the supply to Libya of aircraft, aircraft parts, military equipment and certain oil equipment. They also freeze funds of the Libyan Government and reduce the size of Libyan diplomatic missions abroad.

It is obvious that the current sanctions are too mild to bring about the surrender of the suspects by Libya. Senator LAUTENBERG and I, and many of our colleagues on both sides of the aisle, have repeatedly called for stronger sanctions, including an international oil embargo against Libya, because additional sanctions are clearly necessary to achieve their goal and see that justice is done. Regrettably, many of our European allies buy Libyan oil, and have been unwilling to take this step.

Even the current mild sanctions against Libya are not being enforced. According to the Department of State, numerous violations of the sanctions have occurred. But when the United States brings such cases to the attention of the sanctions committee at the United Nations, the committee refuses to investigate them.

Recently, for example, the United States provided evidence to the Security Council sanctions committee, involving attempts by Libya to import aircraft parts, via Belgrade, in violation of the U.N. sanctions. The sanctions committee refused to investigate this violation.

There have also been several instances in which other countries have permitted Libyan planes to land in their territory, despite the U.N. prohibition on such landings.

If there are no consequences for violating the U.N. sanctions then the sanctions are useless. If the United Nations is unwilling to enforce its own sanctions, the United States is left with no other choice but to impose unilateral measures.

In this unsatisfactory situation, the Lautenberg amendment is a modest but necessary step for the United States to take. Its provisions are not retroactive, but it puts other countries on notice for the future. If they violate the U.N. sanctions against Libya, their action will cost them part of the U.S. aid they receive.

I urge the Senate to approve the amendment, and to take this reasonable step to see that justice is done for the victims of the Pan Am flight 103 terrorist atrocity.

Mr. TORRICELLI. Mr. President, I am proud to be an original co-sponsor of the Kennedy-D'AMATO amendment, which would restrict aid to those countries which fail to comply with the United Nations sanctions against Libya. I rise today in strong support of its passage.

Earlier this month the U.N. Security Council renewed international sanctions against Libya, as they have every 120 days since they were first imposed in 1992. Unfortunately, Mr. President, despite the fact that Libya refuses to comply with the will of the international community and extradite to the United States or Great Britain two Libyan nationals indicted as suspects in the murders of 270 people, the sanctions renewal was challenged by several African states.

This challenge is just the latest episode in Libya's arrogant international campaign to avoid the justified opprobrium of the international community. Libya has gone so far as to intrude on the privacy of the victims of its criminality by writing directly to the American families of Pan Am 103 proposing their supposed “compromise” with international law directly to the families. Mr. President, I cannot overestimate how damaging it is to the interests of all democratic governments for Libya to be thrown a lifeline by the African members of the security council. Libya's U.N. Ambassador reportedly said after the Security Council vote, “We can from now on behave as if these sanctions were not there.” These sanctions are there, and they will remain.

There are several episodes over the past two years that highlight the need for this amendment. Earlier this year, a Libyan-registered aircraft flew from Libya to Niger and returned to Nigeria despite U.N. sanctions. Last July, Muammar Qaddafi left Tripoli to attend an Arab summit meeting in Cairo. He arrived in Egypt by plane and left by plane, a clear violation of the ban on air travel. In December, the CIA revealed that Ukraine agreed to three

different arms deals with Libya. The first involved the sale of \$500 million worth of short-range ballistic missiles. A second deal called for Ukraine to provide maintenance services and spare parts valued at \$10 million. The third agreement involved Iran's purchase of Ukrainian weapons with the intent of transferring them to Libya.

Today we have made clear our determination to bring to justice those who destroyed 270 lives and brought suffering on countless other loved ones. I am pleased to join my colleagues in sponsoring legislation to deny United States assistance to any countries that violate international sanctions against Libya. We will make it clear to Libya that this pariah regime cannot escape the consequences of its lawless behavior.

AMENDMENT NO. 910

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

SEC. . WAR CRIMES PROSECUTION.

