

## HOUSE OF REPRESENTATIVES—Friday, July 26, 1991

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, for all the great concerns that touch the issues of the world, and we also pray for those concerns that are near to us and about us each day. We remember especially in this our prayer those people who have special need, who seek Your guidance and who live by the hope and the peace that You alone can give. Where there is anxiety, we pray for confidence and where there is weakness, we pray for strength. May Your spirit, gracious God, that brought the whole world into being, also be with each person who turns to You and may Your good spirit abide in their hearts this day and every day. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1047. An act to amend title 38, United States Code, to make miscellaneous improvements in veterans' compensation, pension, and life insurance programs, and for other purposes.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 113. An act to amend title 18 of the United States Code, to increase the term of imprisonment for offenses involving driving while intoxicated when a minor is present in the vehicle;

S. 1241. An act to control and reduce violent crime; and

S. Con. Res. 44. Concurrent resolution expressing the sense of the Congress that the American public should observe the 100th anniversary of moviemaking and recognize the contributions of the American Film Institute in advocating and preserving the art of film.

The message also announced that the Senate agree to the amendments of the House of Representatives to the joint resolution (S.J. Res. 40) entitled "Joint resolution to designate the period commencing September 8, 1991, and ending on September 14, 1991, as 'National Historically Black Colleges Week.'"

AGREEMENT BETWEEN UNITED STATES OF AMERICA AND REPUBLIC OF KOREA CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-118)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

(For message, see proceedings of the Senate of today, Friday, July 26, 1991.)

AGREEMENT BETWEEN UNITED STATES OF AMERICA AND REPUBLIC OF POLAND CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-119)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

(For message, see proceedings of the Senate of today, Friday, July 26, 1991.)

AGREEMENT BETWEEN UNITED STATES OF AMERICA AND THE EUROPEAN ECONOMIC COMMUNITY CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-120)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

(For message, see proceedings of the Senate of today, Friday, July 26, 1991.)

### ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 153. An act to amend title 38, United States Code, to make miscellaneous administrative and technical improvements in the operation of the U.S. Court of Veterans Appeals, and for other purposes.

### ADJOURNMENT

Mr. HOBSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Monday, July 29, 1991, at 12 noon.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1855. A letter from the Secretary of the Treasury, transmitting copies of "Congressional Guides for Constituent Information" as they concern two enhancements to ensure continued security of U.S. currency; to the Committee on Banking, Finance and Urban Affairs.

1856. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting the annual report of the Office of Juvenile Justice and Delinquency Prevention for Fiscal Year 1990, pursuant to 42 U.S.C. 5617; to the Committee on Education and Labor.

1857. A letter from the Assistant Attorney General for Legislative Affairs, transmitting views on H.R. 2507; to the Committee on Energy and Commerce.

1858. A letter from the Deputy Administrator, General Services Administration,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

transmitting informational copies of various lease prospectuses, pursuant to 49 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1859. A letter from the Secretary of State, transmitting a copy of his certification and determination that it is in the national interest to waive the transfer of foreign assistance funds under the Fishermen's Protective Act, pursuant to 22 U.S.C. 1975; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROE: Committee on Public Works and Transportation. H.R. 948. A bill to designate the U.S. courthouse located at 120 North Henry Street in Madison, WI, as the "Robert W. Kastenmeier United States Courthouse" (Rept. 102-167). Referred to the House Calendar.

Mr. ROE: Committee on Public Works and Transportation. H.R. 1779. A bill to designate the Federal building being constructed at 77 West Jackson Boulevard in Chicago, IL, as the "Ralph N. Metcalfe Federal Building" (Rept. 102-168). Referred to the House Calendar.

Mr. DELLUMS: Committee on the District of Columbia. H.R. 2968. A bill to waive the period of congressional review for certain District of Columbia acts; with an amendment (Rept. 102-169). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on the District of Columbia. H.R. 2969. A bill to permit the Mayor of the District of Columbia to reduce the budgets of the Board of Education and other independent agencies of the District, to permit the District of Columbia to carry out a program to reduce the number of employees of the District of Government, and

for other purposes (Rept. 102-170). Referred to the Committee of the Whole House on the State of the Union.

#### REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 9 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. ROE: Committee on Public Works and Transportation. H.R. 2950. A bill to develop a national intermodal surface transportation system, to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; with an amendment; referred to the Committee on Ways and Means for a period ending not later than July 31, 1991 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(v), rule X (Rept. 102-171, Pt. 1). Ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MATSUI:

H.R. 3063. A bill to expand the social services available to at-risk children and families in the child welfare, mental health, and juvenile justice systems; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. WOLF:

H. Con. Res. 189. Concurrent resolution calling on the Government of the Socialist Republic of Vietnam to expedite the release and emigration of reeducation camp detainees; to the Committee on Foreign Affairs.

#### MEMORIALS

Under clause 4 of rule XXII,

252. The SPEAKER presented a memorial of the Palau National Congress, Republic of Palau, relative to the recognition and commemoration of the Honorable Morris K. Udall; to the Committee on Interior and Insular Affairs.

#### ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 917: Mr. ZIMMER, Mr. HALL of Ohio, and Mr. SAVAGE.

H.R. 1354: Mr. PICKETT, Mr. LEWIS of Florida, Mr. SOLARZ, Mr. WEISS, and Mr. BERMAN.

H.R. 1527: Mr. WILSON, Mr. MFUME, Mr. CONDIT, and Mrs. BENTLEY.

H.R. 2437: Mr. HORTON, Mr. ACKERMAN, Mr. RANGEL, Mr. JONTZ, Mr. FUSTER, Mr. LANCASTER, Mr. JEFFERSON, Mr. GOSS, Mr. DEFAZIO, Mr. WILLIAMS, Mr. LEVINE of California, Ms. NORTON, Mr. LEHMAN of Florida, Mrs. BOXER, Mr. PETERSON of Florida, Mr. FAZIO, Mr. FROST, Mr. ROE, Mr. MFUME, Ms. ROS-LEHTINEN, Mr. FOGLETTA, Mr. FORD of Tennessee, and Mr. QUILLEN.

H.R. 2755: Mr. UPTON, Mr. DELLUMS, and Mr. JONTZ.

H.R. 2872: Mr. DERRICK, Ms. SLAUGHTER of New York, Mr. PORTER, and Mr. GUARINI.

H.R. 2950: Mr. VISLOSKY, Mr. KOLTER, Mr. POSHARD, Mr. BORSKI, Mr. DE LUGO, Mr. MCEWEN, and Mr. CLINGER.

H.J. Res. 241: Mr. KOPETSKI, Mr. DARDEN, Mr. KASICH, Mr. FRANK of Massachusetts, Mr. FLAKE, Mr. MORAN, and Mr. PALLONE.

#### PETITIONS, ETC.

Under clause 1 of rule XXII,

107. The SPEAKER presented a petition of Frank Kowalik, Ft. Lauderdale, FL, relative to a redress of grievance declaration; to the Committee on the Judiciary.

## SENATE—Friday, July 26, 1991

*(Legislative day of Monday, July 8, 1991)*

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable ALAN J. DIXON, a Senator from the State of Illinois.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Let us hear the conclusion of the whole matter: Fear God, and keep His commandments: for this is the whole duty of man.—Ecclesiastes 12:13.*

Eternal God, the wisdom of Solomon speaks to our local, national, and world situation today. The wisest man in history, mighty King, had experienced all that to which the world aspires: Wisdom, wealth, unrestrained pleasure and power, sport, military victories, fame. The world was drawn to his palaces by the unimaginable splendor of his lifestyle.

Yet his heart was never satisfied. His final estimate of one who experienced the tragic, the consummate, emptiness of a life filled to overflowing with all that materialism has to offer: "Fear God, and keep His commandments: for this is the whole duty of man."

Gracious, loving God, help us to see that life without Thee is ultimately "striving after wind," hollow boredom, unmitigated meaninglessness. Turn our hearts to Thee that we may realize the fulfillment which Thou didst intend for Your creation. Awaken us, patient Lord, before it is too late.

In the name of Him who is the Way, the Truth, and the Life. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 26, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ALAN J. DIXON, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. DIXON thereupon assumed the chair as Acting President pro tempore.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business not to extend beyond the hour of 9:45 a.m., with Senators permitted to speak therein. The distinguished Senator from Alaska [Mr. MURKOWSKI] is permitted to speak for up to 10 minutes; the distinguished Senator from Florida [Mr. GRAHAM] is permitted to speak for up to 10 minutes; the distinguished Senator from Minnesota [Mr. DURENBERGER] is permitted to speak for up to 5 minutes; and the distinguished Senator from Louisiana [Mr. JOHNSTON] is permitted to speak for up to 20 minutes.

The Chair recognizes the distinguished Senator from Alaska [Mr. MURKOWSKI].

Mr. MURKOWSKI. Mr. President, I thank the Chair. I wish you and my colleagues a good morning.

## THE PEOPLE OF ANWR

Mr. MURKOWSKI. Mr. President, this morning I am going to speak of the people of the Arctic, the people of ANWR.

Yesterday, I addressed this body at some length outlining specifically what ANWR was, the Arctic National Wildlife Reserve, and how important it is to our Nation.

Mr. President, I explained that the area covering ANWR, approximately 19 million acres, was a significant vast area along the Arctic coast of Alaska. I also advised the Chair that out of 19 million acres, 8 million acres had been set aside in a wilderness in perpetuity by Congress, another 9½ million acres had been set aside in a refuge, leaving for the discretion of Congress approximately 1½ million acres which is referred to as the 1002 area for potential oil and gas leasing.

We further indicated that Alaska, my State, has supplied this Nation with about 24 percent of its total domestic production since the mid-1970's, and now that field was on a decline at about 10 percent a year. Over an extended period of time, as the field declined, our Nation would look to two alternatives. Either increasing oil imports from foreign countries or devel-

oping more promising oil and gas properties within our national boundaries. The second alternative, developing domestic resources, would provide employment and add a contributing factor to our gross national product.

I think it is important to recognize, Mr. President, that as we look at our deficit balance of payments, it is rather interesting: One half is oil; the other half is trade, primarily with Japan and China.

Mr. President, we also discussed the status of the ANWR legislation, legislation pending before this body, the Johnston-Wallop National Energy Security Act of 1991, which was reported out of the Energy Committee on May 23 by a vote of 17 to 3.

We discussed the necessity of having a balance between production and conservation. We explained, Mr. President, that in the mid-1970's, this Nation adopted its first CAFE standards, saving about 1.4 million barrels a day. But within 6 months we also brought into production Prudhoe Bay, contributing about 2 million barrels a day. The point, Mr. President, is that we need both conservation and production.

We talked a little bit about energy security; the realization that we fought a war in the Persian Gulf to combat naked aggression, but also, Mr. President, to keep oil flowing for the Western nations.

We discussed the realization that the problem is getting worse, that OPEC continues to provide our Nation with 25 percent of the oil we consume.

We discussed the increased oil dependence of the Third World countries, where consumption is growing faster than it is at home.

We discussed that conservation alone is not enough, as we see that every major oil field in the United States is declining.

Mr. President, we recognize that ANWR is a cornerstone of our present energy policy. In the Johnston-Wallop bill, ANWR revenues fund over 60 percent of the conservation measures, everything from energy-efficient homes, solar energy, and clean coal technology. I think it is interesting to note that our friends in the environmental community face an interesting dilemma. If they strip ANWR out of the package or succeed in putting it into a wilderness, they bear the responsibility of killing the entire energy package.

Finally, Mr. President, we discussed some of the myths associated with ANWR: the footprint—I will talk a little bit more about it today. But, as I

\* This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

have indicated, of the 1.5 million acres in the coastal plain contemplated to be put up for lease, industry estimates they would use about 12,500 acres for development. Mr. President, 12,500 acres is about the size of the Dulles International Airport.

Another myth is that if oil is found it is only a 200-day supply. Well, Mr. President, if it were a 200-day supply, it would be the third largest field ever found in the United States.

There is also a myth about the caribou. I question the problem associated with the caribou. Caribou herds have actually increased in size. The central Arctic caribou herd, associated with the Prudhoe Bay areas has increased by large numbers. The herd was in the area of 3,000 at the time the pipeline was constructed. Today the central Arctic caribou herd has approximately 18,000 caribou. Mr. President, there are 28 caribou herds in Alaska. In fact, Alaska has more caribou than people.

So in conclusion, the review, I think, substantiates the reality that ANWR can be opened to oil and gas exploration and development safely. But I think we need to go a step further and talk about the people of ANWR.

For many centuries before Europeans came to Alaska's North Slope in search of whales and furs, native Eskimos lived in the area now called ANWR.

The early Eskimos were sustained by the wildlife resources indigenous to the area. They hunted caribou as they do now, seals, whales, fish, and waterfowl. They gathered berries and herbs. They lived in houses called igloos. But these igloos were not made of ice. They were constructed of driftwood, and skins, and tundra sod.

In a minute I will tell you how little of that has changed.

Human activity on the coastal plain increased with the arrival of European and colonial explorers, whalers, traders, trappers, and geologists. Temporary campsites became permanent villages established for year-round occupation.

The 20th century saw the birth of the Alaska petroleum industry and distant early warning [DEW] line radar stations were constructed at several locations within ANWR and are in evidence today.

However, today the Native Alaska population of ANWR resides primarily in the village of Kaktovik. This town is on Barter Island just north of the ANWR Coastal Plain.

Kaktovik is a small community, about 210 residents. Most are Inupiat Eskimos whose families have lived in the region for centuries. Villages of the North Slope must be small or the surrounding area would be over-hunted and residents would have to travel even greater distances for their food and subsistence.

The Eskimos of the North Slope still rely on the wildlife resources of the

area. Studies have shown that Kaktovik Eskimo households obtain more than half of their total food supply from hunting and fishing that is natural and native to the surrounding area. Traditional sharing of food is still a strong cultural practice, as evidenced by the spring whale hunts, where the catch is shared with neighbors.

It was not that long ago that the Eskimos lived in sod houses excavated from the frozen tundra. Eskimo men my age, some that I know, have told me of growing up in sod houses just large enough for the family to lay down and sleep.

The reason for that is quite obvious. It is cold up there. Large areas are hard to heat.

Thirty years ago the only heated building in town was the elementary school. There was no TV, no water system, no health care facility, and village children were sent over 1,000 miles to Rangel, AK, for their primary education and to Sitka for a high school education.

But today things are different. How many lives have been saved because the villagers no longer have to go out on the frozen river to cut ice for drinking water. Who can say how many lives have been saved by the presence of the health facility. Who can say how important a community center is to the social and individual health of a small village that lives in the cold and dark of 9 months of winter, and almost eternal sunshine for the balance of the 3 months? It is a tough existence but it has improved.

I would also like to remind my colleagues that the people in this area are not wards of the Federal Government like some American Natives.

Today cultural lifestyles and patterns of subsistence remain similar to the past, but, as a result of Prudhoe Bay oil industry tax revenues to the North Slope Borough and new oil related employment opportunities, the quality of life in Kaktovik is much improved.

New modern houses have been constructed, homes are heated. Kaktovik has a village water system, a health facility, a fire station, a public safety office, a senior center and community center, its own high school, and two stores.

These are many of the things, Mr. President, you and I take for granted but indeed are quite new to the people of Kaktovik.

This is not just a matter of convenience. In Alaska, in the Arctic, it can be a matter of life and death. Who can say how the Kaktovik Eskimos feel about ANWR development? That is most important. They support it. They do not want to return to the harsh conditions of the past. Would you and I want to return to the harsh conditions of our ancestors?

The proud people of Kaktovik and the proud people of the Arctic do not

want to be recipients of public assistance. They have watched the oil development at Prudhoe Bay carefully and are convinced that oil can be developed without harm to the environment. Particularly to their environment and their lifestyle. The Eskimos should know. There is no one more knowledgeable about ANWR than the people who have lived there for centuries.

Mr. President, let me show you a picture of the Arctic. Over my left shoulder is a picture of downtown Barrow. It is rather bleak. That is a spring picture. You can see the Sun out. If it was a winter picture, you could not see the Sun because the Sun does not shine in the winter. For 3 months of the summer, the Sun shines 24 hours a day. Mr. President, the Arctic is a hostile environment. But it is home to the people of Barrow. I remind the President that Barrow is about as far north as you can go. If you go much further than Barrow, you simply run out of land.

The people of the area have watched oil development at Prudhoe Bay over the last 15 years or so, and are now convinced that oil can be developed in their area, without harming the environment.

As I indicated, these people are particularly sensitive to that environment. Currently a good friend of mine and Senator STEVENS, Oliver Leavit, is visiting many of our colleagues, explaining the advancement of the lifestyles of the Eskimo people and the realization that they do not want to be wards of the Federal Government. They want to develop their resources wisely and in compatibility with the environment.

Mr. President, as we look toward the future I think it is important to recognize that the criteria and priorities of the people themselves is evidenced in a number of articles, which I would like to have printed in the RECORD today.

The first is Fortune magazine, January 28, 1991, by Eskimo leader and good friend of mine, Jacob Adams, "My people exist on nature but we can protect the environment."

Mr. President, I ask unanimous consent this article be printed in the RECORD in its entirety.

Mr. President, I also ask unanimous consent that portions of an article from the Arctic Slope Regional Corporation Annual Report referencing ANWR and Kaktovik be printed in the RECORD.

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

[From Fortune Magazine, Jan. 28, 1991]

IT'S TIME TO DRILL ALASKA'S REFUGE

(By Peter Nulty)

The Arctic National Wildlife Refuge is almost as big as Indiana. It begins as a phalanx of magnificent rocky peaks high in the Brooks Range in Alaska's northeast corner, from there tumbling down a broad expanse of rolling foothills to a tundra plain scored by

streams and gullies beside the Beaufort Sea. In all: 30,000 square miles, or 19 million acres. With only about 210 permanent residents—mostly Eskimo whalers in the coastal village of Kaktovik—the Arctic refuge is as unaltered by man as any wilderness can be at a time when human footprints mark even the moon.

Powerful forces may soon clash over whether the refuge stays that way. A small corner of it represents America's best chance of discovering major new oil reserves. Geology even hints that within the refuge lies a rare opportunity to uncover Saudi Arabia-size oil fields. The chance is minuscule, but a chance nonetheless. And the stakes are huge: If major reserves turn up, they could in the long run hobble OPEC, substantially improve America's balance of payments, and make the U.S. more energy independent.

The most tantalizing oil-prospecting territory in the U.S. is a strip of the flat coastal plain about 80 miles long and 20 miles wide that runs along the Beaufort Sea and makes up 8% of the refuge. This region is known by its bureaucratic name—the "1002 area"—after the clause in a 1980 federal law that directed the Interior Department to study the geology, flora, and fauna of the area and then advise Congress whether it should be explored for oil and gas or designated a wilderness closed to development. After exhaustive study the Interior Department concluded in 1987 that the coastal plain was "the Nation's best single opportunity to increase significantly oil production" and recommended leasing it to oil companies.

Some environmental groups, such as the Wilderness Society and the Sierra Club, would like to ban oil activity in the refuge permanently. Their cause has been aided mightily by the grounding in March 1989 of the Tanker *Exxon Valdez* in Prince William Sound, which had the effect of sinking several bills in Congress that would have opened the 1002 area for exploration. But with U.S. oil production down 15% in the past two years, oil imports accounting for 55% of the foreign trade deficit and rising, and the oil-rich states of the Persian Gulf in danger of all-out war, the environmentalists' case for not exploring the coastal plain is being overwhelmed by economic and geopolitical imperatives. If a war in the Gulf damage Middle East oil fields or drives prices to the heavens—or both—then the debate over exploring the refuge, usually known as ANWR (pronounced *AN-war*), will get white hot. Even without war, this latest experience of Mid-east turmoil will intensify concern about domestic energy sources—although developing ANWR, if it does contain commercial amounts of oil, would take 15 or 20 years.

Why not start drilling now? "The refuge is the last Arctic ecosystem untouched by man," says Don Hellman of the Wilderness Society. "To go in solely to satisfy our insatiable appetite for oil is a disgrace." Most environmentalists similarly focus on several emotionally compelling but inaccurate concepts, particularly that the coastal plain is unique and pristine. It is not quite either. The 1002 area is only two-thirds of the refuge's coastal plain, which itself is a small slice of the Arctic refuge. And the refuge is hardly America's only wilderness. The whole of ANWR makes up just 5% of Alaska's land area and 25% of the land in federal wildlife refuges in that state alone. The Interior Department estimates that oil production here, assuming oil is discovered, might require 12,700 acres of installations, or about 0.07% of ANWR's territory. Such facilities would look impressively large if you were standing in

their midst, but in relation to all of ANWR they would be no more significant than a mosquito on a moose's rump.

Nor is the coastal plain virginal. The Eskimos travel in skimoobiles and outboard motorboats, hunt with rifles, and watch television during the eight-month winters, when temperatures can reach—50° F. and the sun doesn't rise for 65 days. If the brief summer season, which lasts as long as six weeks, about 150 adventurers show up annually to hunt musk oxen or grizzly bears or to ride the rivers in rubber rafts. As part of an electronic warning system against Soviet attack, the Department of Defense built three installations along the coast. Two are abandoned, their buildings empty shells. The third, a radar station and airstrip at Kaktovik, is still in use.

The most important human artifact may turn out to be a steel pipe six inches in diameter and five feet tall that sticks out of the tundra about 15 miles east-southeast of Kaktovik. The pipe is almost impossible to find without an expert guide, but it is at the center of the biggest mystery in the petroleum industry: How much oil is in ANWR?

The pipe marks a well, KIC-1, drilled in 1985 and 1986 by a joint venture of Chevron and British Petroleum, headed by Chevron, on land leased from the Eskimos. (The Eskimo land is inside ANWR and, like the refuge proper, cannot be drilled without permission from Congress.) KIC-1 is called a "tight hole" because Chevron won't reveal what was found in the well.

No one else has much information, since the Chevron venture has leased all the available land in the area. Tom Cook, a geologist with Chevron in Alaska, will only say coyly: "That's a pretty oily place around there." Arlen Ehm, an independent consulting geologist in Anchorage, says, "The scuttlebutt is that it's a great well, but what's a rumor worth?" Still, Chevron is lobbying hard to get the coastal plain opened for development, and the consortium recently renewed its leases with the Eskimos—four years before the leases were due to expire.

Why is this lonely stretch of tundra so alluring? The Geological Survey conducted seismic studies of the 1002 area in the early Eighties and found 26 geologic structures capable of trapping oil and gas. Not only is that a large number of traps for an area this size, but also two of the traps are bigger than the one in Prudhoe Bay that may eventually yield at least nine billion barrels of oil. "These two structures have Middle East-size capacity," says Ozzie Girard of the U.S. Geological Survey, "but they are probably dry as a bone." That's because oil may not have migrated into the traps. Many structures capable of capturing oil are empty or only partially full, or they may contain water.

No one can be certain that the traps in ANWR have much, if any, oil. (They may hold natural gas, which at today's low prices would probably be uneconomic to develop, though it could be valuable in the future.) But they are also gargantuan and, in the extremely unlikely event that even one is full, it would alter history. Assuming conditions that are not unusual in the region, the bigger of the two, known only as No. 18, could yield 300 billion barrels of oil or more if it is full. That is more than Saudi Arabia's present proved reserves of about 254 billion barrels. The odds of a monster like No. 18 being full of oil are incalculably small. But if it were full, the U.S. would once again be the world's greatest oil power, and OPEC would become moribund.

Finding out is of little risk to the environment: Exploratory wells are drilled when the

tundra is frozen and nearly immune to damage. And someone may already have taken a peek. KIC-1, Chevron's mystery well, was drilled over structure No. 18. (At best, KIC-1 would be only a peek because a single well rarely tells the full story of how much oil is or isn't in a reservoir.)

The history of oil exploration shows that even when prospects are as enticing as this, the odds are still against the explorer. In ANWR the odds are not good, but they are better than average. The Interior Department sees a 19% chance that the refuge holds commercial quantities of oil, compared with the norm of 5%. Turned around, that means the odds are 4 to 1 against finding anything exploitable at present prices, instead of the usual 19 to 1 against. If exploitable reserves are there, says Interior, they most likely will amount to 3.2 billion barrels, enough to provide 8% of U.S. production and reduce imports 2% by 2005. But oddsmakers don't create oil, nature does. Maybe ANWR holds untold riches, or maybe it holds nothing. The only way to find out is to drill.