(a) Section 2401 of Title 18, United States Code (Public Law 104-192; the War Crimes Act of 1996) is amended as follows:

(1) in subsection (a), by striking "commits a grave breach of the Geneva Conventions" and inserting in lieu thereof "commits a war crime";

(2) in subsection (b)—

(A) by striking "the person committing such breach or the victims of such breach" and inserting in lieu thereof "the person committing such crime or the victim of such crime"; and

(B) by inserting before the period at the end of the subsection "or that the person committing such crime is later found in the United States after such crime is committed";

(3) in subsection (c)—

(A) by striking "the term 'grave breach of the Geneva Conventions' means conduct defined as" and inserting in lieu thereof "the term 'war crime' means conduct (1) defined as"; and

(B) by inserting the following before the period at the end: "(2) prohibited by Articles 23, 25, 27, or 28 of the Annex to the Hague Convention IV, Respecting the Laws and Customs of War on Land, signed on October, 1907; (3) which constitutes a violation of common Article 3 of the international conventions signed at Geneva on August 1949; or (4) of a person who, in relation to an armed conflict and contrary to the provisions of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and Other Devices as amended at Geneva on 3 May 1996 (Protocol II as amended on 3 May 1996), when the United States is a party to such Protocol, willfully kills or causes serious injury to civilians";

(4) by adding a new subsection (d) to read as follows:

"(d) NOTIFICATION.—No prosecution of any crime prohibited in this section shall be undertaken by the United States except upon the written notification to the Congress by the Attorney General or his designee that in his judgment a prosecution by the United States is in the national interest and necessary to secure substantial justice."

Mr. LEAHY. Mr. President, I am very pleased that my amendment to strengthen our ability to prosecute war criminals in the United States has been accepted by the Republican side.

This amendment, which builds on the War Crimes Act of 1996, closes some

gaps in our Nation's implementation of the Geneva and Hague Conventions.

The War Crimes Act of 1996 only permits prosecution for war crimes in the United States if the person accused of committing the crime, or the victim of a war crime, is a national of the United States or a member of the U.S. Armed Forces. While noble in its intent, that act does not permit the United States to prosecute non-U.S. nationals who come within our jurisdiction. It leaves the United States open as a potential safe-haven for war criminals seeking to escape prosecution.

Currently, we have no extradition treaties with 75 nations including Somalia, Cambodia, Afghanistan, Lebanon, and Iran. If a war criminal from any of these countries takes refuge in the United States, we cannot extradite him. The alternative—deportation—is a long and complex process which becomes even more difficult when the accused is to be deported to a specific country. Even if deportation is successful, a war criminal may be returned to a country in which the judicial system is nonfunctional—Cambodia, for example—thus escaping prosecution altogether.

My amendment allows us to prosecute war criminals located in the United States, regardless of their nationality. The amendment in no way obligates the United States to prosecute war crimes, nor does it permit the extradition of non-U.S. nationals of the United States for prosecution if the victims of the crime are not United States nationals. Any case undertaken by our Government requires written notification to the Congress by the Attorney General, who must take into consideration U.S. national interests and the necessity of U.S. prosecution, to assure a just resolution in each case. The United States will not be drawn into international conflicts where we have no significant national interest.

The amendment expands the scope and offers a more specific definition of what constitutes a war crime that the 1996 act. The 1996 act only refers to grave breaches of the 1949 Geneva Conventions which are defined as willful killing, torture or inhuman treatment, including biological experiments, willfully causing great suffering or serious injury to body or health, and extensive destruction of property, not justified by military necessity and carried out unlawfully or wantonly."

My proposed 1997 amendments also covers articles of the 1907 Hague Convention IV which clarify actions prohibited in war.

The inclusion of common article 3 of the Geneva Conventions is vital in that it expressly allows the United States to prosecute war crimes perpetrated in noninternational conflicts, such as Bosnia and Rwanda. In January 1997, there were a reported 35 such internal conflicts, from Algeria to Kashmir.

Finally, violations of the protocol on prohibitions or restrictions on the use of mines, booby-traps and other devices

will constitute a war crime under this amendment, once the United States ratifies this important protocol.

The International Committee of the Red Cross, the American Red Cross, the State Department, the Department of Defense, and President Clinton all support the expansion of United States prosecutorial authority as it is contained in this amendment. With its adoption, we will be following in the footsteps of Great Britain, Canada, New Zealand, and Australia—each of which passed similar laws in the 1950's. It is time for us to join them.

AMENDMENT NO. 911

(Purpose: To Allocate Funds for a Western Hemisphere International Law Enforcement Academy (ILEA))

On page 28 line 19 after the word "country" insert the following:

"Provided further. That of this amount not to exceed \$5 million shall be allocated to operate the Western Hemisphere International Law Enforcement Academy under the auspices of the Organization of American States with full oversight by the Department of State."

Mr. DOMENICI. Mr. President, this amendment to the foreign operations appropriations bill asks that \$5 million of the funding appropriated for international narcotics control be allocated out of existing funds for the establishment of an international law enforcement training academy [ILEA] for the Western Hemisphere.