Alaskans are eager to begin. Oil accounts for 80% of the state's total revenue, and Prudhoe Bay, the state's golden goose, is in long, slow decline. All three gubernatorial candidates in the recent election, including winner Walter Hickel, who ran as an independent but had been a Republican governor of Alaska and Interior Secretary under Richard Nixon, favor exploring the coastal plain. They differed only on the question of who could drive the best bargain with Congress to split the royalties. William Noll, mayor of Seward, a fishing village on Prince William Sound, says, "It's a tragedy, or comedy of a high order, to put ANWR on the back burner because of the accident in Prince William Sound." Noll believes the cleanup is progressing "okay." (For the scientific community's assessment, see box.)

The Arctic Slope Regional Corp., one of 13 Alaskan native regional corporations established by Congress to manage the resources of native lands, favors opening the 1002 area. ASRC holds title to most of the native lands on the north slope, including the site where Chevron drilled KIC-1. The president is Jacob Adams, 44, an Eskimo whaling captain who hunts bowhead whales with a crew of about six men and hand-held harpoons out of a 20-foot boat. His view: "I love life in the Arctic. But it is harsh, expensive, and, for many, short. My people want decent homes, electricity, and education. We do not want to be undisturbed. Undisturbed means abandoned. It means sod huts and deprivation. We exist on nature, on the caribou and the whales. But we can take the measures required to protect the environment from the risks posed by oil development."

Hellman of the Wilderness Society protests that "it's been proven time and again that oil is an inherently messy business." Yet the environmental record of Prudhoe Bay is one reason Alaskans believe ANWR can be developed safely. "It's a real marvel," says a manager with the U.S. Fish and Wildlife Service in Alaska. "You could eat off the floors up there, but to say that publicly is heresy in the temple."

When Prudhoe was being developed, the biggest environmental worry was that it might harm the wildlife, particularly the Central Arctic caribou herd that give birth to most of their young in calving grounds near the oil fields. But the caribou have adapted nicely to the fields. Seeking to escape the dense clouds of mosquitoes that infest the marshy tundra, the caribou often congregate on the raised gravel roads that

connect the oil wells, industrial plants, and living quarters at Prudhoe Bay. And the Central Arctic herd has grown from about 3,000 in 1972 to roughly 15,000 now, perhaps because natural predators like bears and wolves that attack and eat young calves are more wary of man's works than are the caribou, even though the oilmen at Prudhoe Bay are forbidden to hunt or carry firearms.

ANWR is seasonal home to the Porcupine herd of caribou, which numbers about 180,000. The herd migrates across the Porcupine River in Canada to ANWR in the brief spring and summer seasons to bear young and feed on tundra grasses. Again environmentalists are expressing concern for the herd's safety, but the Prudhoe experience suggested that in some ways the works of man offer more refuge than the wilderness.

Technologies that the industry has developed in the Prudhoe region, partly in response to relentless pressure from environmentalists, would make producing oil in ANWR even more compatible with the environment. Using the latest drilling techniques, the industry can space wellheads ten feet instead of 100 feet apart, reducing the area needed for, say, a 50-well production complex from 60 acres to ten.

ANWR will also pose new problems. Drilling uses a lot of fresh water, and the region's coastal plain has less of it than the Prudhoe area. An environmentally benign collection and storage system may be needed, or the pace of drilling could simply be restricted. With vigilance, such obstacles can be overcome.

A tougher nut to crack may be the philosophical question of whether the industry should enhance the ecosystem wherever possible, as it may have done inadvertently for the Central Arctic herd of caribou. For instance, the industry built thick gravel roads and drilling pads because running vehicles directly over the tundra would melt that permafrost and create impassable bogs. These additions, permanently dry, have created a more diverse habitat in the Prudhoe area. Some gravel quarries, connected by channels to rivers, have filled with fresh water and become favorite wintering quarters for fish, like the arctic char, which take refuge from the ice in deep pools. Their numbers may be increasing. Birds such as the common eider that need dry land for nesting might multiply if gravel roads and pads are revegetated rather than removed when their usefulness has ended.

Roger Herrera, an executive of BP in Alaska, asks, "Is biological value or aesthetic value more important here? Should the gravel be put back in the quarries to restore the environment or left to create new habitat?" Merely to have that choice suggests that development in remote areas has progressed a long way and that humans need suffer little guilt about pursuing their own ends in a corner of this wilderness.

#### THE ARCTIC NATIONAL WILDLIFE REFUGE PREFACE

This is the fifth printing of the Arctic National Wildlife Refuge: Its People, Wildlife Resources, and Oil and Gas Potential. This report was prepared by Arctic Slope Consulting Engineers, a subsidiary of the Eskimo-owned Arctic Slope Regional Corporation (ASRC). Changes in this printing include a new cover and revisions to the maps to reflect recent Federal and State offshore lease sales and the continued drilling of exploratory wells in the lands and waters adjacent to the Arctic National Wildlife Refuge.

#### BACKGROUND

The Arctic National Wildlife Range was established by administrative action in 1960. The Range originally covered 8.9 million acres in northeastern Alaska. In 1980, Congress addressed the status of the Range in the context of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA). ANILCA more than doubled the size of the Range to about 19.3 million acres. This greatly expanded area was redesignated as the Arctic National Wildlife "Refuge" (ANWR).

ANWR borders the Arctic Ocean and lies between Prudhoe Bay and the Trans-Alaska Pipeline 50 miles to the west, and the United States-Canadian border to the east. Over 8 million acres (over 42%) of the 19 million-acre Refuge was designated as "Wilderness" in 1980 by ANILCA.

#### COASTAL PLAIN STUDY AREA

ANILCA also set aside a relatively small 1.5 million-acre area (8% of ANWR's total acreage) as the "Coastal Plain" study area. Immediately north of the Coastal Plain study area are Barter Island, the Eskimo village of Kaktovik, a military airfield, a Dew Line Station and other Federal installations. The Kaktovik Village Corporation owns 92,000 acres of private lands within and adjacent to the Coastal Plain study area. ASRC, the Eskimo-owned Regional Corporation, owns the subsurface and mineral rights to these lands.

The Coastal Plain study area was not designated for Wilderness in 1980. Instead, it was designated for further study by the Congress of its oil and gas and fish and wildlife resources. Congress directed a five-year study, the 1002(h) report, because its geological formation were known to be highly prospective for the discovery of major oil and gas reserves. There are surface oil seeps on the Coastal Plain. Rock outcroppings in the area are saturated with hydrocarbons. These conditions were noted and written about by U.S. Geological Survey personnel early in the century.

Federal, State, industry, and private geologists generally agree that the 1.5 million-acre Coastal Plain study area contains the Nation's most promising onshore prospect for discovery of major new oil and gas reserves. If commercial deposits of oil are discovered in the Coastal Plain study area, the Trans-Alaska Pipeline is less than 70 miles away. Further, new developments in Arctic land use planning, technology and oil production, as demonstrated at Milne Point and other newer fields adjacent to Prudhoe Bay, can be readily applied in developing the study area in a manner which minimizes environmental and wildlife impacts.

Since 1980, all public lands in the Coastal Plain study area have been statutorily withdrawn from leasing. A limited program of seismic work was permitted under the terms of ANILCA in the early 1980s. Many U.S. oil companies participated in this joint seismic program. Leasing or commercial development may not, however, be undertaken in the Coastal Plain area until such activity has been expressly authorized by an Act of Congress.

#### THE NATIVE PEOPLE'S INTEREST IN THE COASTAL PLAIN

ASRC is the Eskimo-owned Regional Corporation established pursuant to the Alaska Native Claims Settlement Act of 1971 (ANCSA). ASRC's 3,700 shareholders and their families have major cultural, subsistence, and economic interests in ANWR and the Coastal Plain study area. Kaktovik, one

of the North Slope's eight Native villages, is located on Barter Island within ANWR and north of the study area. This area has been home to Kaktovik's 210 Eskimo residents and their ancestors for many centuries.

The discovery of oil at Prudhoe Bay in 1968 radically changed the North Slope and the Eskimo way of life forever. The Nation's need for oil and the Eskimo people's legal claim to ownership to all of the North Slope lands through historic use, occupancy, and aboriginal title led to the enactment of ANCSA in 1971. In settlement of the Eskimos' claim to ownership of Prudhoe Bay and the 56 million acres which comprise the North Slope, the United States granted the North Slope's historic residents less than 5 million acres of land. And these were the lands "left over" after State selections, after issuance of oil and gas leases, and after Federal establishment of Refuges and National Petroleum Reserves and withdrawals for other purposes.

In August 1983, ASRC entered into a land exchange with the United States. ASRC conveyed title to 101,000 acres of surface lands it had previously selected under ANCSA. As a result of this exchange, the National Park Service added very significant private inholdings it desired, including Chandler Lake, to the heart of the Gates of the Arctic National Park. In return, the Department of the Interior was obligated to convey to ASRC 92,000 acres of subsurface rights beneath the lands owned by the Kaktovik Village Corporation.

ASRC's lands in the Kaktovik Village area represent our shareholders' best chance—perhaps their last significant chance—to participate in the economic benefits of the oil and gas development which has been underway on our ancestral lands since the mid-1960s.

In addition to these direct economic interests in the Coastal Plain, the Inupiat Eskimo residents of Kaktovik and other Villages use ANWR and the Coastal Plain lands for maintaining their traditional life style and for subsistence uses.

#### THE SECTION 1002(H) REPORT

ANILCA authorized and directed a number of studies and reports on the oil and gas potential as well as the fish and wildlife resources of the Coastal Plain study area of ANWR. Section 1002(h) directed the Secretary of the Interior to prepare a report together with his recommendations "... with respect to whether further exploration for, and the development and production of, oil and gas within the Coastal Plain should be permitted. . . ."

On April 20, 1987, the Department of the Interior released a final report on the Coastal Plain study area recommending leasing, exploration, and development. This recommendation, if adopted by Congress, would enable my people to develop the oil and gas potential of the 92,000 acres of private lands ASRC owns near the Village of Kaktovik. It would also provide important benefits to the Nation in the form of new sources of domestic oil reserves. The Coastal Plain study area includes 26 major oil and gas prospects identified in the Department's Coastal Plain Resource Assessment.

#### THE NATIONAL INTEREST AND THE NEED FOR CONGRESSIONAL ACTION

My people strongly believe that the prohibition in existing law against commercial development of our private lands and on the public lands in the Coastal Plain study area should be removed. The Eskimo people once had a valid legal claim to all of the North

Slope lands. We should not be denied economic benefit from the small portion of the lands which are in our ownership today.

The Nation and American consumers should not be denied the benefits of the oil and gas resources which Federal, State, and private geologists all believe the Coastal Plain study area to contain. Since 1985, domestic crude oil production has fallen more than 17 percent or 1.8 million barrels per day. Meanwhile, in 1989, U.S. dependence on foreign oil sources rose to over 46 percent to meet growing demand. Our dependence on foreign oil has exceeded 50 percent in the first quarter of this year. The cost of imported oil is a major factor in the nation's growing trade deficit.

Prudhoe Bay produced its five billionth barrel of oil—half its total reserves—more than three years ago, in February 1987. The reserves of America's largest producing field are now nearly two-thirds depleted. Total North Slope production, which was over 2 million barrels per day in early 1988, has now declined to 1.7 million barrels per day. Prudhoe production is projected to fall to less than 1 million barrels per day by 1994.

#### STATUS OF LEGISLATION TO OPEN COASTAL PLAIN STUDY AREA

In early 1988 and again on March 16, 1989, the Senate Energy and Natural Resources Committee favorably reported legislation to open the Coastal Plain study area to limited program of carefully regulated leasing. The House Merchant Marine and Fisheries Committee has reported legislation in 1988 and was considering similar action in early 1989. On March 24, 1989, the tragedy of the *Exxon Valdez* oil spill occurred in Prince William Sound. This event foreclosed further legislative activity pending the enactment of new federal oil spill and prevention legislation. Oil spill legislation is now before a joint conference committee of the Congress and its final enactment, a year and one-half later, appears likely before the end of this Congress.

The Prince William Sound oil spill has delayed debate and Congressional action on the Coastal Plain study area. But domestic oil production continues to decline while oil imports and the trade deficit continues to grow. Frontier exploration is being pushed from customary onshore areas of the North Slope to frontier areas of the Outer Continental Shelf (OCS) in the Beaufort and Chukchi Seas where the industry has less experience.

This does not make good sense to the Eskimo people. We believe onshore development in places like the Coastal Plain study area should be accorded priority until more experience is gained and better technology is developed for the extreme ice and weather conditions presented by the Arctic OCS. We are asked to bear the risk of OCS development to our culture, but denied possible benefit of routine development of our onshore resources.

#### PURPOSE OF THIS DOCUMENT

ASRC's shareholders and their families have important interests in ANWR, in the Coastal Plain study area, and in the activities taking place in the Arctic OCS. This is our home. We subsist on the fish and wildlife these lands and waters provide. We are the best experts as to what the land and environment of the North Slope can and will sustain without damage.

This report has been prepared to provide Congress and the American public with a balanced and fair appraisal of the life and the history of the Eskimo people who live on

the North Slope, together with detailed information on the Coastal Plain's environment, its fish and wildlife resources, and its oil and gas potential. The final section of this report reviews what is known about the interaction of development activities in the Arctic environment and what could be expected if such activities are permitted by the Congress to take place on our private lands and/or the public lands in the Coastal Plain study area.

It is my hope that his report will set the stage for a balanced national debate—founded on factual information and practical experience—on the policies which should govern our private lands and the Coastal Plain study area. My people believe that, with proper regulation and enforcement, the Coastal Plain study area's potentially huge crude oil resources can be explored for and produced in ways that are compatible with their interests, the environment, and the fish and wildlife resources which use the Coastal Plain.

#### COMMON SENSE APPROACH IS NEEDED

Common sense, experience, and a balanced view of the national interest should be the guidelines for determining the future of the Coastal Plain study area. This is what ASRC's shareholders expect. This is what the nation deserves.

Preserving our land as wilderness and maintaining a quality environment costs money. We can afford preservation if we have a healthy economy. A healthy economy, however, requires the development of some of our most prospective energy resources. The Coastal Plain is the nation's best onshore prospect.

#### CONCLUSION

The Inupiat Eskimo people are subsistence hunters and users of the North Slope's fish and wildlife resources. Our people have carefully observed oil and gas development at Prudhoe Bay and on the North Slope and its impact on fish and wildlife resources. It is our judgment, based upon close personal experience, that we can have balanced and carefully regulated oil exploration and development on our private lands and on the public lands of the Coastal Plain study area. We can preserve the environment and the wildlife resources of ANWR and still provide economic and energy security benefits to our people and to the nation.

JACOB ADAMS,

*Arctic Slope Regional Corp.*

JULY, 1990.

Mr. MURKOWSKI. Mr. President, let me conclude by quoting one of my good friends, Jacob Adams, president of the Arctic Slope Regional Corp. in a paragraph written July 9, 1990:

The Inupiat Eskimo people are subsistence hunters and users of the North Slope's fish and wildlife resources. Our people have carefully observed oil and gas development at Prudhoe Bay and on the North Slope and its impact on fish and wildlife resources. It is our judgment, based upon close personal experience, that we can have balanced and carefully regulated oil exploration and development on our private lands and on the public lands of the Coastal Plain study area. We can preserve the environment and the wildlife resources of ANWR and still provide economic and energy security benefits to our people and to the nation.

Mr. President, next week I will be discussing further portions of the issue of the appropriateness of opening

ANWR for oil and gas leasing. I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The distinguished Senator from Iowa is recognized, Senator GRASSLEY.

#### ALLOWING FOR POSSIBLE COMPENSATION OF THE VICTIMS OF PORNOGRAPHY

Mr. GRASSLEY. Mr. President, this week the Judiciary Committee heard compelling testimony regarding compensation for the victims of pornography. Because there has been a long-standing interest in the legislative proposals that were considered at the hearing, I would like to take this time to address the Senate on this matter.

The proposals considered at this week's hearing are intended to provide added tools to the arsenal of protective legislation for crime victims. They are certainly not intended to substitute for strict enforcement of our criminal statutes.

I believe that if we are truly interested in protecting the women victims of violent crime—it is important that we should provide leadership regarding the correlation between exposure to obscenity, child pornography, and violent crime against women.

It is important, that is, if we are truly interested in providing real protection to women crime victims.

As we heard from some of the witnesses at our hearing, exposure to violent, hardcore pornography can result in violent acts being committed against women.

And we heard that exposure to pornography has a tendency to desensitize the attitude of users of pornography toward women as individuals.

Consequently, I believe it is important that women victims should have access to the courthouse to attempt to prove their harm has been caused, in part, by obscenity.

I was pleased to hear during hearings on the Violence Against Women Act earlier this spring, the attorney general of Iowa, Bonnie Campbell, endorses the ability of victims of crime to have access to the courthouse, including the victims of pornography.

Now, certainly, not all violence against women is the result of the use of obscenity. And, I certainly am not saying that if all violent obscenity were eliminated that all violence against women would cease.

However, if we are to fully address the causes of violence against women, this is certainly one area in which common sense tells us that there is a correlation.

Very often, those who are really responsible for creating victims of obscenity or child pornography escape any kind of liability, criminal, or civil. Consequently, battered wives, rape victims, and abused children are left with little or no legal recourse.

And on Tuesday, we had the opportunity to hear very moving testimony from a victim who described her childhood sexual assaults by several men, including her foster father. Pornography was used in the commission of terrible acts against this small child. The effects on her—and on others whom she now counsels—constitute a real, domestic tragedy.

Also, behavioral studies by the Federal Bureau of Investigation have revealed a strong correlation between heavy exposure to violent sexual material and violent sexual attacks.

More recent studies indicate a correlation between the growing number of youth who commit rape and other violent sexual offenses and the declining age at which one is exposed to sexually explicit materials.

Mr. President, we can no longer afford to indulge the highmoral notion that obscenity is a victimless enterprise. Nor can we simply dismiss the use of obscenity and child pornography as exercises in freedom of speech.

The truth is that a victim who has been assaulted by someone who is a user of obscenity, is also a victim of obscenity.

Of course, the victim's assailant is primarily responsible for the crime against the victim. By his use of obscenity or child pornography, an assailant may himself even be classified as a victim.

But I believe the producers and purveyors of the obscenity that substantially caused the assailant to commit his crime are also responsible—therefore, they should be liable for damages to the victim.

Obscenity and child pornography trades on the systematic abuse of women and children. It can promote violence against women due to its tendency to desensitize its users to the crimes of rape, torture, and murder.

It is not the innocent promotion of free speech. Rather, it infringes on the rights of women to be safe from the fear of violent crime by fueling the sexual terrorism in our society.

We are all outraged that millions of Americans are held hostage by the fear of sexual assault. We are horrified that so many are actually assaulted.

In fact, a recent poll sponsored by the National Victim Center on citizens' attitudes about victims' rights and violence indicates that female respondents are more likely than male respondents to be afraid of being attacked in their homes, on the street during the day or at night, or even when traveling.

The center's poll also indicates that, due to their fear of crime, female respondents are more likely to limit the times and places they go to work, do their shopping, or places they go to by themselves.

The 1986 Attorney General's Commission on Pornography heard from many

witnesses. Included among these were married women who testified about the effects on their marriages of their husbands' use of pornography.

The descriptions regarding their husbands dependency on harder and harder forms of pornography are very moving. The effects on their families—both economic and psychological—are obvious and severe.

And while the statistics indicate that married men commit 9 percent of all violent crimes against women, it is the divorced and separated men who commit 35 percent of these crimes, and boyfriends and ex-boyfriends who commit 32 percent.

These are from the January 1991 Bureau of Justice statistics study on female victims of violent crime.

I do not believe the evidence from the 1986 Attorney General's Commission can be dismissed as anecdotal. Academic research points to the same conclusions.

This is not a matter of imposing private morality; it is a matter of public safety.

Is protecting future victims of sex crimes—or compensating past victims—less important than protecting smut peddlers? Whose side are we on?

There has been an outcry from critics of the legislation. Let me say that those of us who support this legislation are committed to ensuring that the bill does not conflict with the first amendment. Substantial changes have already been made to the bill to accommodate concerns related to the first amendment.

But let me ask the critics:

Why should distributors of obscenity and child pornography receive special immunity from the law for the harms caused by their commercial products?

Can the first amendment never accommodate a woman's right to recover damages from a pornographer?

Women, babies, children, teenagers, mothers, wives, sisters, daughters, and grandmothers—in fact, all Americans, are victims because of an industry that is allowed to subjugate and degrade women.

The obscenity and child pornography industries trade on the systematic abuse of women and children.

We should acknowledge that obscenity and child pornography can provide a blueprint for some sexual abusers.

We all agree that sexual crimes like rape and child abuse may leave lifelong psychological scars that may prevent the victim and his or her family from leading normal lives.

We all agree that Government has a legitimate interest in protecting its citizens from all violent crime, including violent sexual offenses, through reasonable, effective, and constitutional means.

And that these means can include providing victims the ability to recover for their physical injuries, medi-

cal and psychological treatment, and pain and suffering if they can prove in court that obscenity and hardcore pornography has been the substantial cause of the harm they have suffered.

Mr. President, the victims of this material deserve more than the status quo.

The ACTING PRESIDENT pro tempore. The Senator from Iowa yields the floor.

The Senator from Florida [Mr. GRAHAM] is permitted to speak up to 10 minutes.

The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 1565 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished senior Senator from Minnesota [Mr. DURENBERGER].

#### COST OF HEALTH INSURANCE

Mr. DURENBERGER. Mr. President, not a day goes by without another news report describing the inexorable decline and decay of our Nation's health insurance system. Unless we in the Congress do something about it, the number of uninsured Americans, now estimated to be approximately 33.4 million, is going to skyrocket over the next 5 years.

Just yesterday, the New York Times reported that Empire Blue Cross of New York, which is one of the largest Blue Cross and Blue Shield insurers in this country, ended its longstanding policy of community rating small group health insurance policies, and this continues a dangerous trend that we have seen throughout the country among the Blues.

Blue Cross and Blue Shield, which was originally formed to make sure that doctors and hospitals got paid in something besides a half a cow or the sausage that got made in the wintertime, but actually got paid in something fungible, has traditionally in all of our States been the one place where the cost of health insurance was averaged out according to the cost of doctor and hospital bills, and that is called community rating.

Most other of their commercial competitors long ago abandoned community rating and went to something called experience rating, which is exactly what Empire Blue Cross of New York is doing now. What they are doing is taking their small business customers and dividing them into what they call good risk groups and poor risk groups; the good risk groups being people that are young, people that are healthy, people who do not experience any serious illness, and they are going to get one price; the poor risk groups,



older people, people with cancer, AIDS, chronic conditions such as diabetes, they are going to get a very different rate.

According to the article that I read in the New York Times, the annual premiums for family coverage in groups deemed poor risk will be \$9,086 a year for comprehensive coverage, which is a rate increase of about 50 percent, and on a monthly basis it is like paying a \$750 a month premium.

Mr. President, how many small businesses deemed poor risk will be able to afford such policies? I think we all know the answer to that. Zero. None. What about an individual or a family that does not receive insurance through the workplace? According to Empire, people who purchase policies on their own will have to pay \$11,239 a year for comprehensive coverage, including a \$300 deductible. That is about \$1,000 a month expressed in a monthly premium.

So, Mr. President, segmenting the market to screen out bad risks essentially undermines the basic function of insurance.

As we go about the debate over national health insurance or universal access to health care, one of the first problems we are going to have to deal with is, access to what? What is this thing to which we want access? Most of us express it, as I have and Blue Cross has, in terms of health insurance. But is it real?

What is the product we buy? The product is simply a bill-paying service, the facility of knowing that when you go to the doctor or the hospital you will not have to take your checkbook; you take your Blue Cross card and your bills will be paid. That is what we would like to provide for all Americans.

The problem is the price that each of us has to pay for this product. Now, how can we make an \$11,000 product affordable, \$1,000 a month access to doctors and hospitals affordable? The first way you do it is through what they call a risk allotment, which is like spreading the risk across a lot of people. That is the function of insurance; the healthy pay for the sick and the young pay for the old. That is the function that is being undermined.

Mr. President, earlier this year I introduced legislation, S. 700, that would preclude insurers from engaging in these kinds of practices in the small group market.

Next week I will introduce legislation that will provide small businesses with a 50-percent tax credit for providing health insurance which will increase the affordability of insurance for small groups. The passage of both of these bills in this Congress is critical if we are going to maintain any semblance of a small group, small business health insurance market.

Mr. President, I ask unanimous consent that an article to which I referred in the Times be printed in the RECORD.

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

#### HEALTH INSURER PLANS TO SEEK BIG RATE RISE

(By Milt Freudenheim)

New York State's largest health insurer said yesterday that it planned to raise health insurance rates by 50 percent for all 300,000 people who buy their own policies and also for 120,000 employees of small businesses who are considered bad risks because some have serious illnesses.