The State Department set up the International Law Enforcement Academy in Budapest, Hungary, in 1995 and has since trained 300 law enforcement officials.

This amendment would establish a similar international law enforcement training academy but for the Western Hemisphere and for which the President requested in his 1998 budget.

Mr. President, the allocated funds would be for operations of such an academy and a facility would need to be found. I understand that the State Department has been trying to find such a facility for the past year, but we have not reached an agreement among Latin American countries.

My amendment would allow the academy to be established in consultation with the Organization of American States, representing our Central and Latin American neighbors.

Mr. President, I do not have to explain the terrorist and narcotic threats in this hemisphere. The ILEA is a way for the United States to establish law enforcement networks that lead to a more effective approach to fighting international organized crime and drug trafficking.

Such an academy would help us create closer working relationships and networks with foreign police that are needed to find fugitives and combat financial corruption.

I urge Senators to vote in support of a Western Hemisphere international law enforcement academy.

AMENDMENT NO. 912

(Purpose: To provide for the reform and annual review of United States sponsored training programs of Latin American military personnel at the School of the Americas and elsewhere to ensure that training is consistent with respect for human rights and civil control over the military)

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

REFORM AND REVIEW OF UNITED STATES
SPONSORED TRAINING PROGRAMS

SEC. . (a) FINDINGS.—Congress makes the following findings:

(1) United States training of members of Latin American military and security forces that occurred primarily at the Army School of the Americas between 1982 and 1991 has been severely criticized for promoting practices that have contributed to the violation of human rights and have otherwise been inconsistent with the appropriate role of the Armed Forces in a democratic society.

(2) Numerous members of Latin American military and security forces who have participated in United States sponsored training programs, have subsequently been identified as having masterminded, participated in, or sought to cover up some of the most heinous human rights abuses in the region.

(3) United States interests in Latin America would be better served if Latin American military personnel were exposed to training programs designed to promote—

(A) proper management of scarce national defense resources,

(B) improvements in national systems of justice in accordance with internationally recognized principles of human rights, and

(C) greater respect and understanding of the principle of civilian control of the military.

(4) In 1989, Congress mandated that the Department of Defense institute new training programs (commonly referred to as expanded IMET) with funds made available for international military and education programs in order to promote the interests described in paragraph (3). Congress also expanded the definition of eligibility for such training to include non-defense government personnel from countries in Latin America.

(5) Despite congressionally mandated emphasis on expanded IMET training programs, only 4 of the more than 50 courses offered annually at the United States Army School of the Americas qualify as expanded IMET.

(b) LIMITATION ON USE OF FUNDS.—Notwithstanding any other provision of law, none of the funds appropriated in this Act under the heading relating to international military education and training may be made available for training members of any Latin American military or security force until—

(1) the Secretary of Defense has advised the Secretary of State in writing that 30 percent of IMET funds appropriated for fiscal year 1998 for the cost of Latin American participants in IMET programs will be disbursed only for the purpose of supporting enrollment of such participants in expanded IMET courses; and

(2) the Secretary of State has identified sufficient numbers of qualified, non-military personnel from countries in Latin America to participate in IMET programs during fiscal year 1998 in consultation with the Secretary of Defense, and has instructed United States embassies in the hemisphere to approve their participation in such programs so that not less than 25 percent of the individuals from Latin American countries attending United States supported IMET programs are civilians.

(c) REPORT.—Not later than 1 year after the date of enactment of this act, the Secretary of State shall report in writing to the

appropriate committees of Congress on the progress made to improve military training of Latin American participants in the areas of human rights and civilian control of the military. The Secretary shall include in the report plans for implementing additional expanded IMET programs for Latin America during the next 3 fiscal years.

Mr. DODD. Mr. President, I would like to rise to comment on the amendment that may be offered by the distinguished Senator from Illinois [Mr. DURBIN]. His amendment would seek to close, once and for all, the U.S. Army School of the Americas, presently located at Fort Benning, GA.

I am totally sympathetic with the intent of the Senator's amendment. Clearly the entire history of the School of the Americas, and particularly the period from 1982–1991, is shameful. It has left a legacy that is an ugly blemish on our country's credibility as an advocate of full respect for human rights and the rule of law in a region where human rights violations have occurred with impunity.

Like Senator DURBIN, I believe that the United States has a special obligation to promote democracy throughout the world, and most especially in our own hemisphere.

Given the recent history of military rule in many countries in the region, it is particularly important that the United States strongly support the concept of civilian control over national military institutions.

It also means highlighting the importance of respecting the human rights of all the peoples of the hemisphere. And, in particular, the obligation of military and security forces throughout the region that they do so. Finally it means stressing the principle that national military and security forces are accountable for acts that fall short of acceptable international human rights standards and practices.

I would say to my colleague from Illinois, that if closing down the School of the Americas would remedy all of the evils that have been perpetrated by a number of individuals trained there over the years, I would strongly support his effort.

Unfortunately, even if we were to shut the doors at the School of the Americas tomorrow, that would not be the case. Moreover, the School of the Americas is not the only location where Latin American military personnel receive United States-supported training.

Equally important is acknowledgment that countries throughout the region have legitimate national security interests that necessitate the existence of national armed forces in these countries.

Shutting the School of the Americas doesn't obviate the need that regional militaries get the right kind of training for their personnel.

I have had the opportunity to review excerpts from the manuals that were utilized in the training of Latin American personnel throughout the 1980's and into the early 1990's. Clearly these

manuals espoused practices that can only be described as coercion, torture, and assassination.

I know that the Defense Department has looked into the background of these manuals, and has found, not once but twice, that mistakes were made—but that no one is really responsible.

Frankly, it defies credibility to accept one of the central conclusions of the 1997 Defense Department inspector general's review of this.

Among other things, the IG concluded that while,

... five of the seven manuals contained language and statements in violation of legal, regulatory, or policy prohibitions, such as motivation by fear, payment of bounties for enemy dead, false imprisonment, and the use of truth serum . . . Army personnel involved in the preparation and presentation of the intelligence courses did not recognize that the training materials contravened DOD policy and [there was] no evidence that a deliberate and orchestrated attempt was made to violate DOD or U.S. Army policies.

So much for any sensitivity with respect to human rights that United States troops are supposed to be indoctrinated in.

School of the Americas instructors tutored Latin American military personnel in how to use threats of force with prisoners, neutralize opponents, hold prisoners in clandestine jails, and infiltrate and spy on civilian organizations and opposition political parties for at least 10 years. Despite the fact that such training explicitly violates U.S. policy.

The IG does not deny that such training was a clear violation of U.S. policy, but attributes it to the equivalent of staff error. The IG found that—

... from 1982 to 1991, many mistakes were made and repeated (with respect to use of these manuals) by numerous and continually changing personnel in several organizations from Panama to Georgia to Washington, DC. Lack of attention to the Department of Defense and U.S. Army policies and procedures by those personnel and organizations perpetrated the assumption that the materials in the Spanish language intelligence manuals were proper and doctrinally correct.

I don't know anything about the background of the current IG who came to this conclusion.

But I think it is safe to say that if he/she had bothered to review the extensive Congress debate that occurred during much of this same time period over United States policy with respect to Latin America—he would have found the often stated concern about the substantial human rights abuses that were being perpetrated by members of these military forces, particularly those in Central America.

Those of us who were here remember only too well that the Department of Defense was being queried on a weekly basis about all aspects of U.S. policy during that time period—including the training and other support the United States was providing to these military and security forces.

Many of us in this body who participated in those rancorous debates could

take up hours here today reliving that period.

But that isn't a good use of the Senate's time, nor does it do anything to address the underlying concerns with respect to the nature and content of United States-sponsored military training programs for the Latin American and Caribbean region.

The amendment that I will offer at the appropriate time would go to the heart of this. It would not close the School of the Americas. Rather, it would mandate that at least 36 percent of IMET-supported course curriculum be for, so-called expanded IMET courses—namely those devoted to training Latin American Armed Forces in skills that will better prepare them to serve their democratic countries as we enter the 21st century. It would also require that these courses be available to nonmilitary government officials with responsibilities for defense policies in their countries as well.

As many of my colleagues are aware, in 1989 Senator LEAHY first introduced the concept of this new, so-called expanded IMET. Simply put, to qualify as an expanded IMET course its purpose must be to educate Latin American military and civilian personnel in the proper management of their defense resources, in improving their systems of military justice in accordance with internationally recognized principles of human rights or in fostering greater respect for and understanding of the principle of civilian control of the military.

Despite the fact that Senator LEAHY first proposed the creation of expanded IMET more than 8 years ago, even today Latin American military students are afforded very few opportunities to avail themselves of such courses.

Only 4 of the more than 50 courses offered in the 1997 School of the Americas's curriculum qualify as expanded IMET courses.

That is totally unacceptable and is additional evidence that the U.S. Army just doesn't get it when it comes to the importance that must be accorded to promoting respect for human rights throughout the hemisphere.