The move by Empire Blue Cross and Blue Shield would mean that the cost of comprehensive policies would rise to more than \$11,000 a year for individuals and more than \$9,000 for members of some small groups. The increases, which require approval by the State Insurance Department, would apply in New York City, Westchester, Nassau, Suffolk and Rockland Counties.

Abandoning a longstanding policy of charging uniform rates to all groups of 3 to 49 people, Empire Blue Cross said it would divide small-business customers in the region into "good risks," made up of younger people without serious illnesses, and "poor risk" groups that include older people and people with cancer, AIDS or chronic conditions like diabetes. Charges would go down for about 230,000 people in the good-risk groups.

#### COMMUNITY RATES

Only about a dozen of the 30 Blue Cross associations across the country still offer uniform charges, which are called community rates. The move away from community rates dismays many experts on health insurance who say the cost of the sick should be spread across as many people as possible.

Empire said people buying policies on their own, rather than receiving insurance through their business, would pay \$11,239 a year for the most comprehensive family coverage, which has only a \$300 deductible for doctor bills.

As for businesses and other groups of 3 to 49 people, Empire said annual premiums for family coverage in groups deemed a poor risk would be \$9,086 for the most comprehensive coverage, up from \$6,057 currently, and \$6,482 for more limited coverage, which pays medical bills after a \$2,000 deductible, compared with current premiums of \$4,321 per year.

But for a business whose workers are deemed a good risk, the premium for the most comprehensive family coverage would drop to \$5,027 a year, from \$6,057 for the same complete coverage.

But spokesmen for consumer advocacy groups said thousands of New Yorkers in the poor-risk groups or those buying policies on their own would be unable to pay the new rates, joining at least 1.4 million people without health insurance in the metropolitan area.

Kevin Foley, a state deputy superintendent of insurance, said the state had urged Empire Blue Cross to preserve its universal rate for all comers. Although it is "not an absolute legal requirement," he said, "we don't intend to have that abandoned without some very serious consideration." A preliminary public hearing is scheduled at the New York University Medical Center on Aug. 5. A formal hearing will be held after Labor Day.

#### WE'RE SKEPTICAL

"It remains to be seen whether the rate increases are the best solution in the long run

from a public policy standpoint," Mr. Foley said. "We're skeptical."

But Richard N. Gottfried, a Manhattan Democrat who heads the State Assembly's health care committee, said, "If Blue Cross can document a dollars-and-cents need for this kind of increase, it would be legally difficult for the Insurance Department to turn it down."

Empire has noted that because it does not turn down any applicant for a policy, it covers a higher proportion of sick people than do commercial insurers who can reject sicker applicants. It said it has to begin offering lower rates to healthier groups because it has been losing their business to commercial insurers, which, unlike Empire, can hold down their costs by rejecting sicker applicants.

Albert A. Cardone, chairman of Empire Blue Cross, said the insurer had lost 29,000 customers and their dependents this year, on top of 400,000 who had departed from 1988 to 1990.

He said Empire lost \$54 million in the first five months of 1991, which it hopes to get back by charging the higher rates and attracting more healthier customers.

Empire has already raised rates 19.5 percent this year (in March) and 14.1 percent last year.

In requesting state approval for rate increases, Blue Cross, like other insurers, points to rising charges by hospitals and doctors.

Largely because it extends coverage to everyone and charges universal rates, Empire has been allowed by the state to pay hospital rates 13 percent lower than those paid by commercial insurers. Even though Empire proposes to chip away at its universal rates, it seems unlikely that the Legislature would remove this advantage.

Richard Kirsch, a spokesman for Citizen Action of New York, a consumer group, said the rate increases were "outrageous, particularly because Empire Blue Cross has always prided itself on being a community-rated company and receives lower hospital charges for that reason."

#### EXTENSION OF MORNING BUSINESS

Mr. DURENBERGER. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished senior Senator from Louisiana for a period of 20 minutes, and advises the Senator that morning business ends in 3 minutes. So it would be an accommodation to the Chair and the distinguished Senator from Louisiana if he asked unanimous consent to extend the time for morning business.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that morning business be extended until the hour of 10 a.m.

The ACTING PRESIDENT pro tempore. It might accommodate two other Senators to make that 10:20 or so.

Mr. JOHNSTON. I ask unanimous consent to extend morning business until the hour of 10:20.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. JOHNSTON. Mr. President, if I may amend that to not beyond 10:20.

Mr. REID. Mr. President, reserving the right to object, if I could ask that Senator WELLSTONE and Senator REID be recognized for 10 minutes each.

The ACTING PRESIDENT pro tempore. That will be the order.

So the Senator from Louisiana will be recognized for 20 minutes; the distinguished senior Senator from Nevada and the Senator from Minnesota will have 10 minutes each for a total of 40 minutes, so that it will be about 10:22 or 10:23.

And the Chair recognizes the distinguished senior Senator from Louisiana for 20 minutes.

Mr. JOHNSTON. Mr. President, I thank the Chair.

#### NATIONAL ENERGY SECURITY ACT

Mr. JOHNSTON. Mr. President, almost 2 months ago, the Senate Energy Committee reported S. 1220, the Energy Security Act of 1991, by a vote of 17 to 3. Over the past 2 weeks, I have spoken about various aspects of this bill and I have offered the Senate detailed descriptions of the measure's provisions on natural gas, on renewable resources, on electricity, on energy efficiency, on alternative fuel fleets, and other key topics.

My purpose in making those remarks has been to help the Senate comprehend the unprecedented scope and depth of energy policy reform presented by S. 1220. I hope that I have succeeded in demonstrating that this bill touches and improves virtually every area of energy use and production in this country.

Today, I would like to call on the Senate to consider not the individual pieces of S. 1220, but the bill as a whole. In particular, I would like to invite the attention of my colleagues to weigh the substance of S. 1220 against the nebulous criticism that the bill is somehow antienvironmental.

Mr. President, let us consider what an antienvironmental bill, energy bill, would look like. I suppose that to begin with, it would simply ignore energy efficiency. It would also overlook development and use of renewable energy resources like wind, solar, geothermal, and this hypothetical antienvironmental bill would probably cast aside environmental safeguards in order to boost energy production.

Does S. 1220 show any of these basic signs of the antienvironmental bias? Is this a bill that rejects the environmental community's agenda? Mr. President, the answer to each of these questions is a resounding no.

S. 1220 is the most balanced, progressive, and environmentally sound energy policy legislation ever considered by the Senate, ever reported by a Senate committee. Let us look at the facts.

S. 1220 promotes the development and use of clean-burning alternative

transportation fuels by establishing a far-reaching Federal, State, municipal, and private alternative fuel fleets program. Greater use of alternative fuels in motor vehicles will yield benefits both with respect to the environment and in reducing our reliance on imported oil. Compressed natural gas, methanol, ethanol, and liquid petroleum gas all have lower ozone forming potential than gasoline, something that we are all very interested in, considering the high level of ozone we have had here in Washington these last few weeks.

The use of compressed natural gas, electric vehicles, and hydrogen would reduce carbon monoxide emissions. CNG and liquid petroleum gas would result in lower emissions of several mobile source air toxics.

S. 1220 promotes the use of alternative fuels in mass transit. Like the fleets program converting mass transit vehicles to alternative fuels will also provide the benefits of oil savings and reduce emissions of pollutants into the environment.

S. 1220 promotes the development and use of nonpolluting electric and electric hybrid vehicles; that is, vehicles which have both batteries and a small engine to generate electricity while away from a source of recharging.

These vehicles are the single most effective means for reducing transportation sector emissions in urban areas. In fact, when compared to gasoline powered vehicles, electric vehicles can reduce emissions by major pollutants by some 97 percent.

S. 1220 encourages the use of our cleanest fossil fuel, natural gas, by industry and by utilities. Natural gas can displace other environmentally benign fuels in a variety of applications. Natural gas vehicles can reduce the formation of urban smog. Natural gas in vehicle powerplants can reduce the formation of the precursors of acid rain.

In addition, natural gas can displace dirtier fuels and reduce emissions of carbon into the atmosphere.

S. 1220 will eliminate regulatory delays that inhibit natural gas from fulfilling its potential as a tool of environmental policy. Research, development, and demonstration programs authorized in S. 1220 will promote the commercialization of natural gas and its end use technologies, that are more efficient and more environmentally friendly than the technologies which they are designed to replace.

S. 1220 promotes development and use of renewable energy resources such as solar, biomass, photovoltaics, wind, hydropower, and geothermal.

According to the Energy Information Agency, U.S. renewable energy production provides the energy equivalent of over 1 billion barrels of oil. In addition, renewable energy displaces more than 500 million tons of carbon dioxide, or the equivalent of 10 percent of the an-

nual CO<sub>2</sub> emissions in the United States.

S. 1220 promotes more efficient water use in Federal irrigation projects, leaving more water in the Nation's streams and rivers, while reducing energy consumption. This will provide environmental benefits in the form of more water for fish, wildlife, and in-stream values.

It will also provide for more efficient generation of Federal hydroelectric projects.

S. 1220 expands Federal programs to promote the export of renewable energy, energy efficiency, and clean-coal technologies to lesser developed countries.

The committee bill helps lesser developed countries fund and develop renewable energy alternatives to expensive imported oil and coal, thus preserving foreign exchange, and in some cases, tropical forests.

The exports of clean-coal technologies will help lesser developed countries meet their burgeoning energy needs while decreasing their emissions of greenhouse gases.

China and the Soviet Union alone make up almost 30 percent of all greenhouse gas emissions. Making efforts at using energy more efficiently is crucial to stabilizing global climate change.

S. 1220 directs States to consider removing financial disincentives for utilities to invest in energy conservation and demand-side management as the least-cost method of meeting electric demand. The problem today is that electric utilities are not encouraged to conserve energy. They do not make money from conserving energy. They make money by producing it. This bill, S. 1220, changes that, and puts the incentives on conserving energy. This initiative has the potential to save the Nation over 200 billion barrels of oil equivalent each year by the year 2010.

S. 1220 requires certain Federal power marketing administrations, and the TVA, to implement or promote integrated resource planning. This process will help to ensure the implementation of energy efficiency measures.

S. 1220 mandates and authorizes energy efficiency standards for industrial, commercial, and residential applications, appliances, and equipment. It is estimated that this expansion of the existing DOE appliance standard program will reduce our Nation's energy demand by an additional 85 million barrels of oil equivalent each year by 2010.

S. 1220 promotes the collection and reuse of the 10 million barrels of used lubricating oil that are now improperly discarded in the Nation's soil and water each year.

S. 1220 launches several energy efficiency initiatives in the Nation's building sector. These include: New energy efficiency standards for all Federal buildings and all homes financed with

Federal mortgages; incentives to States to upgrade local energy building standards; national home energy rating guidelines; upgraded standards for manufactured housing, and policies to promote energy-efficient mortgages.

Mr. President, this is just a partial list of those elements of S. 1220 which demonstrate the Energy Committee's commitment to environmental priorities. It is all there, conservation, renewables, efficiency. Moreover, absolutely nothing in S. 1220 changes this country's commitment to the environment, or changes its environmental laws. The truth of the matter is that adoption of S. 1220 would mark a significant advance of environmental priorities. I urge my colleagues to reflect on this fact and to keep these comments in mind the next time they hear S. 1220 wrongly criticized as "anti-environmental."

Mr. President, I have heard from a number of environmental groups that S. 1220 does nothing for the environment. Mr. President, those who say that are either totally ignorant of S. 1220, not having read it or heard it accurately described, or else they are spreading disinformation. I prefer to believe that it is the former, that they simply do not know about S. 1220, because, in addition to dealing with energy production—and make no mistake, S. 1220 deals with energy production in a very effective way—S. 1220 also constitutes the most effective piece of environmental legislation in the energy field ever considered by this Senate.

While that may or may not be enough to convince some colleagues to go along with the totality of the bill, let me say, in the Energy Committee, we voted this bill out by a vote of 17 to 3, by an overwhelming margin on both sides of the aisle.

I hope my colleagues will consider and ponder what S. 1220 does for the environment.

Mr. President, I yield the floor and the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator yields the floor and yields the 7 minutes and 44 seconds he still controls.

The Chair recognizes the distinguished Senator from Minnesota for a period of 10 minutes.

#### THE RAIL LABOR SPECIAL BOARD REPORT

Mr. WELLSTONE. Mr. President, I rise in response to the recent publication of the report of the Special Board established by House Joint Resolution 222 (Public Law 102-29) to provide for a settlement of the labor-management disputes that have rocked the rail industry and its unions in recent months, and which culminated in a strike by all of the major rail unions on April 17, 1991.

Congress and the railroad workers of this country have been betrayed, and I am angry. When Congress negotiated the terms of House Joint Resolution 222, it was agreed that the new Board would take a second look at the often outrageous recommendations of Presidential Emergency Board No. 219. Many Members of Congress, on both sides of the aisle and in both Houses, supported that resolution only under great duress and only because they believed it maintained protections for striking workers and gave them what many thought they could not get; a second chance to make their case on the contentious issues which remained in sometimes bitter disagreement.

None of the rail labor disputes in the past 30 years has involved such deep disagreement on such complex and contentious issues, including working conditions, wages, health care, seniority districts, and a host of other issues, 98 carriers, 11 national unions, and over 230,000 rail industry employees are covered by the decisions of this Board, which are binding under current law.

The new Board has failed to meet clear congressional intent, stated in the earlier legislation, and instead has rubberstamped the findings and recommendations of the PEB. We may as well have avoided all the pain and struggle of the tense negotiations late into the night on House Joint Resolution 222, and voted up or down on the PEB report, for all the second look we got for our troubles. I have said before and will say it again: I, for one, would have voted against imposing the PEB recommendations.

Congress passed this legislation fully expecting a good faith, genuine reappraisal of the most contentious issues in disagreement. Instead, we effectively got a brushoff from the new Board.

We faced a national rail strike, which involved 11 major unions composed of over 235,000 workers, because those workers were being asked by the railroads to accept sacrifices in their health benefits and being forced to travel hundreds of miles from their homes, sometimes working for many weeks at a time in remote areas. Congress spent a considerable amount of time and energy negotiating the composition of this Special Advisory Board, precisely because we wanted the board to scrutinize closely the complex and difficult issues raised in these negotiations.

Instead, the Board chose to dismiss outright every single one of the recommendations which remained in dispute. Every single one. And it did so perfunctorily, restoring to long and largely irrelevant discussions about legal terms of art in the 13th and 14th century, instead of focusing on the basic fairness of the requests for modifications made by the parties. Congress clearly commissioned the Board to

apply a standard of demonstrable inequity. It refused outright to apply this standard, saying it was legally unclear and unworkable.

Even refusing to address the requests for modification, the Board claimed "it would serve no useful purpose, and arguably would be counterproductive, to discuss each request in detail." Instead, it concluded by fiat that "the board finds that the recommendations of PEB 219 are fair and demonstrably equitable," each and every one. It denied modification of each and every recommendation sought by the parties. It is unbelievable to me to think that of all the issues between labor and management, all of the grievances, all of the concerns of the railroad workers, this board could not find one that perhaps the President's emergency board might have erred on.

Many of my constituents who work on the railroads believe this board, appointed by the administration, has imposed upon them a terribly unfair settlement. With American railroads at their highest level of profitability in 30 years, due partially to increases in productivity outstripping that of American industry in general, they are outraged. And that outrage is beginning to show.

The unions and railroads still have several more days in which they could bargain a better settlement, before the decisions of this board become binding. Without such settlements, this very one-sided outcome will force what looks like peace in the rail industry, but it will be a troubled peace. It is in fact an illusion.

Last week, the second largest union, the Transportation Clerks Union, unseated its president—after he had recommended the members ratify a contract similar to this report. As one railroad official quoted in last Friday's Wall Street Journal observed, "The rank and file people are ready to get very tough with the rail industry. You have a growing backlash."

Mr. President, when you boil down all the facts and arguments, the basic element missing in the Board's report is simply equity. That is what Congress sought in mandating a second look. That is what Congress intended in explicitly setting a standard of demonstrable inequity in the bill. That is exactly what was refused by this board.

And as in so many of our critical and basic industries which are at a crossroads, the rail industry could afford to do the right thing by its employees. But instead it has chosen short-term profit. Lump-sum bonuses will disappear in payroll taxes and a newly mandated contribution to health insurance. Under the recommendations of this report, a representative of the United Transportation Union, the largest rail union in the country stated last week it would lose one-fourth or more of its membership. These work-

ers, who are brakepeople, switchpeople, and conductors work around the clock to operate the trains.

The operating crews of our Nation's freight trains often must work 20 or 30 days in a row without a day off, and even on weekends and holidays they work for straight time pay. Many of them tell us their already dangerous jobs will become even more so with the reductions in the work force that will be prompted by this agreement. Last week a dangerous train wreck in California reminded us of the need to strengthen, not weaken, railroad safety.

Mr. President, the decisions of this Board will profoundly affect the lives and livelihoods of over 230,000 railroad employees and their families. Those workers have worked for the last 3 years without a pay increase. Their families have often suffered from their difficult work schedules and falling real incomes.

Railroad workers and their families deserved a second chance at negotiating a fair collectively bargained agreement. Congress intended for them to have such a second chance. This Board refused it.

Mr. President, a troubled, imposed peace is no peace at all. And I believe in the weeks and months to come we will continue to see railroad labor activists react angrily to the effects of this Board's decisions. They have a right to be angry. I share their anger at this betrayal of congressional intent, and I can only hope this anger will be turned to productive ends as American rail labor unions continue to fight and organize to maintain their rights within a system which has this time failed them miserably.

I yield the remainder of my time.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Nevada.

#### SOCIAL SECURITY NOTCH

Mr. REID. Mr. President, in about a year the two political parties of this country will be meeting to select their candidate to run for President of the United States. It is important to note that the Republicans have chosen President Bush, of course. During the next few months the campaign will begin that will be culminated next August when the two selections are made and then, of course, in November will be the election.

Mr. President, there is one issue that every candidate, every Democratic candidate, those who are running, those who are thinking about running, those who will ultimately run and President Bush, also, should put on the front burner. That is the Social Security notch problem.

It is time to repeal and to get rid of this Social Security notch problem. Mr. President, as we know, we have

come to learn the words "notch babies" refer to a group of people who were born between the years 1917 and 1926, who by virtue of what we have done, along with the President, simply get less money than people born at some other time. These Social Security recipients, some receive as much as 20 percent less than their counterparts only because they were born at a certain time. And we, at our discretion, randomly chose certain age groups and those certain age groups receive less money.

Congress can debate, and I think they should and they will, Mr. President, this issue. That is the best way to make progress on this grave injustice.

I think the best way to start debating the issue is to have Presidential candidates talk about the issue. It is an issue that affects hundreds of thousands of people. There is not a Member of this body or a Member of the other body that does not hold a town hall meeting and have that question brought up. The question is why am I treated differently?

This is an injustice which plagues only a select group of people. I have mentioned that group of people, people born between the years 1917 and 1926, with particular hardship on those born between 1917 and 1921. The issue has been debated over and over and over again. But yet it has not been solved.

These are people, Mr. President, who lived through the Great Depression. Most of them were involved directly in the Second World War, some even in combat. But in spite of their sacrifices, we simply have not lived up to our responsibility.

Remember, these are not people who are on welfare. These are not people who are looking for a handout. These are people who have paid into the Social Security trust fund like everybody else. So why should they be treated differently?

Sad, but true, and I am sure it has happened to the Presiding Officer here and other Members of this body with people at these town hall meetings and when we visit senior citizen complexes. We have all had them say to us, what are you waiting for? Are you waiting for us to die and then try to do something about it?

Mr. President, today a number of notch babies will die. We will not have to worry about those notch babies, making sure that they are treated fairly. Each day a grave injustice is perpetrated when these people pass on. We have to do something to make this a fair Social Security system.

This body acted responsibly in April. An amendment I offered allowed the Senate budget resolution to be amended to allow room in that budget resolution to take care of these notch babies. It went to conference and as a result of the action of the conference committees this notch provision was dropped.

But since that failed conference, as I referred to it, has transpired, the House has now 232 cosponsors to change and delete the notch provision. That is more than half. It only takes half to pass something over there. They are not bound like we are with filibusters, with a need to file cloture motions. They have more than half the vote.

So I call upon our colleagues in the other body to take action and move forward on the fact they have 232 cosponsors. I would ask that the House Ways and Means Committee move quickly, expeditiously to change the notch provision.

In the Senate we have 32 cosponsors on one piece of legislation. There are other pieces of legislation that have been offered relating to the notch provision. I think it is time to return the dollars to the hands of those who earned them. It is time to show our support for notch reform, the same way the House did. They have over half. We certainly should get over half to support this legislation.

Mr. President, in all of our offices we have people that help us answer the mail. These notch babies write in to us every day and we write back and say we are working on it. Well, I think this body should, and the Members that make up this body should write back to those notch babies and tell them we are going to do something about it this year, not next year.

I think, Mr. President, the way to get this debate started is to immediately have those people who are running for President of the United States say I favor repeal of notch.

I yield back the time that I have remaining.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### SPACE LIFE SCIENCES

Mr. GARN. Mr. President, just prior to last week's Senate action on the NASA's fiscal year 1992 appropriations bill, and our resounding affirmation of continued investment in the international space station Freedom, there was a bit of a media campaign waged by opponents of that program. As a Member of the Senate, and one who has participated in public life for the past 20 years, this form of political attack is quite familiar. What was surprising was the source of these arguments and rhetoric: scientists.

One specific case in point was an article which appeared in the Washington

Post on July 10, written by Robert L. Park, a professor of physics at the University of Maryland, which objected to the cost of the space station Freedom and totally rejected its scientific justification. Well opinions are like noses, every one is entitled to one. And while I certainly disagree with Dr. Park's assessment, I well appreciated that no project of the scale and significance of the space station, can expect to win unanimous consent.

Dr. Park's article made two sweeping assertions, however, which deserve to be rebutted: First that it is the consensus of scientists that the space station should not be built, and second that "the future is in robots."

Mr. President, many scientists do oppose the space station. Having spent the past 15 years working with the budgets for the National Science Foundation and NASA, I understand their fears that such a large project may constrain funding for other research and development activities, especially the very basic and theoretical work that academic careers and credentials are built on.

Unfortunately, Dr. Park, and the other scientists he refers to suffer from a misperception that there is some fixed percentage of the Federal budget that will always be devoted to science and technology. In reality, there is no such set-aside. Science and technology activities annually have to compete with all other Federal expenditures, including assistance to the homeless, veterans medical care, environmental protection, food supplements for the needy, and the vast array of other governmental activities.

And I might add that while overall Federal investment in science and technology has increased sharply in the past 10 years, its current 1-percent share of the budget pales in comparison to 4 percent devoted to these activities at the height of the Apollo Lunar Program in 1966. Basic science alone did nearly three times better in 1966—the midst of the Apollo Program—than it did in 1981. Its pretty clear to me that manned space activities do not compete with other science investment, rather it sounds out and reflects a broader national commitment to all science and technology investment.

Mr. President, the other assertion made by Dr. Park that I feel needs to be answered is his view that science is a hostile environment, we humans best stay on Earth and leave all exploration to robots. This mindset would have prevented our prehistoric predecessors from ever coming down from the trees. Advancements in automation and robotics should be used to extend mankind's exploration of our universe, not prevent it. I find it incredible that a scientist would so blithely reject research activities to better understand human adaptation to the hostile space environment.

It would appear that Dr. Park, in an earlier age, would have been among those who argued that because God did not give man wings, we should not try to fly. After all, falling out of the sky is very dangerous. And I wonder what he thought of the sound barrier? Does Dr. Park dispute the notion that we can develop life support technologies to enable safe and efficient expansion of human presence beyond the surface of our planet?

Mr. President, in addition to these two central assertions of Dr. Park's article, he also belittled the work of the crew of the recent shuttle space life sciences mission. He said, they were "reduced to videotaping jellyfish swimming in zero gravity." As a politician, I am used to such cheap shots, but having once spent some time in training with our shuttle astronaut corps, I was offended by this deliberate expression of ignorance.

Mr. President, I recently received a copy of a letter written by Dr. Tammy Jernigan, a crew member of that shuttle flight. She not only corrects errors in Dr. Park's article, but dispassionately outlines the true scientific goals of that mission. With remarkable clarity, she also explains how the space station Freedom will contribute to these valuable research endeavors.

I ask unanimous consent that her excellent letter be printed in the RECORD.

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

JULY 23, 1991.

*To the Editor:*

In his efforts to argue that Space Station Freedom has no scientific justification, Robert Park sought to ridicule a recent Space Shuttle flight, SLS-40, also known as Space Lab Life Sciences 1 (SLS-1). He described our nine-day mission as one lasting only six days and stated that our primary scientific discovery involved videotaping 2,438 jellyfish swimming in zero gravity and then determining that the jellyfish seemed confused. Evidently, it is Robert Park who is confused and as a crew member of SLS-1, I wish to provide a more enlightened account of the scientific objectives of our flight.