For that reason this amendment would specifically mandate that 30 percent of Latin American IMET funds be spent in support of preparing Latin American military and appropriate civilian and legislative defense personnel for their appropriate roles in democratic societies as we begin the next millennium.

I would hope that all of my colleagues would support this amendment.

AMENDMENT NO. 913

(Purpose: To recommend that the Liberation Tigers of Tamil Eelam be placed on the list of terrorist organizations by the Department of State)

At the appropriate place, insert the following:

SEC. . LIBERATION TIGERS OF TAMIL EELAM.

SENCE OF SENATE.—It is the sense of the Senate that the Department of State should

list the Liberation Tigers of Tamil Eelam as a terrorist organization.

Mr. TORRICELLI. Mr. President, I would like to thank Chairman MCCONNELL and Senator LEAHY for accepting this amendment expressing the Sense of the Senate that the State Department should list the Liberation Tigers of Tamil Eelam [LTTE] as a terrorist organization. I believe that the LTTE meets the criteria approved during the 104th Congress to designate terrorist organizations, and I urge the State Department to carefully examine the evidence.

Section 302 of the Antiterrorism and Effective Death Penalty Act of 1996 defines a terrorist organization as one which is foreign, engages in terrorist activity, and threatens the security of the United States. There is no doubt that the LTTE is a foreign organization. Its main centers of activity are located in the United Kingdom and France, as well as Canada, Australia, and India.

The State Department's Report on Human Rights Practices for 1996 details LTTE abuses which are undoubtedly terrorist activities. The LTTE regularly commits extrajudicial killings, and is responsible for disappearances, arbitrary arrests, detentions and torture. An attack on the army base at Mullaitivu in July 1996, orchestrated by the LTTE, killed more than 1,500 government troops. In the aftermath, an equally important fact came to light. It is clear that the LTTE regularly recruits children into its military forces.

In the northern part of the island, the LTTE has expelled almost 46,000 Muslim inhabitants, almost the entire Muslim population, from their homes. These individuals have been threatened with death if they return. Lastly, the LTTE has been held responsible for the assassination of an Indian Prime Minister, a President of Sri Lanka, a Presidential candidate, and senior Sinhalese and Tamil political leaders.

It is clear that these activities are of a terrorist nature, and I believe that they threaten the national security of the United States. Section 302 defines national security as that pertaining to "national defense, foreign relations, or economic interests of the United States". In this sense, the promotion of democracy, free-market economies, and human rights throughout the world are fundamental to our interests. However, the LTTE does not follow the rules of democratic procedure. In fact, the LTTE espouses socialism and seeks to establish a socialist state in Sri Lanka. This stated ideology is far removed from the free-market policies that the United States promotes.

With these facts in mind, I am hopeful that the State Department will move to list the LTTE as a terrorist organization. The safety and security of the United States, and our friends in Sri Lanka, depend upon it.

AMENDMENT NO. 914

(Purpose: To limit international military education and training assistance for Peru)

At the appropriate place in the bill insert the following:

LIMITATION ON INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE FOR PERU

SEC. . None of the funds appropriated or otherwise made available by this Act may be provided to the Government of Peru for international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961, unless the President certifies to Congress that the Government of Peru is taking all necessary steps to ensure that United States citizens held in prisons in Peru are accorded timely, open, and fair legal proceedings in civilian courts.

Mr. LEAHY. Mr. President, I support Senator DURBIN's amendment to condition IMET for Peru on timely, open and fair legal proceedings in civilian courts for United States citizens being held in Peru.

The Government of Peru deserves credit for the progress in human rights it has made in recent years. The number of extrajudicial killings and disappearances has decreased dramatically. However, freedom of the press, executive interference in the judiciary, the existence of faceless military courts for civilians, lengthy pre-trial detention and abysmal prison conditions continue to be serious problems. This amendment conditions IMET assistance on speedy resolution of the cases of American citizens who are in Peruvian prisons awaiting a fair trial.

Jennifer Davis and Krista Barnes each have admitted their guilt on drug-trafficking charges and cooperated fully with the Peruvian police. They have been imprisoned for over 9 months, waiting to be tried and sentenced so they may be transferred to a U.S. prison under our prisoner exchange treaty. They are victims of Peru's excruciatingly slow legal process and life-threatening prison conditions.

Lori Berenson was tried, convicted and sentenced almost 2 years ago under a legal system set up to combat terrorism in Peru that violates international standards of due process. In late 1996, the Peruvian military's highest court upheld her life sentence. Ms. Berenson plans to appeal to the Supreme Court of Peru. In the meantime, Ms. Berenson is struggling through another winter in prison in the freezing mountains of Peru.