The complement of experiments on SLS-1 included 18 primary experiments designed to study how the human body adapts to the microgravity environment of space and then readapts to the earth's gravitational field upon return. The experimental hardware was located in a reusable laboratory, known as Spacelab, carried in the payload bay of the Shuttle. Scientists from across the country designed experiments to investigate changes in the cardiovascular, cardiopulmonary, metabolic, musculoskeletal, neurovestibular, and immune systems of astronauts both in flight and postflight. These investigations, including Skylab, resulted in the most comprehensive study of human adaptation ever undertaken. During the mission, we collected even more data than our ambitious timeline prescribed, and the preliminary scientific reports will be out this September.

Space is a harsh environment, as Park points out, which is precisely why NASA designed a mission to understand more thoroughly the ability of the human body to

adapt to such an environment. However, the research done during SLS-1 not only enables us to increase the productivity of astronauts in space, but also contributes to our well-being here on earth. Scientific investigations on SLS-1 also have application to such compelling medical issues as osteoporosis, blood pressure regulation, lung disease, and immune system deficiencies. While no one can predict the ultimate outcome of research, history has shown that the investment in space research and technology has been returned many fold in the form of economic stimulation and scientific advances, particularly in the area of health care.

The only disappointing aspect of our mission was the necessity to return our biomedical research laboratory to earth at the end of our nine-day Shuttle flight. Each physiological system acclimates to microgravity at a different rate, and there were still many changes occurring within the human body even after nine days. Consequently, there was a great deal more to be learned had we been able to operate our laboratory on a space station.

While NASA does not seek to justify Space Station Freedom solely in terms of scientific research, there are areas of research particularly suited to an orbiting laboratory, research such as that encompassed by the life sciences. It is interesting that Robert Park would choose SLS-1 as an example of why not to build a space station when this particular Shuttle flight so clearly illustrates one of the scientific advantages a permanently manned presence in space would provide.

TAMMY JERNIGAN,  
*Ph.D., Space Physics and Astronomy, Rice University, NASA Astronaut.*

#### TRIBUTE TO MARSHALL HUMPHREY

Mr. DECONCINI. Mr. President, Arizona lost an extraordinarily able and dedicated leader with the death of Marshall Humphrey on July 22. A native of Phoenix, Marty exemplified not only the best in traditional values of American family life, but also the best traditions of dedicated public service. His leadership for a period of more than 40 years were critically needed in a young and growing State like Arizona.

Marty Humphrey's strong and steadfast leadership during his 8 years of public service in the Arizona Legislature remain a model for aspiring legislators of both parties. During the period when I served as Governor Goddard's legal counsel and, later, his administrative assistant in 1964-65, Marty gave me wise counsel and advice on the best way to accomplish the Governor's agenda.

Despite the fact that we came from different political parties, Marty was simply interested in good government, and was more than willing to share his knowledge and expertise with young men and women who wanted to dedicate their lives to public service. As a longtime friend of my father, perhaps Marty was particularly eager to teach me the political ropes.

As a member of the Arizona Legislature, Marty served on various commit-

tees which reflected his underlying interests—agriculture, public lands, planning and development, and vocational education. He was an ardent and vocal advocate for the central Arizona project, and it is no exaggeration to say that his support and advocacy were crucial factors in ensuring the ultimate success of this project. Marty led by example and quiet persuasion, and always with a passion to enhance the quality of life for all.

Marty Humphrey was a big man in both stature and spirit who had an enormous compassion for those less fortunate than he. His generosity to his church, to his community, to young people's organizations, to public service, and to the ideals upon which our Nation was founded will seldom be equaled.

He was a good man and a good friend, and will be sadly missed by all who had the good fortune to know him.

I salute Marshall Humphrey, one of the true pioneers of modern Arizona and extend my sincerest sympathy to his family.

#### THEIR 60TH WEDDING ANNIVERSARY

Mr. BURNS. Mr. President, it is not often a Member of this body, the U.S. Senate, gets an opportunity to recognize two people who represent America in its truest form.

On July 1, 1991, there was a special gathering in a small Midwest town, Gallatin, MO. We were all there to celebrate their 60th wedding anniversary. They are my parents; Russell and Mary Frances Burns.

Russell Burns married Mary Frances Knight in April 1931. Times were not the best as this Nation was in the depth of the Great Depression. Banks were going broke, there was no money and to many, the back of this great free society, the United States of America, was broken. There was not much optimism in those days and the future did not look bright. But this young couple evidently did not see that kind of world. They bought a small farm at the courthouse steps. It was selling for taxes, as many farms were in that day. Hard times for Americans during that era of our history. It was Americans like my parents that not only existed, worked hard and pinched every penny that came their way and they survived. Besides the economic difficulties of the "dirty thirties," there was a devastating drought in 1934 and 1936. They fed and clothed their family, paid their taxes, supported the local country school, served as 4-H leaders and participated in all the local clubs and organizations that contributed to the quality of life in that farm community as in all communities across our land.

It has been said, hard times builds character and to have survived and

succeed during that part of our history took a lot of character and stamina. The work was hard and one had to make do with what one had and they did not have much. They did have youth and all of it's advantages, and a great sense of humor. Both had the ability to laugh at oneself.

I cannot remember 1 hungry day. Maybe the fare at the dinner or supper table was not the same as folks in higher social status but the quantity was always sufficient. My sister Judy and I never knew a day when there was a shortage of love, respect and understanding.

These folks who have been on this 60-year honeymoon have the qualities that sets all Americans apart from the rest of the world; the ability to dream, the ability to care and love, and develop those values that are the fabric of the American society. They understand sacrifice and the benefits of it.

These values were defined and passed on to not only my generation, but the next. Love of country, a deep love and respect of the soil where all life begins, is sustained and where it returns, love of people and mankind alike, and love of community were and still are the tenets of their generation. They are the shining example of what we all hold dear, the American.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If there is no further morning business, morning business is closed.

#### INTERNATIONAL SECURITY AND ECONOMIC COOPERATION ACT OF 1991

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1435, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1435) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and related statutory provisions, to authorize economic and security assistance programs for fiscal years 1992 and 1993, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Simon amendment No. 826, to recognize trends in population growth.

(2) Simon amendment No. 827 (to amendment No. 826), to authorize funds for the United Nations Population Fund.

Mr. SARBANES. Mr. President, I ask unanimous consent, because we will be considering other amendments which Members have submitted over this short period before I assume we will come back to the Simon amendment on which cloture was invoked, that the time used henceforth be charged against the 30 hours under cloture.

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

Mr. SARBANES. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### AMENDMENTS NOS. 842-967

Mr. SARBANES. Mr. President, in a moment Senator MCCONNELL and I will send a package of amendments to the desk and ask that they be considered en bloc. It includes those amendments on the list that was agreed to last night which the managers are prepared to accept.

There is no controversy surrounding them, and I think in each instance they represent a constructive contribution to the legislation. I am going to read through the list very quickly for purposes of the record: a Ford-McConnell amendment on human rights in Guatemala; two Kennedy amendments, one on South Africa, one on China and Tibet; a Lugar-Glenn amendment on nuclear nonproliferation; a Simon amendment concerning the Horn of Africa; a Simon amendment concerning Liberia; a Simon-Kassebaum amendment concerning the Brooke waiver; a Rockefeller amendment on subcontracting in Kuwait; a Seymour amendment making a technical correction to the amendment yesterday on the Middle East; a Biden-Graham amendment on the rule of law; an amendment by Senators DOLE and LEVIN on violence in Azerbaijan; a Mack amendment on the index of economic freedom; a Symms amendment on policy toward growth in developing nations; a Chafee-Kassebaum amendment on West Bank schools; four DeConcini amendments, one on the CSCE, one on Angola, one on the Baltics, and one on microenterprise; a Mack-Graham amendment concerning trade with the enemy as it relates to Cuba; a Wirth amendment concerning volunteers for the SEED Program; a Leahy amendment dealing with technical matters on Public Law 480; a Dodd amendment making technical changes to the Enterprise for the Americas initiative; three Helms amendments, one involving U.N. auditing, one involving U.N. reports, and one involving the PLO; and a Brown amendment concerning reporting requirements on debt under the Enterprise for the Americas initiative.

Mr. President, I send those amendments to the desk and I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

Without objection, the amendments will be considered en bloc. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES] proposes amendments 842 through 867 en bloc.

The PRESIDING OFFICER. Is there debate on the amendments?

If not, the question is on agreeing to the amendments en bloc.

The amendments (Nos. 842-867) were agreed to en bloc, as follows:

AMENDMENT NO. 842

On page 163, line 12 through 13, strike "in particular those involving Americans." and insert "such as those of Sister Dianna Ortiz, Michael Devine and Myrna Mack."

AMENDMENT NO. 843

(Purpose: To assist the victims of apartheid in South Africa)

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

(a) AUTHORIZATION.—Funds authorized to be appropriated to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961, that are allocated for programs to assist the victims of apartheid and necklacing in South Africa and are in excess of amounts allocated for such purposes for fiscal year 1991, may be made available to or through non-governmental organizations for assistance for the victims of apartheid in South Africa, in the health, education, and housing sectors.

(b) CONDITIONS ON THE USE OF FUNDS.—(1) None of the funds authorized under this section shall be transferred to the Government of South Africa, or to parastatals or any other institution financed or controlled by the Government of South Africa.

(2) Nothing in this section shall be construed to affect or limit the tertiary scholarship and bursaries programs.

(c) FUNDING FOR FACILITIES THAT RECEIVE GOVERNMENT SUPPORT.—Notwithstanding any other provision of law, funds authorized by this section may be made available to provide assistance through non-governmental organizations for health, educational, and housing institutions or facilities although such institutions or facilities may be financed or controlled by the Government of South Africa subject to the following conditions:

(1) the President consults with the appropriate Congressional committees and South Africa organizations representative of the majority population of South Africa prior to making any determination under paragraph (2).

(2) the President determines and so reports to Congress 15 days in advance of the proposed obligation of funds in accordance with section 634A of the Foreign Assistance Act of 1961 that—

(A) the provision of assistance to such entities is necessary in order to achieve the objectives of this section to assist the victims of apartheid; and

(B) the Government of South Africa is continuing to make progress towards dismantling apartheid and establishing a nonracial democracy; and

(3) the assistance is identified as having been provided by the people of the United States.

(d) Beginning on January 1, 1992, and every three months thereafter, the President shall submit to the chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report describing the extent and type of assistance provided under this section during the preceding three-month period.

INCREASED ASSISTANCE TO VICTIMS OF APARTHEID—AMENDMENT NO. 843

Mr. KENNEDY. Mr. President, this amendment authorizes additional assistance to the victims of apartheid in South Africa in the areas of health, education, and housing. I urge the Senate to support it.

President Bush has asked that \$80 million be provided, and I hope that assistance of this magnitude can be made available in the appropriations bill. Although many of us disagreed with the administration's decision to terminate United States economic sanctions against South Africa, I am pleased that we agree on the need for the assistance proposed by this amendment.

The recent revelations that the Government of South Africa has been secretly funding Inkatha only highlight the many obstacles that impede the ending of apartheid. I urge the South African Government to make a full, impartial, and public investigation of these disturbing developments.

The amendment I offer today provides an opportunity for the United States to continue assisting the struggle against apartheid by providing support for the victims of that cruel system. The United States currently provides about \$40 million a year for this purpose, primarily through scholarships and a variety of human rights, private enterprise and other assistance through nongovernmental organizations. There remains a great need, however, in the area of health, education, and housing.

The vast majority of blacks in South Africa have seen their living conditions worsen in recent years. In education, \$282 is spent for a black child, compared to \$1,382 for a white child. The unemployment rate is 40 percent, and the illiteracy rate is 60 percent.

Most blacks have little hope of finding jobs, even if they succeed in overcoming the odds and successfully complete their education. Housing in South Africa is deplorable for the majority of the population. The 40,000 exiles returning to their country have no home or resources with which to start a new life.

While these problems will not be resolved until the majority of South Africans control their own government and the expenditure of their government's funds, there are limited but important ways for the United States to assist in providing a better life for the people of South Africa.

This amendment would do so in three areas—health, education, and housing. The funds would be channeled through nongovernmental organizations in con-

sultation with the United States Congress and grass roots organizations representing the black majority and working in these areas, such as the South African Council of Churches, the National Medical and Dental Association, the African Teachers Association of South Africa, the National Education Coordinating Committee, and the South African Democratic Teachers Union.

In the limited instances where the victims of apartheid can best be assisted within the governmental organizations and institutions, such as schools and health clinics, the assistance could be channeled through non-governmental organizations only if the administration first consults with Congress and the black majority in South Africa and gives the Congress 15 days to review the request.

The struggle to end apartheid is a long and difficult one. With this amendment, the people of the United States can help ease the burden for those who pay the heaviest price for that brutal system.

I urge my colleagues to support this amendment and I look forward to working together to advance the goal of democracy in South Africa.

AMENDMENT NO. 844

(Purpose: To encourage the termination of human rights abuses inside the People's Republic of China and Tibet)

At the end of the bill add the following:

SECTION 1. STATEMENT OF PRINCIPLES.

(a) PURPOSE.—It is the purpose of this Act to create principles governing the conduct of industrial cooperation projects of United States nationals in the People's Republic of China and Tibet.

(b) PRINCIPLES.—It is the sense of the Congress that any United States national conducting an industrial cooperation project in the People's Republic of China or Tibet should adhere to the following principles:

(1) Suspend the use of all goods, wares, articles, and merchandise that are mined, produced, or manufactured, in whole or in part, by convict labor or forced labor if there is reason to believe that the material or product is produced or manufactured by forced labor, and refuse to use forced labor in the industrial cooperation project.

(2) Seek to ensure that political or religious views, sex, ethnic or national background, involvement in political activities or nonviolent demonstrations, or association with suspected or known dissidents will not prohibit hiring, lead to harassment, demotion, or dismissal, or in any way affect the status or terms of employment in the industrial cooperation project. The United States national should not discriminate in terms or conditions of employment in the industrial cooperation project against persons with past records of arrests or internal exile for nonviolent protest or membership in unofficial organizations committed to nonviolence.

(3) Ensure that methods of production used in the industrial cooperation project do not pose an unnecessary physical danger to workers and neighboring populations and property and that the industrial cooperation project does not unnecessarily risk harm to the surrounding environment, and consult

with community leaders regarding environmental protection with respect to the industrial cooperation project.

(4) Strive to use business enterprises that are not controlled by the People's Republic of China or its authorized agents and departments as potential partners in the industrial cooperation project.

(5) Prohibit any military presence on the premises of the industrial cooperation project.

(6) Undertake to promote freedom of association and assembly among the employees of the United States national. The United States national should protest any infringement by the Chinese Government of these freedoms to the appropriate authorities of that government and to the International Labor Organization, which has an office in Beijing.

(7) Urge the Chinese Government to disclose publicly a complete list of all those individuals arrested since March 1989, to end incommunicado detention and torture, and to provide international observers access to all places of detention in the People's Republic of China and Tibet and to trials of prisoners arrested in connection with the pro-democracy events of April through June of 1989 and the pro-democracy demonstrations which have taken place in Tibet since 1987.

(8) Discourage or undertake to prevent compulsory political indoctrination programs from taking place on the premises of the operations of the industrial cooperation project.

(9) Promote freedom of expression, including the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, or in print, in the form of art, or through any media. To this end, the United States national should raise with appropriate authorities of the Chinese Government concerns about restrictions on importation of foreign publications.

(c) PROMOTION OF PRINCIPLES BY OTHER NATIONS.—The Secretary of State shall forward a copy of the principles set forth in subsection (b) to the member nations of the Organization for Economic Cooperation and Development and encourage them to promote principles similar to these principles.

#### SEC. 2. REGISTRATION REQUIREMENT.

(a) IN GENERAL.—Each United States national conducting an industrial cooperation project in the People's Republic of China or Tibet shall register with the Secretary of State and indicate whether the United States national agrees to implement the principles set forth in section 1(b). No fee shall be required for registration under this subsection.

(b) EFFECTIVE DATE.—The registration requirement of subsection (a) shall take effect 6 months after the date of the enactment of this Act.

#### SEC. 3. REPORTING REQUIREMENTS.

(a) REPORT.—Each United States national conducting an industrial cooperation project in the People's Republic of China or Tibet shall report to the Department of State describing the United States national's adherence to the principles. Such national shall submit a completed reporting form furnished by the Department of State. The first report shall be submitted not later than 1 year after the date on which the national registers under section 2 and not later than the end of each 1-year period occurring thereafter.

(b) REVIEW OF REPORT.—The Secretary of State shall review each report submitted under subsection (a) and determine whether the United States national submitting the

report is adhering to the principles. The Secretary may request additional information from the United States national and other sources to verify the information submitted.

(c) ANNUAL REPORT.—The Secretary of State shall submit a report to the Congress and to the Secretariat of the Organization for Economic Cooperation and Development describing United States nationals operating in China and Tibet have adhered to the principles outlined in Section 2(B). This report shall be submitted not later than 2 years after the date of the enactment of this Act and not later than the end of each 1-year period occurring thereafter.

#### SEC. 5. ENFORCEMENT OF CURRENT LAW.

(a) IN GENERAL.—Beginning 6 months after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State shall submit with respect to the People's Republic of China and Tibet to the appropriate congressional committees a report describing—

(1) enforcement procedures with respect to the implementation of section 1307 of title 19, United States Code;

(2) steps taken to investigate which goods, wares, articles, or merchandise are mined, produced, or manufactured, in whole or in part, by convict labor or forced labor; and

(3) the results of such investigations.

(b) DEFINITION.—For purposes of this section, the term, "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

#### SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) the terms "adhere to the principles", "adhering to the principles" and "adherence to the principles" mean—

(A) agreeing to implement the principles set forth in section 1(b);

(B) implementing those principles by taking good faith measures with respect to each such principle; and

(C) reporting accurately to the Department of State on the measures taken to implement those principles;

(2) the term "industrial cooperation project" refers to a for-profit activity the business operations of which employ more than 25 individuals or have assets greater than \$25,000; and

(3) the term "United States national" means—

(A) a citizen or national of the United States or a permanent resident of the United States; and

(B) a corporation, partnership, and other business association organized under the laws of the United States, any State or territory thereof, the District of Columbia, the Commonwealth of Puerto Rico, or the Commonwealth of the Northern Mariana Islands.

#### AMENDMENT NO. 844

Mr. KENNEDY. Mr. President, I have offered an amendment calling for the establishment of ethical business practices in China and Tibet.

Today, jailed Tiananmen Square activists and Buddhist monks are being subjected to forced labor to assemble products for export to the United States, German, and Japanese markets. Many firms in the free world have become unknowing partners in deals with prison camps.

The United States should be doing more to end these human rights abuses. The amendment I am introduc-

ing today, which has been cosponsored by Senators GRASSLEY, PELL, DECONCINI, CRANSTON, WELLSTONE, and BROWN, would enlist U.S. businesses in this effort.

This legislation requires United States nationals engaged in commercial activities in China to follow certain guidelines in conducting business. Prisoners, including large numbers of political prisoners, are an integral part of China's labor force. Products from forced labor camps are sold in domestic and foreign markets and have become a large component of the Chinese economy. One-third of the tea produced in China, for example, comes from labor camps.

Prisoners mine, manufacture, and harvest a variety of other products including coal, textiles, steel, machine tools, automobiles, chemicals, electronic goods, fans, shoes, ceramics, and over 20 agricultural products.

The Chinese Government has actively, and successfully, sought United States markets for these goods. In scope, number of camps and prisoners, and degree of cruelty, these forced labor camps are deplorable. Between 4,000 and 6,000 exist in China and Tibet, and 10 to 20 million people are detained.

Large numbers of the forced laborers are political detainees; few have had trials. Prisoners work up to 15 hours a day and are not allowed to speak to one another. Torture with cattle prods for disobedience is common.

The United States should speak out against this shameful repression, and U.S. business should do its part, too. Our increasing commercial ties with China should not be at the expense of the forced labor of Chinese and Tibetan political prisoners.

This legislation requests United States nationals participating in joint ventures in China and Tibet to follow nine important principles:

First, to refrain from using products made by forced labor;

Second, to safeguard employees from dismissal because of their political beliefs and participation in nonviolent demonstrations;

Third, to ensure that business operations do not harm the environment;

Fourth, to use businesses not controlled by the Chinese Government when looking for business partners in China;

Fifth, to prohibit any military presence on the premises of industrial cooperation projects;

Sixth, to promote freedom of association and assembly among employees;

Seventh, to press Chinese authorities for a list of those arrested since the massacre in Tiananmen Square in 1989 for an end to secret detention, and for access by international observers to places of detention;

Eighth, to avoid political indoctrination programs on company premises and



Ninth, to promote freedom of expression for workers.

The amendment requires the Secretary of State to report to Congress on whether U.S. companies are complying with these principles.

Current law prohibits the importation of products produced from forced labor, and the amendment also requires the Secretary of State to submit annual reports to Congress on steps taken to enforce the law.

Congress needs to take a strong stand against the gross injustices of forced labor. Our message of support for human rights in China is strongest if private industry and the Government speak with one voice. I urge my colleagues to join me in supporting this amendment.

AMENDMENT NO. 845

(Purpose: To encourage the development of regional nuclear non-proliferation regimes)

On page 98, after line 19 insert the following:

SEC. 514. NUCLEAR NON-PROLIFERATION REGIMES IN SOUTH ASIA AND OTHER REGIONS.

(a) POLICY.—It is the sense of the Congress that—

(1) the problems of halting international commerce in nuclear-weapons-related technology, of prohibiting the development, acquisition, or use of nuclear weapons, and of responding to the effects of nuclear war are global in nature;

(2) progress toward resolving these problems requires the agreement of all nations to undertake binding, universal, and non-discriminatory commitments to global principles represented by the Nuclear Non-Proliferation Treaty and the safeguards system implemented pursuant to that Treaty by the International Atomic Energy Agency;

(3) the design, negotiation, and development of regional nuclear non-proliferation regimes in South America, the Middle East, South Asia, East Asia, and in other regions can serve the global interest by reinforcing the universal standards and principles of the Nuclear Non-Proliferation Treaty and the safeguards verification system of that Treaty, as implemented by the International Atomic Energy Agency;

(4) agreements among nations promising not to attack one another's nuclear facilities are useful measures that can contribute to the creation of nuclear non-proliferation regimes;

(5) timely information about the progress of these non-proliferation regimes toward achievement of these global non-proliferation objectives is essential to the Congress in the deliberation, formulation, and oversight of United States nuclear non-proliferation policy; and

(6) the President should pursue a regional negotiated solution to the issue of nuclear non-proliferation in the countries of South Asia, including at least the countries of the People's Republic of China, India, and Pakistan, and the President should seek an accord to be signed by all nuclear weapons states in the Asian region which would prohibit nuclear attacks or the threat to use nuclear weapons by nuclear weapons states on countries in South Asia.

(b) REPORT.—The President shall submit to the Congress in January of 1992 and in January of each year thereafter a report describing the progress made and obstacles encountered

in establishing regional nuclear non-proliferation regimes in South America, the Middle East, South Asia, and other regions. Each such report shall include a description of—

(1) any new regional agreements, treaties, or institutions that are created to advance global nuclear non-proliferation objectives;

(2) any new regional verification procedures and sanctions mechanisms to ensure progress toward achieving global nuclear non-proliferation objectives;

(3) any new proposals from countries in these regions to foster the development of regional regimes that promote global nuclear non-proliferation objectives; and

(4) a classified evaluation of any evidence that any nation has engaged in the previous year in activities described in subparagraphs (A) through (D) of section 601(a)(3) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242; 92 Stat. 120), or any other nuclear-weapon-related activity described in section 669 or 670 of the Foreign Assistance Act of 1961 (Public Law 87-195, 75 Stat. 42), together with an unclassified summary of this evidence.

(c) LIMITED WAIVER ON PROHIBITION ON ASSISTANCE.—Notwithstanding section 620E(e) of the Foreign Assistance Act of 1961, the President may, until April 1, 1993, provide agricultural commodities or other assistance under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 83-480) or under section 416 of the Agricultural Act of 1949 if the President determines and reports to the Congress that—

(1) it is in the national interests of the United States to do so; and

(2) such assistance would advance the nuclear non-proliferation objectives of the United States.

On page 110, line 21, strike out "September 30, 1994" and insert in lieu thereof "April 1, 1993".

On page 3, after the item relating to section 513, insert the following new item:

Sec. 514. Nuclear non-proliferation regimes in South Asia and other regions.