Mr. President, it is my hope that this amendment will encourage Peru not just to take action in the cases of these young women, but that it will spark a vigorous effort to improve the judicial process in Peru so that no one—no Peruvian or American or any other citizen—will have to endure lengthy pre-trial detention, wretched prison conditions and a clogged legal docket that violate minimum international standards of due process and the treatment of prisoners.

AMENDMENT NO. 915

On page 43, line 3 after the word "(IAEA)," insert the following new section:

SEC. . AUTHORIZATION REQUIREMENT FOR INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) The Secretary of the Treasury may, fulfill commitments of the United States, (1) effect the United States participation in the first general capital increase of the European Bank for Reconstruction and Development, subscribe to and make payment for 100,000 additional shares of the capital stock of the Bank on behalf of the United States; and (2) contribute on behalf of the United States to the eleventh replenishment of the resources of the International Development Association, to the sixth replenishment of the resources of the Asian Development Fund, a special fund of the Asian Development Bank. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: (1) \$285,772,500 for paid-in capital, and \$984,327,500 for callable capital of the European Bank for Reconstruction and Development; (2) \$1,600,000,000 for the International Development Association; (3) \$400,000,000 for the Asian Development Fund; and (4) \$76,832,001 for paid-in capital, and \$4,511,156,729 for callable capital of the Inter-American Development Bank in connection with the eighth general increase in the resources of that Bank. Each such subscription or contribution shall be subject to obtaining the necessary appropriations.

(b) Section 17 of the Bretton Woods Agreement Act, as amended (22 U.S.C. 286e-2 *et seq.*) is amended as follows:

(1) Section 17(a) is amended by striking "and February 24, 1983" and inserting instead "February 24, 1993, and January 27, 1997"; and by striking "4,250,000,000" and inserting instead "6,712,000,000".

(2) Section 17(b) is amended by striking "4,250,000,000" and inserting instead "6,712,000,000".

(3) Section 17(d) is amended by inserting "or the Decision of January 27, 1997," after "February 24, 1983,"; and by inserting "or the New Arrangements to Borrow, as applicable" before the period at the end.

(c) The authorizations under this section are subject to the Senate Foreign Relations Committee reporting out an * * *

AMENDMENT NO. 916

(Purpose: To make an amendment with respect to Congressional review of new arrangements for borrowing by the International Monetary Fund)

On page 42, line 4, insert after the period the following: "Notwithstanding any other provision of law, none of the funds appropriated under this heading may be made available until the relevant Committees of Congress have reviewed the new arrangements for borrowing by the International Monetary Fund provided for under this heading and authorizing legislation for such borrowing has been enacted."

Mr. D'AMATO. Mr. President, I rise today to offer an amendment along with Senator HELMS and Senator FAIRCLOTH.

My amendment would provide that none of the funds appropriated for the new arrangements to borrow [NAB] by the International Monetary Fund could be made available until the relevant authorizing committees have reviewed these provisions and authorizing legislation has been enacted.

The Clinton administration and the International Monetary Fund have asked Congress to give the IMF \$3.5 billion of the taxpayer's money to support the new arrangements to borrow. The

NAB is an arrangement where 25 participating countries agree to lend funds to the IMF, in predetermined amounts, whenever the organization believes those funds are needed to forestall or cope with an impairment of the international monetary or to deal with an exceptional situation that poses a threat to the stability of that system.

This appropriations bill supports this request by including \$3.5 billion for the NAB.

Unfortunately, Mr. President, the authorizing committees have not had an opportunity to review these new arrangements to borrow. We need to have hearings and fully review these provisions, which have significant consequences for the American taxpayer.

We simply can't give an international bureaucracy such as the IMF a blank check without a thorough review by the relevant congressional committees. My amendment would simply do this—give us the opportunity to fully examine this proposal.

AMENDMENT NO. 917

On page 30, line 9, after the word "Act" insert "or the Foreign Assistance Act of 1961".

AMENDMENT NO. 918

(Purpose: To limit aid to the Government of Congo until a Presidential certification)

None of the funds appropriated or otherwise made available by this Act may be provided to the Government of the Congo until such time as the President reports in writing to the Congress that the Government of Congo is cooperating fully with investigators from the United Nations or any other international relief organizations in accounting for human rights violations or atrocities committed in Congo or adjacent countries.