REGIONAL APPROACHES TO HALTING NUCLEAR PROLIFERATION

Mr. GLENN. Mr. President, in cooperation with other nations, the United States has now been trying to halt the global proliferation of nuclear weapons for 45 years. There have been many successful milestones in the evolution of these efforts, such as: The creation of the International Atomic Energy Agency [IAEA] and its safeguards system; the negotiation of the Nuclear Non-Proliferation Treaty [NPT], which now has 142 parties; the establishment of a nuclear-weapon-free zone in Latin America via the Treaty of Tlatelolco; the development of an international system of guidelines for exports of nuclear equipment and technology maintained by the Nuclear Suppliers Group; and the negotiation of numerous agreements and treaties prohibiting the deployment or testing of nuclear weapons in various parts of the world and in outer space.

I rise to speak today, however, about the continuing challenges we face in mobilizing international efforts to prevent the global spread of nuclear weapons and in searching for more effective

means of regulating commerce in equipment and materials to produce such weapons. Saddam Hussein has recently shown the world how far a nation can go toward obtaining a nuclear weapon while remaining a party to the NPT and while—according to the IAEA—complying with the formal requirements of full-scope IAEA safeguards. North Korea has also signed, but not yet implemented, the NPT; so has Libya, Iran and other countries that remain of proliferation concern.

Clearly, the international community needs to continue its search for new measures of complementing and supporting the global standards embodied in the IAEA and the NPT.

REGIONAL NUCLEAR NONPROLIFERATION REGIMES

One area where progress may well be made in the 1990's relates to the development of nuclear nonproliferation regimes that are regional in focus but that implement global standards.

For example, Brazil and Argentine appear to be well on their way toward substantial improvements not only in their relations but in the development of a stronger regional nuclear non-proliferation regime. Both countries, for example, have announced their intentions to work toward placing all of their nuclear facilities under the safeguards auspices of the IAEA; this is a positive step indeed, compared with earlier attempts by both nations to restrict the role of the IAEA or to limit the whole notion of safeguards strictly to national or bilateral undertakings. Now both countries recognize the value of some universal standards and are taking some steps toward implementing them under IAEA auspices.

Brazil, in particular, has taken some extraordinary steps in publicizing the activities of a secret enterprise called, Project Solimoes, a 15-year effort by the Brazilian military to acquire a nuclear weapon. The President of Brazil took the bold steps of publicizing this project, condemning it, and according to many accounts, dismantling it. I can think of many nations that I wish would adopt this particular model for dealing with proliferation.

Although the job is far from complete in Brazil or in Argentina—since there remain certain sensitive activities outside of safeguards and since the military is still engaged in nuclear-related work in both countries—there is no doubt that some progress is being made. If only both nations would bury the hatchet and finally agree to become parties to the NPT, mutual confidence and stability would be all the more advanced. The United States should not weaken in its efforts to encourage both nations to accede to that treaty.

GLOBAL DIMENSION OF REGIONAL REGIMES

What makes the progress in establishing a nuclear-weapon-free zone in Latin America so encouraging is the

apparent readiness of the key nations in the region to acknowledge that the stability and confidence of their regional is enhanced by the support it gives to international principles and standards. In particular, both nations now officially recognize the importance of mutual agreement to apply the universal safeguards standards of the IAEA to all their nuclear activities.

What is most noteworthy about the progress in Latin America is that it is not taking place strictly in an isolated regional context. The countries in the region well recognize that a nuclear war in the region would not merely have regional consequences. They recognize that the marketplace for sensitive nuclear technology is not regional in nature, but global. They also recognize that confidence is enhanced by increased reliance on a neutral, international inspection system with over 30 years of experience in implementing safeguards. In short, what we are seeing taking place in South America is the evolution of a regional regime within a broader global nuclear nonproliferation regime.

#### SOUTH ASIAN NUCLEAR REGIMES

In South Asia, both India and Pakistan have begun to take some steps away from the brink of nuclear confrontation; although these steps are still preliminary and the road ahead will no doubt be both long and rough, the United States should continue to encourage greater progress in building some regional solutions to the dangerously unstable nuclear stalemate that now exists in South Asia. The agreement between Pakistan and India not to attack each other's nuclear facilities is a solid step in the right direction. It is essential that these so-called regional solutions, however, be solidly grounded in fundamental international nuclear nonproliferation standards and principles.

Pakistan has made many proposals for the development of a regional nuclear nonproliferation regime in South Asia. Although Pakistan's multiple proposals to India have not yet produced any serious Indian counter-proposals, India's readiness to enter into such undertakings could only be enhanced if Pakistan would take some concrete steps to constrain its bomb program—in other words, if Pakistan were to match its peaceful words with some peaceful deeds.

Yet in South Asia, just as in Latin America or any other region, the problem of nuclear proliferation emerges again as fundamentally a global problem. The environmental and political consequences of a nuclear war in South Asia could in no way be characterized as only regional in nature. The marketplace for sensitive nuclear technology is also global in nature. Similarly, if either nation should choose to become an international supplier of

sensitive nuclear technology, the consequences of such sales for other nations—including our own—around the globe could well be profound.

In addition, several nations outside South Asia can play major roles either in making or in breaking any South Asian nuclear regime. China, for example, will play a crucial role in any future nuclear regime development in South Asia. If China continues to pose a nuclear threat to India and to provide bomb technology to Pakistan, prospects for a regional regime will vanish. The Soviet Union could also play a constructive role, especially if it adopts a policy of encouraging both India and Pakistan to adopt full-scope IAEA safeguards; however, the Soviet Union and France continue to show interest in selling reactors to both nations without any such requirement.

Given its longstanding relationship with Pakistan, and given the vast quantity of foreign assistance that was provided to Pakistan while it was continuing to work on the bomb, the United States has a special obligation to use its diplomatic influence to encourage Pakistan to live up to its many assurances about the peaceful nature of its nuclear program. If America balks, and turns a blind eye once again to bomb developments, then once again prospects for any meaningful regional approach will only be further eroded. That is why it is essential for America to reaffirm its determination to apply sanctions so long as Pakistan's nuclear program is wildly out of line with the stated peaceful national policies of the government. And that is why we must continue to encourage India to offer some constructive proposals aimed at curbing the dangerous appetite for nuclear weapons in South Asia.

#### SUMMARY OF PROPOSED AMENDMENT

Accordingly, the amendment I am introducing today states that it is the sense of Congress that regional nuclear regimes have valuable contributions to make in reaffirming international efforts over the last 45 years to halt the global spread of nuclear weapons. In particular, Congress would reaffirm the important roles that can be played by the IAEA and the NPT in assisting nations to develop regional regimes to halt the development of nuclear weapons. The Congress would specifically acknowledge the potential contributions to regime building that can come from agreements barring attacks on nuclear facilities.

Because of the interest in Congress in monitoring the development of regional nuclear nonproliferation regimes, the amendment would require the President to submit an annual report to Congress on the progress made and obstacles encountered in developing these regimes in South America, the Middle East, South Asia, and in other regions. Each report would describe any new treaties or agreements

that have been negotiated, any new verification procedures, any new proposals from countries in these regions to foster the development of such regimes, and a classified evaluation of any evidence that nations which have agreed to enter into such regimes are acting in compliance with the terms of these regimes (an unclassified summary of the evidence is also required).

The amendment would also return the length of Pakistan's waiver of section 669 of the Foreign Assistance Act—one of the so-called Glenn-Symington amendments—to 1 year—the same duration as the last two waivers. Although I am personally not inclined to support any further continuation of this waiver—given that Pakistan appears to be continuing its bomb program notwithstanding its many peaceful regional nuclear proposals—I will today support giving the President another year of authority to exercise this waiver if he believes it is in the national interest.

In doing so, however, I take note of two important facts: First, renewal of this waiver authority does not mean that America now intends to lift its foreign aid embargo on Pakistan—Pakistan still has not met the standards of the Pressler amendment. This standard, created in 1985 in the wake of a series of major export control violations and illicit nuclear weapons-related activities, was specifically applied to Pakistan because the United States needed to provide assistance as part of our effort to remove the Soviets from Afghanistan; in return for providing such assistance in the face of Pakistan's flagrant violation of the Glenn-Symington amendments, Pakistan was held to a fundamental requirement that it would not possess nuclear explosive devices. It is Pakistan's inability to satisfy this standard that has resulted in the current aid cutoff.

The second important point to note is that although the President already has waiver authority for section 669 that will not expire until April 1992, he has not yet chosen to invoke that authority. If Pakistan continues to make clandestine efforts to acquire unsafeguarded uranium enrichment technology, such procurement activities will only make it all the more difficult for the President to invoke that authority.

Economic sanctions hurt. They are meant to hurt. An argument can be made, however, that inasmuch as America's quarrel is not with the people of Pakistan but with the misguided nuclear policies of its government, that limited agricultural assistance provided under Public Law 480 and the Agricultural Act of 1949 should continue to be provided over the same period as the Glenn-Symington waiver authority is effective to Pakistan, provided that such assistance would be judged by the President to be consistent both with

the national interest of the United States and with our nuclear nonproliferation objectives.

I do not support lightly the notion of approving any further assistance to Pakistan whatsoever until it can roll back its nuclear program; yet because of the special humanitarian nature of this assistance, I am willing to support resumption of such assistance so long as it does not conflict with our national interest and nonproliferation goals. I will support the limited provision of this agricultural assistance on purely humanitarian grounds and I wish to announce that I do not expect to support in the future any new loopholes or end-runs around the embargo we now have in place on foreign aid to Pakistan.

I am pleased to welcome as a cosponsor of this amendment my distinguished colleague from Indiana, Senator LUGAR, whose efforts on behalf of our national objectives of nuclear nonproliferation are appreciated by all who work with him.

#### AMENDMENT No. 846

(Purpose: To express the sense of the Congress regarding international relief efforts in the Horn of Africa)

On page 195, between lines 18 and 19, insert the following new section:

#### SEC. 690. INTERNATIONAL RELIEF EFFORTS IN THE HORN OF AFRICA.

(a) FINDINGS.—The Congress finds that—  
(1) a massive humanitarian emergency is sweeping across the Horn of Africa today—in Ethiopia, Somalia, and Sudan—where millions of lives are at risk from famine caused by war and civil strife;

(2) refugees are on the move in all directions across the region's borders, searching for peace and relief;

(3) reports from the field indicate that in some cases sufficient food and relief supplies are stockpiled at ports within a few hundred miles of starving refugees; and

(4) the lack of effective international coordination in the field is contributing to this human tragedy, and international diplomacy is failing to break the local political and logistical obstacles to the relief effort.

(b) POLICY.—The Congress—

(1) urges the Secretary General of the United Nations to immediately appoint United Nations field coordinators for each country in the Horn of Africa who can act with the Secretary General's full authority to bring greater coordination to the United Nations and international relief effort and to better mobilize donor contributions; and

(2) urges the President to lend the full support of the United States to all aspects of the relief operation in the Horn of Africa, and to work in support of United Nations and other international and voluntary agencies, in breaking the barriers currently threatening the lives of millions of refugees and others in need.

#### AMENDMENT No. 847

(Purpose: To authorize additional assistance to Economic Community of West Africa Peacekeeping effort in Liberia)

On page 191, line 21, amend section 687 by adding new subsections (c) and (d) as follows:

(c) Funds authorized by this Act, and funds made available in prior foreign assistance appropriations Acts which were allocated or

used for military assistance under chapter 2 of part IV of the Foreign Assistance Act of 1961, may be made available, notwithstanding any provision of law that restricts assistance to countries, to support the members of the economic community of West Africa (ECOWAS) in expanding military involvement in Liberia for the purposes of peacekeeping.

(d) Any exercise of the authority of this section shall be subject to specific amounts provided in advance in an appropriations Act.

#### AMENDMENT No. 848

SEC. . Notwithstanding any other provision of law, the President is authorized to provide assistance to Liberia, Ethiopia, and Nicaragua: *Provided*, That the President determines and so certifies to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives that the country to which assistance is to be provided has made significant progress toward democratization and that the provision of such assistance will assist that country in making further progress and is otherwise in the national interest of the United States. A separate determination and certification shall be required with respect to each country and for each fiscal year in which such assistance is to be provided.

#### AMENDMENT No. 849

(Purpose: Expressing the sense of the Senate that United States businesses engaged in the rebuilding of Kuwait should use United States subcontractors and all available United States goods and services)

At the appropriate place in the bill; insert the following new section:

#### SEC. . USE OF AMERICAN SUBCONTRACTORS IN KUWAIT.

(a)(1) Whereas Kuwait has indicated its intention to award a substantial majority of the contracts (by value) for the rebuilding of its infrastructure and industrial base to United States businesses;

(2) Whereas this Kuwaiti policy is intended to recognize the contribution of the United States and its people to the liberation of Kuwait; and

(3) Whereas the Department of Commerce has developed a policy of strongly encouraging United States businesses awarded contracts for the rebuilding of Kuwait policy extend to the awards of subcontracts to United States businesses and the procurement of United States goods and services

(b) It is the sense of the Senate that—

(1) United States businesses engaged in the rebuilding of Kuwait should, to the maximum extent possible, use United States subcontractors and available United States goods and services; and

(2) the Department of Commerce should monitor and encourage the implementation of this policy.

Mr. ROCKEFELLER. Mr. President, this amendment would express the sense of the Senate that United States businesses engaged in the rebuilding of Kuwait should use United States subcontractors and all available American goods and services.

It is currently estimated, Mr. President, that the reconstruction of Kuwait may generate up to \$25 billion in contracts over the next 5 years. We in

the U.S. Congress should be doing everything possible to ensure that American industry and American workers benefit from this opportunity.

Mr. President, this amendment would take a step in that direction by urging American companies already successful in obtaining contracts in Kuwait to use American subcontractors. This should significantly increase the number of United States companies that will benefit from the reconstruction of Kuwait.

Thus far, the promise of substantial procurement has not been realized. The United States has sold roughly \$1.5 billion in goods this year to Kuwait. Even though this figure is nearly twice the annual average before the Iraqi invasion, it is much lower than the popular estimates. Obviously, a sense-of-the-Senate resolution by itself will not make a dramatic change in the situation, but it will make clear our determination that our contractors should be maximizing the benefits to Americans, and that the U.S. Government stands behind that effort.

To use a popular term, this legislation will allow contracts to trickle down to the workers of America. The demand for steel girders in new buildings in downtown Kuwait City will mean jobs for steel workers in West Virginia, Indiana, and Pennsylvania, among other States. Demand for new cars can translate into work for the auto parts suppliers in Detroit. And the demand for new communications equipment, should result in contracts for the computer chip maker in Silicon Valley.

By adopting this amendment, we will send a message and demonstrate that the United States is serious in its commitment to make the U.S. worker and U.S. businesses competitive in the world market.

#### AMENDMENT No. 850

On page 88, after line 8, add the following:  
(c) supports the unconditional recognition of the State of Israel.

#### AMENDMENT No. 851

#### SEC. . RULE-OF-LAW INITIATIVE.

Title III of the Support for East European Democracy (SEED) Act of 1989 is amended by adding at the end thereof the following new section:

#### "SEC. . RULE-OF-LAW INITIATIVE.

"(a) FINDINGS ON ASSISTANCE FOR LEGAL REFORM.—Congress finds that—

"(1) a major challenge facing SEED Program countries is converting to a legal system protective of the rights and liberties integral to a representative democracy and a thriving market economy;

"(2) accomplishing this comprehensive task efficiently will require sound academic and practical advice;

"(3) the American Bar Association has in the past cooperated successfully with AID in the development and operation of training programs for lawyers and judges in foreign countries;

"(4) The ABA has now undertaken a Central and East European Law Initiative [CEELI] that is mobilizing the Association's

considerable resources to provide technical assistance and training in the areas of constitutional law, criminal justice, and judicial reform in SEED Program countries;

"(5) such an undertaking offers a uniquely powerful means of assisting the process of legal reform in SEED Program countries; and

"(6) in recognition of the potential value of the ABA contribution to East European reform, the President has, as a part of a larger Rule-of-Law Initiative, begun to cooperate with and support the ABA's CEELI effort.

"(b) ABA CONTRIBUTION TO RULE-OF-LAW INITIATIVE.—Congress urges the President to continue to cooperate with and support the American Bar Association in its efforts to assist SEED Program countries in establishing the modern legal framework necessary for a transformation to representative democracy and free market economies."

#### AMENDMENT No. 852

(Purpose: To Condemn the Violence in Nagorno-Karabakh)

It is the sense of the Senate that the Senate:

(1) condemns the attacks by internal security forces and the forces of the Azerbaijani government on innocent children, women, and men in Armenian areas and communities in and around Nagorno-Karabakh and in Armenia;

(2) condemns the indiscriminate use of force, including the shelling of civilian areas, on Armenia's eastern and southern borders;

(3) calls for the end of the blockades and other uses of force and intimidation directed against Armenia and Nagorno-Karabakh, and calls for the withdrawal of forces newly deployed for the purpose of intimidation;

(4) calls for an immediate and to deportations of Armenians from Nagorno-Karabakh and the freedom for all refugees to return to their homes;

(5) calls for dialog among all parties involved as the only acceptable route to achieving a lasting resolution of the conflict;

(6) Reaffirms the commitment of the United States to the success of democracy and self-determination in the Soviet Union and its various republican; and

(7) expresses its deep concern over acts of retribution or intimidation against those republics which are seeking greater independence.

Mr. LEVIN. Mr. President, this amendment I have proposed along with Senator DOLE is similar to a resolution the Senate passed on May 17, 1991. Now as then, I have proposed this amendment because of my continued concern about the ongoing conflict between Armenia and Azerbaijan, and the turmoil and violence in and around Nagorno-Karabakh. Language identical to this amendment was included in the foreign aid authorization passed last month by the House of Representatives.

This amendment condemns the attacks against innocent children, women, and men in and around Nagorno-Karabakh, and calls for the end of the blockades and other uses of force and intimidation directed against Armenia and Nagorno-Karabakh. This amendment calls for dialog; dialog among all parties is the only acceptable way to achieve a lasting peace.

All Americans want to do whatever is possible to foster the success of democ-

cracy and self-determination in the Soviet Union and its republics. The amendment reconfirms this commitment by the United States.

Mr. President, this amendment condemns the violence, calls for dialog, and reconfirms our commitment to the success of democratic reforms. For these reasons, I support its adoption.

Mr. DOLE. Mr. President, I am pleased to join Senators LEVIN, SEYMOUR, and SIMON in cosponsoring this timely and important amendment.

The amendment speaks for itself. The people of Armenia—both those within the Republic of Armenia, and those in Nagorno-Karabakh—are the victims of brutal aggression; an aggression perpetrated by the Azerbaijan Republic, and aided and abetted by the Soviet Central Government and Army.

Mr. President, time and again the Senate has spoken out clearly on our insistence that the Soviet Government not suppress through violence, intimidation or blackmail the clear desire of the people of the country's constituent Republics for Democracy and self-determination. Nowhere is that desire more manifest than in Armenia; and nowhere have the Soviets undertaken more blatant measures of force and threat and deceit to thwart the legitimate goals of the people.

Despite all that, the people of Armenia will persist. Even more, they are playing by the rules the Soviets themselves laid down. Unique among all the republics who have publicly declared their intention to achieve their own sovereignty, they have agreed to move toward that goal within the guidelines laid down by the Soviets.

Mr. President, the people of Armenia need our support, and deserve our support. We have sent them one signal of support today, by joining to agree to this amendment.

#### AMENDMENT No. 853

At the end add the following:

TITLE —INDEX OF ECONOMIC FREEDOM ACT OF 1989

##### SEC. 1301. SHORT TITLE.

This title may be cited as the "Index of Economic Freedom Act of 1989".

##### SEC. 1302. CONGRESSIONAL FINDINGS.

The Congress finds that:

(1) Economic growth is a prerequisite for the sustained alleviation and elimination of poverty and its symptoms, including illiteracy, infant mortality, malnutrition, and landlessness.

(2) Economic freedoms are necessary for the poorest members of developing societies to break out of the cycle of poverty, through land ownership, access to credit, and removal of barriers to entrepreneurship.

(3) The United States, in partnership with developing nations, derives mutual benefits from economic freedoms that generate economic growth, increased trade, and investment opportunities.

(4) United States assistance to developing nations should be used to encourage policies that further sustainable economic growth, rather than offset the costly effects of policies which discourage individual initiative,

produce capital flight, and subsidize environmentally destructive or wasteful use of resources.

(5) The American offer of assistance to developing nations constitutes a partnership based on mutual benefit, devotion of resources, and commitment to the achievement of policies conducive to the sustainable economic growth necessary for the alleviation of poverty. Development assistance, which is a limited American resource, should be primarily directed to those nations that exhibit the greatest commitment to the partnership for development through policies conducive to economic development.

(6) Economic reforms leading to sustainable economic growth can require short-term assistance for economic sectors where the previous growth-impeding policies which distort the allocation of resources. The United States should work with developing countries to alleviate possible short-term costs associated with economic reform.

(7) To be effective, United States assistance should be accompanied by a policy framework that promotes long-term, self-sustainable economic growth and development.

(8) To gauge a country's progress in providing economic incentives, an Index of Economic Freedom is needed which will gauge a country's progress toward policies conducive to sustainable economic growth.

##### SEC. 1303. AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961.

The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

##### "SEC. 671. INDEX OF ECONOMIC FREEDOM.—

(a) DEVELOPMENT OF INDEX.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Agency for International Development shall develop, for every country receiving development assistance under chapter 1 of part I of this Act, a system for determining and evaluating the progress being made by each such country to foster and enhance the freedom and opportunity of individuals to participate in the economic growth of their respective countries. Such system shall be referred to as the "Index of Economic Freedom" (hereafter in this section referred to as the "Index"). The Index shall be developed in consultation with such Federal agencies and private organizations as the Administrator deems appropriate.

(b) EXTENSION OF TIME.—The Administrator may extend the date by which the Index is required to be developed by an additional 90 days if he determines that the period specified in subsection (a) for the development of the Index is inadequate.

(c) FACTORS EVALUATED BY THE INDEX.—The Index should take into account such factors as the following and should be able to assess the degree of economic freedom and opportunity in a country:

"(1) PROPERTY RIGHTS.—The extent to which poor or landless individuals are illegally or otherwise artificially constrained from acquiring land or other forms of property or are unable to gain secure legal title to land, the degree to which laws and an independent judiciary protect private property and enforce contracts for individuals against the government, the extent of nationalization of property and the state's power to nationalize private property, and the degree of access of private parties to the judicial system.

"(2) REGULATIONS.—The difficulty and costliness of securing a business license, regulations which inherently favor established

business at the expense of newcomers, and limitations on the freedom and ability of citizens to establish businesses or add prohibitive costs or additional risks to maintaining such businesses.

"(3) INFORMAL SECTOR.—The extent to which government policies force economic activity into nominally illegal informal sectors where otherwise legal activities are conducted outside of government regulations and requirements, and the extent to which those policies discourage the development of locally controlled non-governmental institutions.

"(4) WAGE AND PRICE CONTROLS.—The identity of industries or goods which are subject to government mandated wages or prices, the value of goods sold wholesale and retail subject to price controls, the degree to which private farmers are forced to sell produce at government established prices, and the degree to which farmers are not allowed to profit from the real market price of their products.

"(5) TAXATION.—The highest rate of taxation, the income level at which this rate takes effect, the relationship between per-capita income and the level at which the highest rate of taxation takes effect, rate of the value added tax (VAT), the level of taxation on assets, and the rate of monetary inflation.

"(6) TRADE POLICY.—Customs duty rates, quantitative restrictions on imports, import quotas, import prohibitions, foreign exchange availability for those engaged in international trade, export taxes, restrictive export practices, marketing-distorting export incentives such as subsidies, import licenses, and country-of-origin restrictions.

"(7) RESTRICTIONS ON INVESTMENT AND CAPITAL FLOWS.—Limitations on foreign investment and foreign ownership, limits on repatriation of principal and profits for foreign investors, and restrictions on removal of foreign or domestic capital from the home country.

"(8) SIZE OF STATE SECTOR.—Value of industries owned by the government, percentage of GNP produced by state-owned industries, prohibitions on private economic activities in certain sectors and the value of the state sector assets.

"(9) BANKING.—Degree of government ownership of banking sector, private citizens rights to own and operate banks and citizens' access to private sources of credit.

"(d) REPORT.—Beginning two years after the date of enactment of this section, and every 12 months thereafter, the Administrator shall apply the Index to each country which is eligible for development assistance under chapter 1 of part I of this Act on that date and, based upon such evaluation, shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the findings of that evaluation. In making that evaluation, the Administrator shall rely, to the maximum extent practicable, on data supplied by private indigenous institutions in less developed countries.

"(e) DETERMINATION OF COUNTRIES ELIGIBLE FOR UNITED STATES SUPPORT.—Beginning two years after the date of enactment of this section, no assistance (except as otherwise provided by this Act) may be provided under chapter 1 of part I of this Act" with respect to a foreign country unless the advisability of furnishing support for that country has been considered in light of the data on that country contained in the latest report submitted under subsection (d).

"(f) USE OF INDEX TO EVALUATE COUNTRIES RECEIVING UNITED STATES ASSISTANCE.—In furnishing development assistance under chapter 1 of part I of this Act, the Administrator shall use the Index to promote improvements in the underlying economic conditions evaluated by the Index while retaining flexibility in designing and implementing development programs and projects. The Administrator shall use the Index as a basis for evaluating the direction of policy changes in less developed countries and as a basis for evaluating specific projects and programs assisted by the Agency for International Development."

SEC. 1304. ELIGIBILITY OF COUNTRIES FOR FINANCIAL ASSISTANCE FROM CERTAIN INTERNATIONAL INSTITUTIONS.

The Secretary of the Treasury shall direct the United States executive directors to the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the African Development Bank, the African Development Fund, the Asian Development Bank, and the Asian Development Fund to consider the advisability of opposing the extension of any loan or other financial assistance to countries which the Secretary determines have rated poorly under the latest report submitted under section 671(d) of the Foreign Assistance Act of 1961.

INDEX OF ECONOMIC FREEDOM

Mr. MACK. Mr. President, I have offered an amendment with a modification. The amendment requires the administration to develop an index of economic freedom. The modification makes some important changes that we have worked out with administration and with the managers of this bill. I thank all concerned for their cooperation in working out this amendment.

The purpose of this amendment is simple. It recognizes that economic freedom is the key to economic growth, which has made this country a dynamo of prosperity and a model to millions in developing countries across the globe. It says that we should develop an index of economic freedom and apply it to every nation that receives U.S. foreign assistance so we can know if they are making progress on economic reform.

This amendment has passed the Senate before, and the Foreign Operations bill of last year did contain language "encouraging" AID and Treasury to "seriously consider" developing such an index.

The development of an index of economic freedom is long overdue. Recognition of the link between economic freedom and growth and prosperity has been growing in the past few years and is becoming universal.

As a front-page article in the New York Times, Sylvia Nasar, "Third World Embracing Reforms To Encourage Economic Growth," July 8, 1991, stated:

The old strategy for transforming a poor country into a rich one, advocated from the 1930's through the 1960's, called for rapid government-led industrialization at the expense of agriculture, protecting infant industry

from foreign competition and replacing imports with domestic production for the local markets.

At the nub of this philosophy was the notion that government should guide economic development. Thus came a tight web of licensing requirements, restrictions on who could enter or leave industries, constraints on bankruptcy filings and layoffs, and price controls. \* \* \* "These views have not stood the test of time," the World Bank says bluntly.

\* \* \* And seemingly small steps toward deregulation have often produced great spurts of economic activity. Ghana, for instance, used to levy confiscatory taxes of 50 percent or more on cocoa, and some farmers left crops to rot in the fields or smuggled them out. When it sharply lowered the taxes, cocoa production and exports soared. When South Korea lifted interest rates on bank deposits in the 1970's, the size of its banking system quadrupled in less than 4 years.

We do have success stories we can point to now—countries where free market economic reforms have dramatically reversed decades of capital flight and resulting in a windfall of investment spurring economic growth. As the New York Times continued:

Today Mexico \* \* \* has taken to heart a notion that has won converts in Eastern Europe: when it comes to government, smaller is better. Since 1992, Mexico has sold 875 to 1,155 government-owned companies \* \* \* the payoff has been 3 years of 3 to 4 percent growth and an inflation rate that is less than 20 percent—low by Latin standards. Even more promising, an estimated \$10 billion that had been taken overseas has returned, as investors' confidence in the stability of Mexico's economy has grown.

Even the World Bank, not always known as a bastion of free market principles has become, in its 1991 World Development Report, trumpets the need for free market reforms. To quote from the report:

Developing countries' prospects are principally in their own hands \* \* \* governments need to intervene less in industrial and agricultural pricing, to deregulate restrictions to entry and exit \* \* \* market-based incentives for saving and investment are essential if domestic resources are to play their essential part in financing development.

\* \* \* A measure of optimism is justified now that more and more countries are opting for a market-friendly approach. With strong international cooperation, the opportunities for development will be brighter.

This amendment provides for the establishment of a basis for measuring the progress of nations toward free market policies. The result will be a report to the Congress similar to the annual human rights report provided by the State Department. In other words, a report that gives us a sense of progress, or lack of progress, across a range of free market policies.

Mr. President, this is an important amendment that I hope will lead to the development of an important resource both to the Congress and to countries around the world. I support its adoption.

## AMENDMENT No. 854

(Purpose: To express the sense of the Congress that the United States should encourage growth in developing nations in order to create new markets for United States products and services)

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

## SEC. . POLICY ON DEVELOPING NATION GROWTH.

(a) FINDINGS.—The Congress finds that—  
(1) the creation of new employment worldwide is increasingly needed to maintain stability as populations expand;

(2) such job growth in developing nations would open vital new markets for the products and services of the advanced nations; and

(3) private direct investment is needed to bring about growth in the developing nations.

(b) POLICY.—It is the sense of the Congress that—

(1) the United States should urge developing nations to pursue policies conducive to growth through private direct investment;

(2) the United States should urge industrialized nations to avoid erecting trade barriers which could have the effect of restricting imports from developing nations; and

(3) the United States should encourage developing nations to pursue a policy that supports "national treatment" for private direct investors.

Mr. SYMMS. Mr. President, as this body considers the multibillion dollar foreign assistance legislation, I believe we have overlooked a critical component to truly improving the economic welfare of developing nations and their citizens.

Often times, and many of my colleagues will agree, the assistance we have provided to developing nations has done little to promote economic growth. While Third World economic problems are mostly self-imposed and bureaucrats in less-developed-countries have hindered the economic development of their country, the United States and multinational lending agencies have compounded the problem by rarely encouraging growth-oriented policies linked to the economic assistance it provides. Simply turning money over to these countries will not promote economic change. In most cases, the economic aid has been used by the recipients to repay previous foreign aid loans, or continue to prop-up inefficient State-run industries.

Mr. President, one clear way in which we can take a step in the right direction would be to adopt the amendment I am offering which states the sense of the Congress that the United States should promote growth-oriented, private direct investment into these developing nations.

As the populations of developing nations rises, the demand for employment opportunities will increase significantly. Jobs mean individual stability thereby enhancing a country's collective stability and success—an extremely important point to consider.

Mr. President, many of these nations do pose an economic and security risk

to the United States. History proves that less developed countries caught in an economic cesspool are ripe for even greater political and social unrest.

Clearly, it is in the United States best interest to link our foreign assistance and economic development loans to the promotion of free enterprise, private direct investment and serious growth-oriented policies.

It astounds me that year after year, we throw money—the taxpayer's hard earned money—to countries who squander it away rather than utilizing it to promote economic development.

Although I have never been a supporter of foreign aid, I can recognize the unlikelihood of ending this multibillion-dollar program. However, rather than merely dumping this money on the countries, we should make every effort to incorporate policies to promote development. Though the amendment I am offering is only a sense of the Congress, I believe this can be the first step toward recognizing the deficiencies in our current policies and opening the door toward true economic and political gains for developing nations as well as our own.

Mr. President, I support the adoption of the amendment.

## AMENDMENT No. 855

The United States Congress understands that all Palestinian schools and universities in the West Bank and Gaza Strip will be opened at an early date, and expresses the hope that they will remain open, and will be respected and regarded by all parties as places of learning.

## THE REOPENING OF PALESTINIAN UNIVERSITIES IN THE ISRAELI OCCUPIED TERRITORIES

Mr. CHAFEE. Mr. President, I would like to thank Senator KASSEBAUM for joining me in proposing an amendment calling on the Israeli Government to reopen and keep open all Palestinian schools and universities in the Israeli occupied territories. She has long been interested in the treatment of Palestinian students in the West Bank and Gaza Strip. I would also like to thank Senators SARBANES and MCCONNELL, the distinguished floor managers of this bill, for accepting our amendment.

I would like to commend the Israeli Government for its decision to reopen Al-Quds, Bethlehem, and Hebron Universities. All these institutions are Palestinian schools located in the Israeli occupied West Bank. I am very hopeful that we will see the remaining Palestinian universities—An-Najah, Bir Zeit, and Gaza—reopen soon so that young Palestinians will be able to once again turn their attention to their own education.

Since the beginning of the Intifada in December 1987, all Palestinian schools and universities have been closed for varying periods of time. The ostensible reason for closing these institutions of learning has been that they are centers of Palestinian violence and that they must be closed to preserve order in the occupied territories.

In the past 2 years, I have successfully sought the passage of legislation calling on the Israeli Government to reopen these schools and universities. I have always felt that children and their education should not be held hostage to any political issue. Further, I firmly believe that if the endless cycle of Palestinian/Israeli violence is to stop, there has to be greater respect for human rights of all people in the region.

In this light, I would urge the Israeli Government to announce its plans for the other universities. Coming on the heels of Secretary of State James Baker's fifth visit to the area since the end of the Persian Gulf war, opening Palestinian universities may signal a willingness on the part of the Israeli Government to ease some of its restrictions in the occupied territories. It would also address the need, as expressed by Secretary Baker, for both sides to engage in confidence building measures. Opening these universities would be an important step toward laying the groundwork for better lines of communication between the Israeli Government and the Palestinians living in the occupied territories.

I sincerely hope that the Israeli Government will listen to the concerns of the American Congress and reopen all the remaining Palestinian universities.

## AMENDMENT No. 856

On page 142, between lines 3 and 4, add the following:

“(c) INTERIM ACTION.—As an interim step, the United States should consider introducing, during the ongoing negotiations on confidence and security-building measures at the Conference on Security and Cooperation in Europe (CSCE), a proposal regarding the international exchange of information, on an annual basis, on the sale and transfer of major defense equipment, particularly to the Middle East and Persian Gulf region.”

## THE NEED FOR AN INFORMATION EXCHANGE MECHANISM FOR INTERNATIONAL ARMS SALES AND TRANSFERS

Mr. DECONCINI. Mr. President, I have offered an amendment today urging the administration to introduce a proposal, at the ongoing negotiations on confidence- and security-building measures, to provide for an annual exchange of information in arms sales and transfers of the OSCE participating States. The recent war in the Persian Gulf underlines the threat to peace and stability posed by global arms transfers. A first step toward obtaining a more accurate picture of the extent and impact of this trade could be taken through the provision of more complete and detailed information on arms sales and transfers. There is an urgent need to address this issue which has a global scope and we feel that the United States, as a key actor, should exercise leadership in seeking steps toward a more responsible approach to the international arms trade.

The CSCE provides a logical forum for the countries of Europe and North

America to take a first step toward greater disclosure of the international arms trade. The CSCE has a proven track record in the confidence-building field. It is also important to keep in mind that 9 of the top 10 conventional arms-exporting States are CSCE participating States. In addition, the CSCE offers the benefit of having a mechanism already in place in Vienna which could facilitate such an information exchange. The 25 CSCE foreign ministers, meeting recently in Berlin, recognized the need for transparency in the transfer of conventional weapons and weapons technologies.

The introduction of a proposal on information exchange at CSCE in no way precludes more ambitious initiatives currently under discussion. It would be unfortunate to miss this opportunity to take a small, but meaningful step, in the right direction.

AMENDMENT No. 857

(Purpose: To provide for limited assistance for Angola)

On page 195, between lines 18 and 19, insert the following:

SEC. 690. LIMITED ASSISTANCE FOR ANGOLA.

(a) DEMOCRACY-BUILDING AND OTHER ASSISTANCE.—(1) Beginning with fiscal year 1992, the President shall provide—

(A) nonpartisan election and democracy-building assistance to Angola for support in developing democratic institutions and supporting such institutions; and

(B) assistance for the voluntary relocation and resettlement of refugees, the demobilization and retraining of former military members of UNITA and the armed forces of the Government of Angola, the provisions of emergency medical assistance, with a special emphasis on the medical needs of children, and the provision of other appropriate assistance to implement the Estoril peace accords.

(b) SUPERSEDING EXISTING LAW.—Assistance under this section shall be provided without regard to any provision of law which prohibits direct or indirect assistance for Angola.

(c) PROHIBITION.—In the event that the Government of the People's Republic of Angola (PRA) or the National Union for the Total Independence of Angola (UNITA) violates the Peace Accords for Angola, then none of the funds made available under this Act or any other Act may be used for Angola.

(d) DEFINITION.—The term "Estoril peace accords" refers to the document entitled "Fundamental Principles for the Establishment of Peace in Angola", done at Lisbon on May 1, 1991.

At the bottom of page 5, after the item relating to section 689, add the following new item:

Sec. 690. Limited assistance for Angola.

(e) REPORTING REQUIREMENT.—The Secretary of State shall submit a report to Congress on June 1, 1992, and every six months thereafter providing details of how the authorized funds have been used.

Mr. DECONCINI. Mr. President, today I have offered an amendment to authorize the President to provide nonpartisan election assistance and other assistance to Angola in support of the peace accords. On May 31, 1991, after 16 long, bloody years of civil war, Dr.

Jonas Savimbi of UNITA and President Eduardo Dos Santos of the MPLA met in Lisbon, Portugal to sign the Estoril accords. That act brought a cease-fire in the war and began a 16-month process which will culminate in free and fair elections in the fall of 1992.

We can consider our policy of cease-fire, national reconciliation and free and fair elections in Angola a success. I am optimistic. But, I would caution my colleagues—we are not there yet. The process is in its infancy and we will undoubtedly encounter many potholes and roadblocks along the way.

The amendment I am offering today is designed to assist this delicate process. It begins to lay the groundwork for the future of Angola and our future relationship with a freely elected Angolan Government. I am pleased to announce that I am supported in this effort by the chairman of the Africa Subcommittee, Senator SIMON, and the ranking member, Senator KASSEBAUM. This amendment is also supported by the State Department.

My amendment is a simple one.

First, it authorizes nonpartisan election and democracy-building assistance to Angola for support in developing democratic institutions and supporting such institutions.

Second, it also authorizes assistance for the voluntary relocation and resettlement of refugees, the demobilization and retraining of former members of UNITA and the armed forces of the Government of Angola, the provision of emergency medical assistance—with a special emphasis on the medical needs of children, and the provision of other appropriate assistance to implement the Estoril peace accords.

Let me remind my colleagues of a few facts about this issue which has been a contentious one in the past. We currently do not recognize the Government of Angola. This body affirmed U.S. policy on May 23 of this year when a sense of the Senate resolution sponsored by this Senator, and cosponsored by Senator SIMON, was passed by the full Senate. That resolution stated that we would recognize the new Government of Angola upon the completion and verification of free and fair elections. Under the peace accords, these elections are to be held sometime between September 1 and October 31, 1992.

We also have a policy of support for the anti-government organization known as UNITA. Any current support for UNITA will be terminated prior to the beginning of the official campaign period leading up to the Angolan elections. Other aspects of this program will be addressed on another bill at a later day. Let me stress that the amendment I am offering today would supplement any other aid program.

But, just as we have been involved in the Angolan civil war, so do we have a responsibility in assisting the Angolan

peace and democracy process. My amendment will begin that process. The people of Angola have known only war for too long. They have not had the opportunity to participate in free and fair elections. They need to begin to learn about what is meant by "democracy" and "free elections." They cannot do that when they are focused on finding a job or trying to return to the homes that they fled during the war. They cannot do that when their children are sick and in need of medical assistance. Beginning a program of assistance to the people of Angola—as envisioned in my amendment—can help to address some of these immediate programs. It can also help to ensure that a balanced playing field is maintained during the period leading up to the elections next fall.

My amendment is a modest step toward beginning the process which will ultimately lead to the normalization of relations with Angola following free and fair elections. I urge my colleagues to put the antagonisms of the past behind us and support this amendment.

AID PROGRAM TO ANGOLA

Mrs. KASSEBAUM. Mr. President, I rise today to discuss the evolving United States aid program in Angola. Senator DECONCINI has proposed an amendment which would begin an overt United States aid program in Angola.

The authority in this amendment does two things: First, it provides assistance to the election process. In small sums, such aid could be very useful in the technical preparation for the election and the building of institutions for a postelection Angola.

Second, the amendment authorizes assistance for refugees, the demobilization of both MPLA and UNITA troops, the provision of medical aid, and the implementation of the Angola peace accords.

I am supporting this authority language because I view it as the first step in our efforts to convert our entire assistance program to Angola to an overt program.

I had intended to offer an amendment to this bill which would have changed our nonlethal aid program to UNITA from a covert to an overt one. After discussions with the administration and chairman of the Intelligence Committee, I am convinced that the United States is committed to this course of action.

Mr. President, I support the continuing U.S. program of nonlethal assistance to UNITA. The United States has a clear responsibility to support the humanitarian needs of UNITA and to assist the group in the implementation of the Lisbon accords.

However, I also strongly believe that our nonlethal program to UNITA should be an open, overt program. In this delicate transition period, U.S. policy must seek to ensure a peaceful transition to free and fair elections.

As long as our program remains covert, the United States leaves itself open to charges of misconduct, charges which could upset the process toward free and fair elections. A covert aid program will continue to raise questions of improprieties.

Mr. President, since the signing of the Angola peace accords, the goal of our covert aid program has been to support the peace agreement. That is also what we are doing here today with this amendment. This language begins an open U.S. aid program, which will hopefully lead to a completely overt program early next year.

I commend the Senator from Arizona for beginning the move toward an open assistance program in Angola. His amendment provides the framework for the ending of our covert program, and I would urge the administration and the Intelligence Committee to move at the earliest possible date toward an overt assistance program to UNITA. Such an above the board approach would serve the interests of the United States and UNITA as Angola moves toward their election campaign process.

AMENDMENT No. 858

(Purpose: To foster additional support for the democratic aspirations of the Baltic States)

On page 119, at the end of line six, strike out the quotation marks and the second period, and between lines 6 and 7, add the following:

"(4) the United States Government should channel directly to the Baltic states United States Government technical and humanitarian assistance.

"(5) the United States should maintain direct contacts with the parliaments of Lithuania, Latvia and Estonia as the legitimate, freely elected and democratic representatives of the people of the Baltic states; and

"(6) the United States should seek support for observer status for the Baltic states in the Conference on Security and Cooperation in Europe (CSCE)."

EXPANDING SUPPORT FOR THE BALTIC STATES

Mr. DECONCINI. Mr. President, I rise today to propose an amendment providing for increased support for the peoples of Lithuania, Latvia, and Estonia. The time has come for the United States to go beyond pious words of support for the peoples of the Baltic States. Mere repetition of the U.S. non-recognition policy will not suffice. We need to give concrete expression to this support and should expand our contacts with the Baltic States.

I was pleased to see that the committee has included both technical and humanitarian assistance for the people of Lithuania, Latvia, and Estonia. The Baltic peoples have borne a tremendous hardship, particularly as they have pursued their legitimate demand for effective independence.

It is important to ensure that United States technical and humanitarian assistance is received by the intended recipients: the peoples of Lithuania, Latvia, and Estonia. It is essential that such assistance be channeled directly

to the Baltic States and not through Moscow, particularly in light of the collapsing Soviet infrastructure and Moscow's history of using such aid as a coercive political weapon.

The peoples of Estonia, Latvia, and Lithuania have made serious strides in reasserting their national independence. A major step in this process was the holding of multiparty elections in each of the Baltic States. The United States should recognize, establish, and maintain direct contacts with these democratically elected parliaments whose members are the legitimate representatives of the peoples of the Baltic States.

Finally, the United States should formally propose and seek observer status for the Baltic States in the Conference on Security and Cooperation in Europe [CSCE]. The administration, when pressed on this point, cites the fact that, under CSCE rules, the Soviet Union holds an effective veto over Baltic participation. Mr. President, if we had allowed the threat of a Soviet veto to guide our policy during the cold war, we would have never witnessed the dramatic changes which have taken place in much of Central and Eastern Europe and the Soviet Union in recent years. The truth of the matter is that the Baltic States deserve observers status in CSCE. If the Soviets want to stand in their way that is one thing. We should stop hiding behind the Soviets. The United States should formally propose and seek support for CSCE observer status for the Baltic States.

AMENDMENT No. 859

(Purpose: To promote the development of microenterprises in developing countries)

At the end of the bill, add the following:

TITLE —MICROENTERPRISE DEVELOPMENT ACT OF 1991

SEC. 01. SHORT TITLE.

This title may be cited as the "Microenterprise Development Act of 1992."

SEC. 02. FINDINGS.

The Congress makes the following findings and declarations:

(1) More than a billion people in the developing world are living in poverty, with incomes of less than \$370 a year.

(2) According to the World Bank, mortality for children under 5 averaged 121 per thousand for all developing countries.

(3) Nearly 40,000 children die each day from malnutrition and disease.

(4) Poor people themselves can lead the fight against hunger and poverty through the development of self-sustaining microenterprise projects.

(5) Women in poverty generally are less educated, have a larger workload, and have less access to economic opportunity than their male counterparts. Directly aiding women in the developing world has a positive effect on family incomes, child nutrition, and health and education.

(6) Microenterprise development offers the opportunity for the poor to play a central role in undertaking strategies for small scale, self-sustaining businesses that can bring them out of poverty.

(7) The World Bank estimates that there are over 400,000,000 self-employed poor in the

developing world and projects that, by the year 2020, 95 percent of African workers will be employed in the informal sector.

(8) For many people, lack of credit creates an obstacle to the development of self-sustaining enterprises.

(9) Projects like the Grameen Bank of Bangladesh, the Badan Kredit Kecamatan in Indonesia, and ADEMI in the Dominican Republic have been successful in promoting credit programs that have lent money directly to the poor. Repayment rates in these programs are 95 percent or higher indicating that it is possible to "bank on the poor".

(10) The Agency for International Development has been a leader in small and microenterprise development in the past 20 years.

(11) The Congress earmarked funds for fiscal years 1988, 1989, 1990, and 1991 for microenterprise development activities and has called upon the Agency for International Development to take steps to ensure that its microenterprise activities included a credit component designed to reach the poorest sector of the developing world.

(12) In 1990, the Agency for International Development created the Office of Small and Microenterprise Development within the Bureau for Private Enterprise to lead and coordinate the Agency's microenterprise efforts.

(13) In March 1990, the Agency for International Development reported that new spending for microenterprise development was \$58,800,000 for 1988 and \$83,300,000 for 1989 and that the average loan size for the credit component of the program averaged \$329 for 1988 and \$387 for 1989. However, less than 10 percent of the spending for the 1988 program, and less than 7 percent of the spending for the 1989 program, was for loans of under \$300.

(14) A February 1991 report by the General Accounting Office indicated that data in that March 1990 report was of "questionable validity" and that the Agency for International Development did not have a system to track detailed information concerning its microenterprise credit activities. Furthermore, the General Accounting Office found that none of the three missions that it visited targeted their microenterprise projects specifically to women or to the poorest 20 percent of the population, as recommended by the Congress.

(15) The Agency for International Development has stated its belief that it should have a system established to track this detailed information concerning its microenterprise credit activities during the fiscal year 1992.

(16) The Congress recognizes that provision of credit alone may not be sufficient to generate opportunities for successful microenterprise development and that assistance focused in the areas of institutional development, technical assistance, training, and policy reform may also be appropriate for assisting microenterprise development.

(17) The Agency for International Development has indicated its willingness to explore the idea of holding a series of regional workshops on microenterprise development. The Congress encourages the Agency to include in these workshops opportunities for training Agency personnel and United States and indigenous private and voluntary organizations in activities designed to reach the poorest of the poor.

SEC. 03. PURPOSES.

The purposes of this title are—

(1) to provide for the continuation and expansion of the commitment of the Agency for International Development to microenterprise development;



(2) to increase the amount of assistance going to credit activities designed to reach the poorest sector in developing countries; and

(3) to increase the percentage of such credit that goes to women beneficiaries.

**SEC. 04. ASSISTANCE FOR MICROENTERPRISE DEVELOPMENT.**

(a) **GENERAL AUTHORITY.**—The President, acting through the Administrator of the Agency for International Development, is authorized to provide assistance for programs of credit and other assistance for microenterprises in developing countries. In addition to providing financial resources for direct credit activities of indigenous financial intermediaries, assistance under this title may include assistance for institutional development of such intermediaries (including assistance to enable private and voluntary organizations to develop the capability to serve as financial intermediaries), technical assistance, training, and policy reform. Microenterprise credit and related activities assisted under this title shall be carried out primarily through those indigenous financial intermediaries and private and voluntary organizations that are oriented toward working directly with the poor and women.