AMENDMENT NO. 919

On page 34, and the end of line 21 strike the period and insert: "Provided further, That \$60,000,000 of the funds appropriated or otherwise made available under this heading shall be made available for the purpose of facilitating the integration of Poland, Hungary, and the Czech Republic into the North Atlantic Treaty Organization: *Provided further*, That, to carry out funding the previous proviso, all or part of the \$60,000,000 may be derived by transfer, notwithstanding any other provision of law, from titles I, II, III, and IV of this Act."

Mr. LOTT. Mr. President, this is a very straightforward amendment. It requires a modest amount of funds be dedicated to supporting NATO integration costs for Poland, Hungary, and the Czech Republic.

Earlier this month at Madrid, the North Atlantic Treaty Organization made a historic decision: to invite three former members of the Warsaw Pact to join NATO. Poland, Hungary, and the Czech Republic have made tremendous progress since the fall of the Berlin Wall. Their economies are free, their militaries are under civilian control, their disputes with their neighbors have been resolved.

The invitation to join NATO is not a gift—it has been earned by the hard work and sacrifice in each of these three countries. Including them in NATO will change the course of his-

tory—no longer will they be at the mercy of stronger neighbors.

I led a delegation to Europe just before the Madrid summit. We met with NATO officials in Brussels and we went to Budapest, Hungary for a firsthand assessment of that country's progress. We all left convinced that Hungary—like Poland and the Czech Republic—has earned the invitation to become members of the most successful alliance in history.

In the coming months, the Senate will consider all the issues associated with NATO enlargement. One of the key issues will be the costs—the total cost of enlargement, the U.S. share of that cost, and how that overall cost will be shared with existing and prospective NATO members.

I believe the costs of enlarging NATO will be manageable. I believe there will be greater costs if we do not enlarge NATO. But the concern over the cost is legitimate. Much of the concern is based on a fear that NATO enlargement will drain a defense budget already under siege—already stretched too thin from humanitarian interventions that have little to do with U.S. national security.

I believe we should look at ways to finance NATO enlargement from non-defense sources. My amendment today helps pave the way for that approach by earmarking foreign aid funds for Poland, Hungary, and the Czech Republic.

There is a lot of money in this bill for programs that, in my view, are a lower priority than NATO enlargement. For example, the bill contains \$950 million for the International Development Association to make concessional loans to countries like India and China. The bill contains \$1.3 billion for development assistance, much of it going to countries where United States strategic interests are far less than in Central Europe.

My amendment is designed to give maximum leverage to the managers in conference to ensure adequate funds are made available for the three countries invited to join NATO—funds to finance language training, communications modernization, and equipment interoperability.

Much has been done by Poland, Hungary, and the Czech Republic to prepare their military forces for admission into NATO, but much more needs to be done. Meeting these needs will be a major share of the cost of NATO enlargement.

Chairman MCCONNELL has long been a leader in supporting enlargement of NATO to include new democracies in Central and Eastern Europe. His report points out the importance of keeping the NATO enlargement door open, and his bill takes a number of steps to provide reassurance to those not invited in the first wave of enlargement—especially for the Baltic States.

Adoption of this amendment—with the other provisions in the bill on NATO related issues—will send a

strong signal of Senate support financing a key element of enlargement preparation for the Poland, Hungary, and the Czech Republic. I thank the managers for their cooperation and I thank Senators LIEBERMAN, SMITH of Oregon, HOLLINGS, SHELBY, ROTH, BIDEN, DEWINE, COATS, HAGEL, and FRIST for cosponsoring the amendment. I urge support for the amendment.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Numbered 904 through 919) en bloc were agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the House companion measure is passed by the Senate pursuant to the previous order that the passage of S. 955 be vitiated, and that S. 955 be indefinitely postponed.

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

Mr. MCCONNELL. Mr. President, I believe that completes the evening for Senator LEAHY and myself. Senator DEWINE is here, and would like to speak. And I believe Senator BENNETT is here, and we may shortly take leave.

Mr. LEAHY. Mr. President, I say to the distinguished Senator from Kentucky that I enjoy working with him. But I know the Senate is in the able hands of the distinguished Senator from Utah. Now that I have somebody who actually looks a little bit like me on the floor, I, too, can leave.

The PRESIDING OFFICER. The Senator from Utah.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998

Mr. BENNETT. Mr. President, the Legislative Branch bill provides \$1,537,827,000 in new obligational authority, exclusive of House items, for fiscal year 1998. This is \$64,947,000 below the President's request and \$51,600,000 above the fiscal year 1997 level.

The majority of the increases in the bill account for cost of living adjustments.