(b) **ELIGIBILITY CRITERIA FOR FINANCIAL INTERMEDIARIES.**—The mission of the Agency for International Development that is responsible for a country receiving assistance under this title shall establish criteria for determining the financial intermediaries that will receive assistance under this title, taking into account the following:

(1) The extent to which the recipients of credit from the intermediary lack collateral.

(2) The extent to which the recipients of credit from the intermediary do not have access to the local formal financial sector.

(3) The extent to which the recipients of credit from the intermediary have relatively limited amounts of fixed assets.

(4) The extent to which the recipients of credit from the intermediary are among the poorest people in the country.

(5) The extent to which interest rates charged by the intermediary on loans reflect the real cost of lending.

(6) The extent to which the intermediary reaches women as recipients of credit.

(7) The extent to which the intermediary is oriented toward working directly with the poor and women.

(c) **LOWER TIER FOR POVERTY LENDING ACTIVITIES.**—A significant portion of the amount made available each fiscal year to carry out this title shall be used to support direct credit assistance by, and the institutional development of, those financial intermediaries with a primary emphasis on assisting those people living in absolute poverty, especially women.

(d) **FOCUS ON WOMEN.**—The Office of Small and Microenterprise Development in the Agency for International Development shall include in its annual action plans a strategy for increasing the access of women in developing countries to credit and other microenterprise development activities, with the goal of increasing to at least 50 percent the percentage of microenterprise credit that goes to women beneficiaries. This strategy shall be developed in consultation with the Agency's Women in Development Office.

**SEC. 05. FUNDING SOURCES.**

(a) **SOURCES.**—Funds to carry out this title shall be derived from the following sources:

(1) Funds available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to the functional development assistance accounts).

(2) Funds available to carry out chapter 10 of part I of that Act (relating to the Development Fund for Africa).

(3) Funds available to carry out chapter 4 of part II of that Act (relating to the economic support fund).

(4) Local currency accruing as a result of assistance provided under chapter 1 of part I, chapter 10 of part I, or chapter 4 of part II of that Act.

(5) Local currency proceeds available for use under titles II and III of the Agricultural Trade Development and Assistance Act of 1954 (as amended by section 1512 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624)).

(6) Local currency which accrues as a result of assistance provided under the Agricultural Trade Development and Assistance Act of 1954 as in effect immediately before the effective date of the amendment made by section 1512 of the Agriculture Development and Trade Act of 1990.

(7) Local currency generated under subsection (b) of this section.

(b) **AUTHORITY TO GENERATE LOCAL CURRENCIES.**—In order to generate local currencies for use in providing assistance under this title, the President is authorized to use funds made available to carry out chapter 1 of part I, chapter 10 of part I, or chapter 4 of part II of the Foreign Assistance Act of 1961 to provide assistance to the governments of developing countries on a loan basis repayable in local currencies, at a rate of exchange to be negotiated by the President and the foreign government. Such loans shall have a rate of interest and a repayment period determined by the President. Section 122 of the Foreign Assistance Act of 1961 shall not apply with respect to loans pursuant to this subsection.

(c) **NONAPPLICABILITY OF CERTAIN LAWS.**—Local currencies used under this section shall not be subject to the requirements of section 1306 of title 31, United States Code, or other laws governing the use of foreign currencies owned by, owed to, or accruing to the United States.

**SEC. 06. FUNDING LEVELS FOR FISCAL YEARS 1992 AND 1993.**

(a) **MINIMUM LEVEL OF ASSISTANCE.**—There are authorized to be appropriated to the Administrator of the Agency for International Development \$85,000,000 for fiscal year 1992, and \$85,000,000 for fiscal year 1993, for microenterprise assistance pursuant to this title.

(b) **ASSISTANCE FOR THE POOREST SECTORS.**—

(1) **MINIMUM FUNDING LEVEL.**—Of the amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated \$20,000,000 for fiscal year 1992 and \$30,000,000 for fiscal year 1993, to be used to support poverty lending programs.

(c) **USE OF LOCAL CURRENCIES.**—In order to meet the minimum funding requirement of this section, local currencies described in section 05(a) may be used in lieu of an equivalent amount of dollars.

**SEC. 07. MONITORING OF MICROENTERPRISE ASSISTANCE ACTIVITIES.**

The Administrator of the Agency for International Development shall develop a monitoring system to track the performance of the Agency's microenterprise development activities, including their effectiveness in reaching the poor and women in each beneficiary developing country. In developing this system, the administrator shall consult with the Congress and with appropriate private and voluntary organizations.

**SEC. 08. REPORTS TO CONGRESS.**

The Administrator of the Agency for International Development shall report to the Congress annually on the Agency's microenterprise development activities, including the Agency's strategy for complying with the minimum funding requirements of subsections (a) and (b) of section 06.

**MICROENTERPRISE ACTIVITIES DESERVE SUPPORT**

Mr. DECONCINI. Mr. President, I am pleased today to offer an amendment to ensure that a small portion of our foreign aid program goes directly to helping the poorest of the world's poor. I am joined in this effort by a bipartisan coalition of 16 Senators.

Since 1988, Congress has urged the Agency for International Development [AID] to initiate a microenterprise loan program at its various missions around the world. The program has been funded in the foreign aid appropriations bill at levels between \$50 million and \$75 million. In addition, I would like to point out to my colleagues that this amendment, in a slightly different form, was added to the House-passed foreign aid authorization bill.

The amendment we are offering today would do two things:

First, it authorizes the appropriation of \$85 million from development assistance funds for AID's microenterprise program.

Second, it authorizes the appropriation of \$20 million of that \$85 million for poverty lending programs.

Let me emphasize, Mr. President, that this is not a new program. It does not add money to the microenterprise program. Instead, it essentially earmarks \$85 million of the many millions of dollars in development assistance for this important loan program.

In addition, it calls for \$20 million of the \$85 million to be used for making loans to poor individuals who are trying to escape poverty and establish very small businesses. This is less than 25% of the entire microenterprise program. Currently, these people are forced to go to their village money lender and borrow money at exorbitant interest rates. Under this program, these people would be able to get small loans at very low interest rates to establish their businesses. Some people need these loans to buy supplies: buying straw, for example, to make baskets, or a sewing machine to make dresses. Institutions such as the Grameen Bank in Bangladesh have had great success with this program and have achieved a loan repayment rate in excess of 95 percent.

I must inform my colleagues that AID is opposed to this amendment. Officials at AID have opposed this program and have dragged their feet in getting it established. But we on the Foreign Operations Appropriations Subcommittee with the strong support of Chairman LEAHY and ranking member KASTEN have continued to support

it. While AID has fought us, to its credit, it has made great progress in getting the program operating in many AID missions around the world.

Specifically, AID is opposed to taking a portion of the entire program and targeting it for loans under \$300. For some reason, AID officials believe that it is too difficult or too complicated a task to keep track of all of these small loans. Nevertheless, AID has been making improvements in meeting the goal of extending loans under \$300 in its second annual report to Congress on microenterprise activities, dated April 30, 1991, the Agency comments on a number of programs which it operates in various countries whose average loans are far below the \$300 threshold.

These include the Get Ahead Program in South Africa with an average loan size of \$154, and Catholic Relief Services Village Banking Program in Thailand and Senegal with an average loan size of \$67. In its report, AID states that it is developing a "microenterprise monitoring system" to better assist it in keeping track of the loans that its missions do make.

So, I must admit that I am confused by the signals AID is sending. The officials at AID do not like a \$300 loan limit on a small portion of the overall bill. But it has many programs that are meeting that limit; it is improving its own data collection system, and it estimates that it will spend \$114 million on microenterprise activities in 1991 and over \$137 million in 1992. This is greatly in excess of the modest amount we are proposing in this amendment.

Mr. President, I urge my colleagues to support this amendment. Most Americans are opposed to foreign aid because they see that aid helping to make corrupt dictators wealthier while keeping their taxes higher at home. But I firmly believe the American people will support programs that will directly help people to help themselves. That is exactly what this amendment does. That is exactly what this program has been doing. I hope that this amendment will be adopted overwhelmingly.

And I also hope that the issue of the \$300 loan level can be favorably addressed during conference with the House.

I ask unanimous consent that two editorials from the New York Times and the Arizona Daily Star on this issue be printed in the RECORD at this point.

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

[From the New York Times, July 22, 1991]

**BLACKS NEED HELP NOW**

(By Lorna Hahn)

WASHINGTON.—The lifting of Congressional sanctions against South Africa will bring few immediate benefits to the country's seven million unemployed blacks. With state and local sanctions remaining, Eastern Europe

beckoning and violence in South Africa continuing, U.S. businesses are leery about reinvestments there that could create desperately needed jobs.

But many blacks, very often women, have found ways to employ themselves in vending and service activities, day care and learning centers, agricultural and handicraft cooperatives and other useful little enterprises. Many would like to follow their example. These potential entrepreneurs could be helped directly and pretty quickly if the Senate approved the Microenterprise Development Act of 1991, a part of the foreign aid bill passed last month by the House.

This legislation would expand the credit operations of the Agency for International Development's Office of Small and Microenterprise Development so that even the poorest of a country's poor—mostly women—could borrow enough money to start a tiny business. Loan recipients would also receive whatever training and technical assistance help they might need in order to make the venture viable.

In South Africa, assistance would be channeled through the urban-based Get Ahead Foundation. This black-owned nonprofit organization promotes the development of small businesses in townships like Soweto. Partly funded since 1987 by A.I.D., which began with a \$3.3 million grant, it has made short-term, low-interest loans averaging \$160 to more than 5,000 people, at least 90 percent of them women who belong to small-savings plans.

The participants, mostly vendors, attend workshops in bookkeeping and pricing and business skills, and receive legal advice on vendor rights and taxation. Many "graduates" have gone on to obtain individual loans from banks and to link their enterprises to larger local and even national markets—and almost every single initial loan has been repaid.

The Microenterprise Development Act would extend this program to people wholly lacking in material assets and credit histories but who can produce an idea that makes sense. The creditworthiness of such untested but ambitious people has been repeatedly shown throughout the third world by the Grameen Bank of Bangladesh, the Badan Kredit Kecamatan of Indonesia and Ademi in the Dominican Republic. Grameen provides loans averaging \$67 to the very poorest women, and has a 98 percent rate of paybacks.

In South African townships, new A.I.D.-sponsored activities could be particularly beneficial if they went not only to women but also restless young people who see few constructive outlets for their frustrations and hopes.

If possible, a branch should be established to serve the wretchedly poor and often overlooked homelands, inhabited mainly by women, older men and children. There access to credit and skills could spell success for thousands who dig irrigation ditches by hand, save rand by rand to buy a few chickens, string beads and weave baskets to try to eke out the rudiments of a living.

Fostering microenterprises will hardly solve South Africa's economic problems, but it could make many people self-supporting, self-confident and socially responsible while the larger issues are being worked out. The very low budgets and lack of bureaucracies should make the program attractive to Americans who want to help deserving blacks but are weary of the waste and fraud that has beset so much foreign aid.

[From the Arizona Daily Star, July 23, 1991]  
**PITTANCE GOES FAR: TINY MICROENTERPRISE  
LOANS WORK MIRACLES**

Nearly buried in the competition for U.S. foreign aid lies a proposal that could perform miracles of self-sufficiency for poor people worldwide. It's the Microenterprise Development Act, and it faces a struggle in Congress.

Compared with the usual big-time winners of U.S. foreign aid, the \$85 million in microenterprise money requested for the next two years is a relative pittance to give the planet's poorest people a tiny boost toward self-sufficiency. Israel will probably get its \$3 billion, Egypt its \$2.1 billion, and other Mideast nations their handsome rewards for backing Operation Desert Storm. But backers of microenterprise money, including Sen. Dennis DeConcini, may have to use innovative tactics to win approval in this intensely competitive budget process.

DeConcini could amend the foreign aid authorization bill to include the Microenterprise Act. The authorization bill is usually stalemated in the Senate, so if the amendment didn't work, a rarely invoked tactic of introducing microenterprise funds as a free-standing bill might be tried. Either way, it will take considerable muscle to push it through.

When microenterprise money is awarded to poor people properly, results are amazing. The Grameen Bank of Bangladesh is an example. In just a few years, it has made loans averaging \$67 to over 80,000 destitute women, and has enjoyed a 98 percent repayment rate.

The impressive success of this program lies not in big hydroelectric dams or new airports or new factories but in humble self-employment projects such as raising chickens, husking rice or making tiles. Loan recipients make the most of the small sums in ways that major projects could never achieve.

Yet microenterprise money isn't always doled out the way it was meant. DeConcini backed a General Accounting Office study of the money's use, and the office found that the U.S. Agency for International Development didn't target enough loans to the poorest individuals, specifically poor women entrepreneurs in Third World countries.

Congress actually recommended that 80 percent of the money go to people in the poorest 60 percent of the populations in each country who need money to start or operate a business. The GAO found that isn't happening, and that AID often exceeds the \$300 loan guideline, for loans as high as \$2,100. The agency thought \$300 was too small to make a difference in some countries.

The microenterprise method, in its original design, works well. It's destructive to decide to switch to something else. Now AID has pledged to design and test a better monitoring system for the small loans.

Millions of families could improve their lives and give their children hope for survival and independence if the Senate finds its way to carry through on what the House has already passed. So many insignificant, struggling people could benefit from all these tiny loans that hang in the balance of senators' votes.

**AMENDMENT NO. 860**

At the appropriate place in the bill, add the following:

**SEC. . PROHIBITION ON CERTAIN TRANSACTIONS BETWEEN CERTAIN UNITED STATES FIRMS AND CUBA.**

The Trading with the Enemy Act is amended by adding at the end thereof the following new section:

"SEC. 44. Notwithstanding any other provision of law, no license may be issued for any transaction described in section 515.559 of title 31, Code of Federal Regulations, as in effect on July 1, 1989, unless a license may be issued for such transaction if such transaction were undertaken by a firm organized under the laws of any of the States of the United States."

AMENDMENT No. 861

On page 132, after line 22, add the following new section:

**SEC. 630A. PARTNERSHIP IN ESSENTIAL GOVERNMENTAL SERVICES.**

(a) **POLICY.**—It is the sense of the Congress that a program should be developed to make United States Federal employees available on a temporary basis to assist SEED countries in the development of essential governmental and related services. Such a program should seek to meet legitimate needs identified by eligible SEED countries with appropriate United States Government employees whose short-term secondment to a SEED country would not disrupt or interfere with the United States Government services. In-country costs of such a program, such as housing, should be borne by the host country, while the salary of United States Government employees would continue to be paid by the relevant department or agency. Management of such a program should be administered through existing institutions, such as the Citizens Democracy Corps.

(b) **AUTHORITY.**—The President is authorized to make available, on a volunteer basis and as appropriate, Federal civil service employees of United States Government departments, agencies, and bureaus for temporary duty in SEED countries to assist those countries in the development of essential governmental services.

(c) **REPORT.**—Not later than 90 days after the date of enactment of this Act, the President shall submit to the Congress a report setting forth a plan to carry out this section.

AMENDMENT No. 862

On page 162, at the end of line 8, insert a comma and add the following: "and assistance under the Agricultural Trade Development and Assistance Act of 1954".

On page 169, line 7 after "1961", add the following: "or the Agricultural Trade Development and Assistance Act of 1954".

On page 170, line 7, after "1961", add the following: "and the Agricultural Trade Development and Assistance Act of 1954".

Mr. LEAHY. Mr. President, earlier this week the committee removed at my request language relating to agricultural trade assistance in the section establishing limitations on assistance to Guyana and Guatemala. I asked the chairman to remove this language in order to make clear that food and agricultural aid is under the jurisdiction of the Committee on Agriculture.

I did not oppose the policy represented in these sections of chapter 5.

This amendment reinserts the references to the Agricultural Trade Development and Assistance Act of 1954 in these two sections relating to limitation on assistance to these two nations.

AMENDMENT No. 863

(Purpose: To make certain en bloc amendments with respect to the Enterprise for the Americas and the Environment)

On page 196, line 6, strike the word "and" after "Hemisphere" and insert in lieu thereof a comma.

On page 196, line 7, strike the period at the end of the sentence and insert in lieu thereof ", and broad based environmentally sustainable development."

On page 196, between lines 20 and 21 insert the following:

"(4) the sustainable use of the hemisphere's natural resources and environmental protection."

On page 197, line 20, strike the period and insert in lieu thereof ", and the sustainable use of natural resources."

On page 199, line 14, strike the period and insert in lieu thereof ", and will not have an adverse impact on such countries' natural resources."

On page 210, line 11 after "agencies" insert the following: "and a broad range of interested non-governmental organizations".

On page 211, line 5, after "agencies," insert the following: "a broad range of".

On page 211, line 18 after "Development" insert the following: "and the government of the eligible country,".

On page 213, line 19, after "Development" insert the following: "and the government of the eligible country".

On page 217, line 21 renumber the current "SEC. 774. Debtor Consultation," as SEC. 775 and insert the following:

**"SEC. 774. ELIGIBLE INVESTMENT ACTIVITIES.**

"Not later than 180 days after enactment of this title, the Administrator of the Agency for International Development, in consultation with other government agencies and a broad range of interested non-governmental organizations, shall identify activities that use natural resources on a sustainable basis or otherwise practice sound environmental management and promulgate environmental standards to review proposed activities. Such standards shall, among other things, identify, and prohibit the sale of credits in support of specific activities that typically involve significant threats to the environment, natural resources and public health."

Mr. LIEBERMAN. I want to commend my colleague, the senior Senator from Connecticut, for his fine work on the Enterprise for the Americas Initiative contained in this bill. Once again, he has shown himself to be a leader in helping our neighbors to the South. His work will certainly help to make the economies of the nations of Latin America stronger. And that is good for us at home as well. They will be better able to buy American goods and services.

I am particularly pleased by the debt reduction portion of the Americas initiative. The Senator and his staff have devised a thoughtful way to ensure that there will be maximum benefit to any debt reduction that occurs. As my colleague knows, I have introduced a similar debt for environment bill, S. 1124, that would affect not only Latin America but other developing nations as well. I am pleased that the pending bill incorporates similar elements, and I appreciate my colleague's assistance in this regard.

The language in the pending bill mentions a number of possibilities for the grant program established as a result of debt reduction. One of those possibilities is environmental activities. I wonder if this would include clean energy or energy conservation sources such as fuel cells some of which, as you know, are manufactured in Connecticut.

Mr. DODD. I want to thank my colleague for his kind words. I also want to assure him that when we mention environmental activities in the Enterprise for the Americas Initiative, this includes clean energy and energy conservation sources. We have both worked hard to ensure that the fuel cell program continues to be funded. I am sure that this type of technology could be beneficial to the nations of Latin America as they endeavor to clean up their environment.

Mr. LIEBERMAN. I want to thank my friend for his efforts and for clarifying this point.

AMENDMENT No. 864

(Purpose: To provide for auditing of accounts of international organizations)

On page 98, after line 19, add the following new section:

**SEC. 514. AUDITING OF ACCOUNTS OF INTERNATIONAL ORGANIZATIONS.**

(a) **UNITED NATIONS ORGANIZATIONS.**—It is the sense of Congress that in the case of the United Nations and its affiliated organizations, including the International Atomic Energy Agency, the President should (acting through the United States representatives to such organizations), propose and actively seek the establishment by the governing authorities of such organizations of independent, professionally qualified auditors for the purpose of providing a continuing program of selective examinations, review, evaluation, and audits of the programs and activities of such organizations.

(b) **MULTILATERAL DEVELOPMENT BANKS.**—

(1) **IN GENERAL.**—It is the sense of Congress that in the case of each of the organizations specified in paragraph (2), the President should, acting through the United States representative to such organization, propose and actively seek the establishment by the governing authorities of that organization of independent professionally qualified auditors for the purpose of providing a continuing program of examination, review, and audits of the programs and activities of that organization.

(2) **MDB'S SUBJECT TO PARAGRAPH (1).**—The organizations to which paragraph (1) applies are the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the Inter-American Investment Corporation, the African Development Bank, the Inter-American Development Bank, the African Development Fund, the Asian Development Fund, and the Asian Development Bank.

AMENDMENT No. 865

(Purpose: To specify the procedure for reports on international organizations)

On page 98, after line 19, add the following new section:

**SEC. 514. REPORTS ON INTERNATIONAL ORGANIZATIONS.**

(a) **SUBMISSION DATE FOR ANNUAL REPORT.**—The annual reports to the Congress under section 2 of the Act of September 21, 1960 (22 U.S.C. 262a), shall be submitted within 9 months after the end of the fiscal year to which they relate.

(b) **ANNUAL REPORTS ON VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS BY ALL UNITED STATES GOVERNMENT AGENCIES.**—

(1) **REQUIREMENT FOR REPORTS.**—Not later than January 31 each year, the President shall submit a report to the Congress listing all voluntary contributions by the United States Government to international organizations during the preceding fiscal year.

(2) **INFORMATION TO BE INCLUDED.**—Each such report shall specify the Government agency making the voluntary contribution, the international organization to which the contribution was made, the amount and nature of the contribution, and the purpose for which the contribution was made. Contributions shall be listed on both an agency-by-agency basis and an organization-by-organization basis.

(3) **OBLIGATION OF EACH AGENCY.**—In order to facilitate the preparation of the report required by paragraph (1), the head of any Government agency that makes a voluntary contribution to any international organization shall report that contribution to the Director of the Office of Management and Budget on a quarterly basis.

(4) **DEFINITION.**—As used in this subsection, the term "contribution" means any contribution of any kind, including the furnishing of funds or other financial support, services of any kind (including the use of experts or other personnel) or commodities, equipment, supplies, or other material.

**AMENDMENT No. 866**

(Purpose: To withhold U.S. proportionate share for certain programs of international organizations)

On page 98, after line 19, add the following new section:

**SEC. 514. WITHHOLDING OF UNITED STATES PROPORTIONATE SHARE FOR CERTAIN PROGRAMS OF INTERNATIONAL ORGANIZATIONS.**

(a) **REQUIREMENT TO WITHHOLD.**—Funds authorized to be appropriated by this chapter shall not be available for the United States proportionate share for programs for countries or organizations or for projects described in subsection (d). This prohibition applies notwithstanding any provision of law that earmarks funds under this chapter for a particular international organization or program.

(b) **USE OF FUNDS WITHHELD.**—Funds returned or not made available to programs or projects pursuant to subsection (a) shall remain available until expended for use under this chapter.

(c) **OBLIGATIONS.**—The President—  
(1) shall review, at least annually, the budgets and accounts of all international organizations receiving payments of any funds authorized to be appropriated by this chapter; and

(2) shall report to the appropriate congressional committees the amounts of funds expended by each such organization for programs or projects described in subsection (d) and the amount contributed by the United States to each such organization.

(d) **DESIGNATION OF PROGRAMS AND PROJECTS.**—Subsection (a) applies with respect to programs for Cuba, Iran, Libya,

Iraq, North Korea, Yemen, Syria, or the Palestine Liberation Organization and to projects whose purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it.

**AMENDMENT No. 867**

(Purpose: To require a Presidential certification before a country's debt is reduced)

Page 205, line 23, is amended by inserting the following:

"(4) **PRESIDENTIAL REPORT.**—Before announcing his intention to reduce the amount owed to the United States for any country deemed eligible pursuant to chapter 3 of this title, the President shall report to Congress on:

(i) Other efforts undertaken to make possible the repayment of the debt;

(ii) A complete report on that country's financial health, including outstanding loans from other countries;

(iii) The effect of ongoing reforms in that country and their effect upon the balance of trade between it and the United States."

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the amendments were adopted en bloc.

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 might say that we are down now to a precious few, and Senator CRAIG is here to offer his amendment. I understand that he is willing to enter into a 30-minute time agreement, with the time equally divided.

Mr. SARBANES. Mr. President, I ask unanimous consent that there be 30 minutes' debate on the Craig amendment, at the end of which, without any intervening business, there will be a vote on or in relation to the Craig amendment.

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

The Chair recognizes the Senator from Idaho.

**AMENDMENT No. 868**

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

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. SARBANES. Mr. President, parliamentary inquiry. I assume the time will be equally divided in the usual form.

The PRESIDING OFFICER. That is correct.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 868.

Mr. CRAIG. 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 out Chapters 5 and 7 of Title VII, including sections 751, 752, 753, 771, 772, 773, and 774, of this Act.

Mr. CRAIG. Mr. President, this amendment as mentioned deals with

debt forgiveness portions of this legislation, striking titles 5 and 7, and necessary sections thereof.