Mr. President, I wish to correct an impression that is being circulated throughout the press. There is no provision in this bill for a pay increase for Members of Congress. That is the issue that is taken care of in other bills.

The Senate items include provisions to reduce the appropriation for official mail from \$10 million to \$8 million in fiscal year 1998 and combine the franking allowance with the official personnel and office expense allowance—this will reduce paperwork and provide flexibility for offices to meet their needs.

The bill eliminates the disparity in staff salaries of Senate employees ver-

sus all other Federal employees (including those of the House.) This disparity was caused by the Senate employees not receiving the 2-percent COLA in 1996, which as provided to all other Federal employees.

Approximately 80 percent of the Architect's request for capital projects to ensure that certain repairs and maintenance are not delayed. If this maintenance is taken care of now, it should pay off in substantial cost savings in the future.

The GAO is provided \$346.75 million, which conforms to the commitment to stabilize the GAO budget and staff level (3,500 employees) after a 2-year reduction of 25 percent. This recommendation provides sufficient funds for mandatory cost increases, including the COLA.

I want to take the opportunity now before presenting the bill to thank Senator DORGAN, the ranking member on the Legislative Branch Subcommittee, for his cooperation and his work on the bill. I have enjoyed my experience as the chairman of the subcommittee, and Senator DORGAN's cooperative spirit has been a large part of that enjoyment. I pay tribute to him and to his staff for the professional way in which they have handled this responsibility.

Mr. President, I believe this bill continues the legislative branch's contributions toward deficit reduction and the goal of the balanced budget by the year 2002.

Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 110, S. 1019, the Legislative Branch Appropriations bill, and, further, the managers' amendment, which is at the desk, be considered as read and agreed to.

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

AMENDMENT NO. 920

(Purpose: To provide funds for a pilot program of studies of scientific and technological issues to assist the Congress in anticipating, understanding and considering such issues in the course of determining public policy on existing and emerging national problems)

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. BINGAMAN, proposes an amendment numbered 920.

Mr. BENNETT. 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:

On page 38, line 2, insert before the period the following: "Provided further, That \$500,000 shall be available only for expenditure on studies and assessments, to be carried out by not-for-profit scientific, technological, or educational institutions, of the matters described in section 472(c) of title 2, United States Code: *Provided further*, That topics for studies and assessments under the previous proviso, and the institutions designated to carry out the studies and assess-

ments, shall be selected by the voting members of the Technology Assessment Board under section 473 of title 2, United States Code, from among topics requested pursuant to paragraph (1) or (2) of section 472(d) of such title".

Mr. BINGAMAN. Mr. President, this amendment addresses an important need of the Congress created by the demise, two years ago, of the Office of Technology Assessment. That need is for authoritative and in-depth studies of scientific and technological issues that are at the root of many of the problems that we are called on to address through legislation.

Over the 23 years of its existence, from 1972 to 1995, the Office of Technology Assessment functioned as our in-house brain trust. It was a competent, timely, and impartial source of scientific and technical advice on a wide range of issues. In early 1995, the decision was made to end the existence of the Office of Technology Assessment by zeroing out its appropriation. The judgment of the Congress at that time was that it needed to demonstrate to the American people that it was willing to downsize its own operations. I miss the OTA, and I know that a lot of my colleagues in the Senate and in the House do too. I am not proposing today to reverse what we did 2 years ago by recreating new offices in the Congress or by hiring new permanent staff. I believe that there are other, more flexible ways for Congress to gain direct access to high-quality and timely advice and insight on cutting edge science and technology relevant to our legislative duties.

My amendment attempts to use the existing legislative authorities for oversight of the old OTA to oversee a new pilot experiment. Members should realize that while we terminated the OTA by ending its appropriation, the underlying authorities governing the OTA are still on the books. For example, there is continuing legislative authority in title 2 of the United States Code to have a Technology Assessment Board of 12 members: 6 from the House and 6 from the Senate, with each chamber's representation evenly divided between the parties and appointed by the respective leadership. This is an excellent group to decide on which topics should be studied using the funds that would be provided by my amendment. The old OTA authorities also provided that topics for OTA studies be suggested by chairs of committees, ranking members, or numerical majorities of committees, or by the Technology Assessment Board. That is a sound procedure for identifying potential study topics. My amendment uses both of these authorities, but contains a crucial difference in how the studies are executed. In place of a permanent, continuing organization to undertake studies, my amendment provides for selection of external scientific, technological, or educational institutions to carry out the studies that would be funded under my amendment. Think of it as a "virtual OTA" or, if you prefer,