Mr. President, I understand the need to resolve the debt problem in Latin America. Certainly all of us do. It is in the best interests of our country, both economically and strategically, to help diversify and stabilize the economies of the southern region and our southern neighbors. Only when those economies have reached that point will democracy be able to become a more permanent part of the political landscape of the region, beneficial to all.

However, I have a reason to believe that with the recession looming in our economy and our budget deficits causing us major problems at this time, it certainly is no time to abandon a hard-headed business sense in dealing with our neighbors to a frenzy of generosity toward our neighbors.

My amendment, Mr. President, would simply strike the debt forgiveness sections of this bill. I believe that before debt forgiveness should even be considered, we should know whether the country in question has the ability, to pay, we should explore other options of repayment, and we should work with our neighbors and other nations in Latin America that jointly deal in this debt to try to resolve it.

The idea of forgiving nearly 12 billion dollars' worth of loans at a time when we are asking our own citizens to tighten their own belts and when some of our own citizens are out of work at this moment and are looking toward their Government for some solution is, in my opinion, relatively unconscionable. But yet that is exactly what this legislation does.

One of the problems we have seen in the past, that is especially true in Latin America, is concentrating scarce resources on payments of commercially held loans rather than Government-held debt. But that does not necessarily mean a country does not have any assets with which to pay its debt. I think we need to look at options other than simply forgiveness of debt, options such as rescheduling debt and other forms of repayment, including natural resources and other products.

Let me give you an example. Several years ago I worked with the World Bank regarding the nations of Mexico and Peru. They were able to do some silver-backed bonds, issue them into the world market, and pay off some of their debt. It has worked extremely well for them, dropping their repayment costs down into the low percentage points.

Mr. President, debt forgiveness is something you just do not do with the sweep of a President's pen and the passage of a bill talking about walking away from \$12 billion. It is not only, as I have said, bad for us; ultimately it is bad for the countries involved. We have what we call middle-income countries

here, who are clearly demonstrating an ability to pay back debt. Yet we are going to say to them, let us create a stigma, if you will, for them by wiping out their debt instead of working with them to be as responsible as they should be.

Just as bankruptcy, Mr. President, inflicts a stigma on the individual, it inflicts a stigma on the countries involved. Their creditworthiness comes into question.

We are going to turn right around and become generous to them, at a time when we are talking about Eastern European countries who are emerging out of 45 years of Iron Curtain rule. We will be wanting to deal with them. They will say, "Gee, look at America's Latin American neighbors. They loan them billions of dollars and then they walk away from it. Maybe we can get billions of dollars from them and then later on walk away."

What I am suggesting in this amendment is that we deal with debt the way we have always dealt with it, deal with a country on an individual basis, that we deal with all countries involved with that country, and in so doing that we hold their respect, we hold our respect, and we suggest to our taxpayers that we are going to deal with the finite resource of their dollars in a responsible and fiscally right manner.

That is the whole of my amendment. I think it is reasonable. It does not lock us away from doing anything we have not already done. It just simply says that legislatively we will not forgive nearly \$12 billion of Latin American debt. At the same time, I think—as we talk about the Enterprise of the America's Initiative, and fiscal responsibility is critical—nation-by-nation presence involved in these negotiations is fundamentally important, Mr. President.

With that, I retain the remainder of my time.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SARBANES. Have the yeas and nays been ordered?

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

Mr. SARBANES. Mr. President, I make a point of order against the amendment. It is not in order as draft-

ed because it amends the bill in more than one noncontiguous place.

The PRESIDING OFFICER. The Senator is correct. The amendment is not in order as drafted.

Mr. CRAIG. Mr. President, I ask for the reason for the decision of the Chair in this instance.

The PRESIDING OFFICER. The amendment as drafted amends the bill in more than one noncontiguous way.

Mr. BROWN. Mr. President, is the point of order debatable?

The PRESIDING OFFICER. The point of order is not debatable.

Mr. BROWN. Mr. President, I rise in favor of the Craig amendment.

The PRESIDING OFFICER. The amendment is no longer before the Senate. The amendment falls. It has fallen on the point of order.

Mr. BROWN. Mr. President, I ask unanimous consent to speak for 5 minutes.

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

Mr. BROWN. Mr. President, the issue that has been addressed by the Senate is the appropriateness of the Craig amendment. I think it is fair to say that this particular amendment—concerning the point of order—was offered in the form it was offered because we understood the preference of the managers of the bill was to have this measure offered all at once. That is why it was presented in the form it was.

It was presented in this form as an accommodation. There was clear and sincere difference between the staff. But I hope that Senator CRAIG's—and my—willingness to accommodate the managers of the bill will not be used to extinguish Senator CRAIG's ability to have a vote on this question. I am sure there is no evil intent on anyone's part here, but I think it is also very clear that the reason it was offered in the form that it was, which apparently the managers of the bill have some concern about, was simply to accommodate their request.

I hope the Senators involved will be willing to work out something here. I am sure it is in no one's interest to extinguish the ability of this body to express their feeling on whether or not you should simply write off \$11.8 billion in obligations to the United States.

It is an important issue, not one that should be denied expression by the Members of this body because of a misunderstanding between those who negotiated the rules of procedure.

I yield the remainder of my time.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I say to the distinguished Senator from Colorado that it was our very clear understanding that the inquiry about whether there could be an objection to an amendment on the grounds that it was divisible applied to the amendment

that the Senator from Colorado with a certification and a reporting requirement. We earlier took that amendment after the Senator modified it as part of the package, and we agreed not to seek to make it divisible if offered as the Senator had originally intended.

That understanding was reached, it is true. It has nothing to do with this amendment just presented.

Mr. BROWN. Let me say to the Senator, the discussion I am relating, the staff had, at which point we made it clear it was a Craig amendment. And offering the Craig amendment in this form was one that I think there is a sincere disagreement on among the staffs.

My understanding of this is that the Senator is perfectly right on insisting on his point of order. My request is that he would not choose to do that, because it is because of a genuine understanding. I certainly recognize he is within his rights to do so.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be allowed to speak for 2 minutes on the amendment.

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

Mr. CRAIG. Mr. President, obviously, the managers of this legislation have recognized a technicality in the drafting of the amendment. I have to accept the ruling of the Chair based on that.

It is my disappointment that we cannot arrive at a recognition of the simple redrafting that would go on. Obviously, it is the right of the person who raised the point of order. But, at the same time, we are dealing with some important issues here as it relates to this body wiping away billions of dollars worth of debt, when it is even questionable whether it ought to be done or whether we, as responsible nations, as guardians of taxpayers' dollars, ought not to sit down with these countries who are indebted and suggest to them some reasonable way of working out the proposition.

That is the way it has been done in the past, and it has been done effectively. That is the responsibility of the executive in some instances, certainly working with parties of the nations involved, and certainly us in establishing legislation. And this type of precedent, I think, is tremendously damaging. We will be back to revisit this question, if we cannot gain the cooperation to craft the amendment in the proper form, be-

cause this is something the American taxpayers will speak out against.

If we are to extend a helping hand to other nations around the world, then we have to do so in a fiscally responsible fashion, especially when we are looking at our deficit and our debt burden and people out of work in this country. I cannot go home to my unemployed workers and say: I am sorry, but we can forgive billions of dollars worth of debt against countries who have cash flows that can afford to handle them. That is the issue here, and that clearly will be demonstrated in the RECORD.

I yield the remainder of my time.

Mr. BROWN. Mr. President, I ask unanimous consent to address the body for 5 minutes concerning the Craig amendment.

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

Mr. BROWN. Mr. President, it is clear that the issue of the Craig amendment has been resolved through a technical point of order. So be it. Those are the proper rules of procedure, and ones that help make this body function efficiently. I recognize that. But I must say that the issue is important, and I think one that merits further consideration, which I think it will have on future legislation.

Let me say that there are a couple of relevant things here. One is the list of nations whom we are granting forgiveness of debt. They include a large number of nations that have the ability to pay the United States. Let me suggest also that there is not a single one of them that owes as much money as the United States does. All of them together do not owe as much money as the United States does. For us to be forgiving their debts when we are deeper in debt than they are, is a cruel irony. They also involve a number of countries, including Venezuela, that have enormous resources from which they have every ability to pay those debts, should they desire.

Mr. President, I ask unanimous consent that the list of these nations be printed in the RECORD at this point.

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

<i>Latin American debt to the United States Government (January 1991)</i>	
Argentina .....	524,955,820
Belize .....	26,412,350
Bolivia .....	527,947,386
Brazil .....	2,490,464,261
Chile .....	431,770,695
Colombia .....	998,390,147
Costa Rica .....	235,561,176
Dominican Republic .....	689,072,918
Ecuador .....	218,399,126
El Salvador .....	756,358,092
Guatemala .....	304,169,186
Guyana .....	115,048,601
Haiti .....	134,649,101
Honduras .....	455,649,236
Jamaica .....	865,809,888
Mexico .....	1,538,445,576

Nicaragua .....	264,564,738
Panama .....	240,301,541
Paraguay .....	34,882,914
Peru .....	798,170,032
St. Vincent .....	1,481,309
Trinidad & Tobago .....	113,936,144
Uruguay .....	46,238,711
Venezuela .....	20,006,261
Total .....	11,812,676,209

Source: Mr. Thomas Moran, Manager of the Foreign Credit Reporting System, Department of Treasury, From: "Status of Active Foreign Credits," published by the U.S. Government.

Mr. BROWN. There are several other considerations that I hope the Members will consider. The poorest nations on this list, who are having their debts forgiven, who I think would have a legitimate case to bring before this body in terms of debt forgiveness, already qualify under section 572 for debt forgiveness. I will repeat that: The ones that are legitimate cases here for debt forgiveness already qualify under section 572 for debt forgiveness. There is no need to bring those into this bill.

Third, we ought to ask ourselves what kind of lesson have we put for the future? I think it is important to note that these nations, who are writing off their debts, have the ability in the future to borrow from the United States after that 5-year window, and there is no requirement on the administration to make sure that these nations whose debts we have written off have to be creditworthy in the future.

The simple fact is that we have not only written off their debts, but we have failed to put in place a mechanism that will prevent this from recurring.

I think it is worthwhile to look at the attitude of our Japanese friends, who have indicated they think it is bad policy to write off debts, that it is far better to work with the creditors.

For those who consider this policy to be wise, I would simply refer them to our Founding Fathers. When faced with a similar difficult position of overwhelming debts after the Revolutionary War, this Nation made a decision to honor its debts to protect its future creditworthiness.

I simply say to those who think we are doing a favor allowing people to walk away from the legitimate obligations to the working men and women of this country that in the long run they do them a disfavor because they establish these countries as countries which have been unable to meet their obligations, countries which followed a pattern of defaulting on legitimate obligations, and that far from helping those countries perhaps in the long term will damage not only the U.S. taxpayer but will damage the citizens of those countries far more than any other action we could have taken.

I am sorry that we do not have a vote on that on this bill. I certainly respect the legitimate rules that have been raised here. I look forward to an opportunity to give the members a chance to

express willingness to forgo legitimate obligations owed to the taxpayers on future legislation.

I yield back the remainder of my time.

Mr. SARBANES. Mr. President, I say to my colleagues, Senator BROWN and Senator CRAIG, the administration has been literally importuning us to act on the Enterprise for the Americas Initiative. The President announced this initiative in June 1990 and he then went to Latin America last year. It was a major part of his appeal to the Latin Americans to join with the United States in a new cooperative effort.

The authority given to the President to make debt reduction can only be exercised beginning in fiscal year 1992 and only in such amounts and to such extent as provided by a specific appropriations act. So it is not an authority once committed that is beyond congressional review or control, and I am sure the Senator is aware of that. I just point that out in order to respond to suggestions that somehow this provision would put the issue beyond the purview of the Congress. That is not the case.

Second, in order to be eligible to participate, a country must make significant progress toward policies designed to liberalize its investment regime and undertake other essential economic reforms, including an IMF economic reform regime. So a country cannot simply come in and avail itself of this without making very fundamental internal economic reforms, which I think all of us here would consider to be desirable, designed to move toward a market system and private enterprise.

So, it is a grant of authority at a general level to the President. The President was very anxious to have that because he thought it was necessary in order to deal with the Latin American countries. I do not often find myself making the case for broad Presidential discretion, and particularly not in the last few years when we have been on opposite sides of the political watershed. But I do think that this provision responds to the administration's request for flexibility while protecting a congressional role, and I am sure the Senator will come back and revisit that congressional role. I simply wanted to make those observations.

I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## AMENDMENT NO. 869

(Purpose: To amend the Arms Export Control Act to delay the approval of arms sales, exports, and licensing agreements unless the corresponding memorandum of understanding, before entry into force, has been transmitted to the Congress)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This amendment has been agreed to by the managers.

The PRESIDING OFFICER. Without objection, the Simon amendment that is pending is laid aside.

The clerk will report.

The legislative clerk read as follows

The Senator from Illinois [Mr. DIXON], for himself, Mr. BYRD, Mr. BOREN, Mr. D'AMATO, Mr. FORD, Mr. HATFIELD, Mr. HOLLINGS, Mr. SHELBY, Mr. DECONCINI, Mr. KERRY, Mr. ROCKEFELLER, Mr. WELLSTONE, and Ms. MIKULSKI, proposes an amendment numbered 869.

Mr. DIXON. 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 88, between lines 13 and 14, insert the following new section:

**SEC. . REQUIREMENT REGARDING TRANSMITTAL OF MEMORANDA OF UNDERSTANDING.**

Section 36 of the Arms Export Control Act is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of this section, no Presidential certification under subsection (b), (c), or (d) shall be deemed to have been received by the Congress, for purposes of any such subsection, if the certification is made with respect to a sale, export, or agreement required by a memorandum of understanding [MOU] between the United States and a foreign government for the coproduction or codevelopment of major defense equipment, unless the President, before such MOU entered into force with respect to the United States, transmitted the text of such MOU and any related documents (including exchanges of letters between the governments) to the Speaker of the House of Representatives and the President pro tempore of the Senate."

Mr. DIXON. Mr. President, Senators BYRD, BOREN, D'AMATO, FORD, HATFIELD, HOLLINGS, SHELBY, DECONCINI, KERRY, ROCKEFELLER, WELLSTONE, and MIKULSKI today join me in sending an important amendment to the desk and asking for its immediate consideration. This amendment, which amends the Arms Export Control Act, deals with an issue my colleagues will readily recognize as a longtime concern of mine. Indeed, this is not the first time I have introduced legislation to safeguard Congress' right, as well as duty, to review the memoranda of understanding [MOU] and all relevant documents that are part of agreements entered into by the President of the United States and foreign governments.

I continue to bring this issue up, Mr. President, because we have unfortu-

nately experienced all too many times a situation where Congress has practically had to threaten the administration before we received the critical cooperation we should have gotten from the outset. This is a grave problem—it shows a sloppy attitude on the part of the administration toward national security measures and it threatens the very integrity of our democratic governing process.

This process we adhere to with such respect and admiration was instituted by the founders of this Nation, who made it forcefully clear they did not want their country run exclusively by any one branch of government. They were wise enough even then to foresee the dangers of a system lacking the necessary checks and balances. Thus, while the President is given the responsibility for conducting negotiations with foreign nations, it is Congress to whom the Constitution in article 1, section 8, gives authority to "regulate commerce with foreign nations." The Constitution could not be more clear—Congress has the right to access any and all pertinent documents because the same Congress has the responsibility to make informed decisions on foreign commerce. Surely anyone can understand it is difficult for Congress to make informed decisions when denied necessary information.

That is why, Mr. President, I am offering this amendment which is designed to remind the administration of its duties under the law, indeed, under the Constitution. This amendment does not withdraw or impede the President's authority to negotiate sales agreements. What this amendment does is merely to require the administration to give the Speaker of the House and the President pro tempore of the Senate the actual memorandum of understanding and any side letters of agreement involved in foreign contracts for the coproduction or codevelopment of major defense equipment. The amendment also says that the 30-day period which Congress has for consideration of the agreement will not begin until Congress has received these documents.

Our amendment is designed to end once and for all the present charade in which we in Congress are continually asked to approve an agreement between the President and a foreign government, while nobody—nobody at all—in the Senate or the House is permitted to look at the document before we act.

We want no more rubberstamps, Mr. President.

I urge my colleagues to take careful note of this amendment, and the serious nature of what the administration has been doing by asking us to approve something sight unseen. Without a doubt, this is something none of us would do in conducting our private business; we can hardly do any less in conducting public business. All we are

asking is that Congress be given the resources it needs to responsibly carry out its share of the governing process.

Mr. President, I thank my colleagues on both sides and the managers for accepting the amendment.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 869) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DIXON. I thank my distinguished colleagues.

The PRESIDING OFFICER. Who seeks recognition?

Mr. MCCAIN. Mr. President, I have an amendment at the desk and I ask for its immediate consideration. I would also like to have considered with the amendment a perfecting amendment.

The PRESIDING OFFICER. Without objection, the pending Simon amendment will be laid aside.

Mr. SARBANES. Mr. President, I do not believe we have seen the second-degree amendment.

Mr. MCCAIN. I might say to my friend from Maryland, the perfecting amendment is an additional amendment which perfects it and which really has no basic change in the amendment itself.

Mr. SARBANES. Under the agreement entered into last night, the two Senators from Arizona can offer an amendment on the United States-Mexico border environment issue, which I take it is this amendment.

Mr. MCCAIN. Yes.

Mr. SARBANES. No other amendments are in order. I suggest to the Senator that he simply modify his amendment by putting it in the form in which he wishes to have it and sending it to the desk. That would then conform with the request. At the moment the Senator's submission does not appear to do so.

Mr. MCCAIN. If the Senator will yield to me for a minute, I think I can clear this up.

I will withdraw my amendment. I will be ready in 5 minutes with those two together.

The PRESIDING OFFICER. The Senator has that right.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to address the Senate as if in morning business for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

ESTABLISHING A SELECT COMMITTEE FOR OVERSIGHT OF POW/MIA MATTERS

Mr. GRASSLEY. Mr. President, I rise for three purposes: First, to thank the Rules Committee for yesterday holding a hearing on a very important question before that committee—whether or not a select committee on POW's should be set up by this body. The second purpose is to urge the leadership of this body, hopefully, to take that issue up very quickly. And, third, to inform my colleagues of my views on this particular issue of whether or not this body should establish a select committee for oversight of POW/MIA's. I feel that this should be done.

I would like to say something about the bill's primary sponsors. Senator SMITH has personally and intimately been involved with this issue for a decade or more. He knows perhaps more about this issue than anyone in this body. His knowledge and forceful leadership on the POW/MIA issue is what has built such a broad and deep coalition of support for this bill in such a short period of time.

The Senate might not be in the position it is at this point considering this issue if it had not been for the work that Senator JESSE HELMS has also done on this issue as the ranking member of the Foreign Relations Committee. Without Senator HELMS, the investigation that I spearheaded 2 years ago would have died on the vine. Now that investigation has become the center of gravity for a bipartisan investigation by a standing committee of the U.S. Senate, the Senate Foreign Relations Committee.

I want to outline why this investigation should ultimately reside with a committee that deals exclusively with the POW/MIA issue but not to the exclusion of the Senate Foreign Relations Committee dealing with it as well.

I have been investigating this issue for 2 years, now. As I mentioned, I initiated the current investigation. I reviewed allegations brought to my attention by people within the Defense Department. Because of the credibility of these people, I could not dismiss the allegations. On the other hand, I was aware that previous inquiries dispelled such allegations, and I was also aware that this issue is emotionally charged. Given this dilemma, I decided the only way to discover the truth in a way that is acceptable to this body and to the public was to change the method of inquiry. So I brought in three professional investigators to investigate this issue, using an empirical investigatory process. These three investigators, collectively, had nearly 70 years of investigative experience in the executive branch, including criminal investigative experience. In addition, they had all served in Vietnam and were knowl-

edgeable about the history and geography of that country.

Mr. President, the product of their work cannot be ignored by this body. That product has been released under the auspices of the minority side of the Foreign Relations Committee. The report shows that the U.S. Government has grossly mishandled the POW/MIA issue. It also confirms many of the allegations initially raised by my Pentagon sources. The testimony that Colonel Peck gave yesterday before the Rules Committee parallels our findings. And, in the event it would go unnoticed, a former, long-time DIA senior analyst in DOD's POW office by the name of Sedgwick Tourison wrote yesterday in the Washington Times that he resigned 3 years before Colonel Peck resigned for some of the same reasons.

The Helms reports, and the information collected by our investigators, provide the Senate with a firm foundation for further inquiry, devoid of politicization and emotionalism. Senator HELMS will provide any of you with details about these reports. But suffice it to say that investigation is now the centerpiece of a bipartisan investigation of the Senate Foreign Relations Committee. In my view, this is an important next step. However, I do not think for one moment that the Foreign Relations Committee, with its busy schedule, will be able to devote the full, thorough attention this issue deserves over the very long term. Rather, resolving the issue requires a committee devoted specifically to POW/MIA affairs. The mere fact that seven previous inquiries turned up nothing is the strongest case in point. The conclusions of those seven inquiries fly in the face of what trained, professional investigators have turned up over the last 2 years.

There seems to be some question as to whether this issue should be resolved by the Senate Foreign Relations Committee investigation or by a select committee. Let me say that I intend to support and contribute to both. That is because, in my view, both are needed. In short term, we need to continue the momentum of the current investigation. But there are numerous complex issues that cannot be resolved by the Foreign Relations investigation. Let me outline some of these.

There are literally thousands of documents, both classified and unclassified, that pertain just to live sightings. There is abundant overhead imagery. And that only takes care of DIA. Similar and abundant information also resides at the State Department and the Central Intelligence Agency. Moreover, there are hundreds of witnesses to be interviewed, both domestically and abroad. All of this pertains to only the Vietnam war. Then there are the other wars: World War I, World War II, the Korean war. Evidence of POW's left behind after these wars is just beginning

to surface. Forty-nine pages are devoted to such evidence in the recent Helms report. And then there is the matter of future conflicts. These are all areas that collectively demand additional focus beyond what our present committees can provide.

Finally, I would like to address a present-day case in point that should illustrate the need for greater expertise on and attention to this issue by the Senate. The recent surfacing of photographs purported to be those of POW's has rekindled a high-profile, emotional debate. The participants are, on the one hand, administration debunkers, and on the other, conspiracy-mongers. The fact of the matter is, neither side knows enough to support his or her position fully. They each draw premature conclusions. The debunkers never met a piece of evidence they did not want to discredit. As for the conspirators, every piece of flimsy evidence seems to prove their case.

Take the photo of the three alleged POW's. The debunkers say they are Soviets because they are wearing Soviet clothes. What do they want them to wear in that part of the world, Izod sports shirts? Or something from J.C. Penny's? That is like saying someone eating Mexican food is obviously Mexican.

The conspiracy-mongers, on the other hand, take an unverified, unanalyzed photo and say that this proves a conspiracy and a cover-up. There has been no scientific analysis done to verify the photo; yet, the unverified photo somehow verifies a conspiracy!

It is these types of wild conclusions and speculation that need to be separated from a serious investigation. Believe me, the wild conclusions are on both sides.

Meanwhile, the real significance behind the photograph was entirely missed. Whether that photograph is real or not, the fact of the matter is that it took 7 months for DIA to do anything with it. And even then, it was because the issue was forced upon them. If this is not a clear and convincing case that DOD does not consider the POW/MIA issue to be a high priority, I don't know what is.

Somehow, someone has to inject some objectivity and balance into this process. And it has to be done in an ongoing manner. It is a long-term process. And no committee, with all its workload and important matters to consider, can do an adequate job unless that committee is devoted strictly to this issue.

In my view, the only way we will be able to sort out the fact from the fiction on this issue is to continue the empirically based investigation started by myself and Senator HELMS, and now joined by Senators KERRY and BROWN. Resolving this issue requires sorting out such a muddled morass of informa-



tion that no standing committee with all its other important duties is able to do so either efficiently or effectively, in my view. Yes, there is a mountain of misinformation out there, as Ann Mills Griffiths said recently. But there is also a mountain of nonfeasance by U.S. Government officials and others, there is a mountain of explaining to do to the public and the families, and there is a mountain of resolve by Members of this body to get to the bottom of this issue and bring accountability to bear.

In conclusion, I urge my colleagues to recognize that underneath all the emotion, the politicizing, and the debunking associated with this issue, there is a core of data that supports many of the allegations raised in recent years, and a long-term, thorough investigation must go forth. In my view, we as an institution should adopt a fundamentally different attitude on this matter. We should take our lead from another institution here in this town, the Washington Post. In its July 4 lead editorial, the Post announced it is shifting its position from skepticism to agnosticism. That shift was based in large part on what our investigation has turned up. All of us in Congress would do well to adopt that same approach, shifting from skepticism to agnosticism. And once we have done that, we then need the tools, the expertise, and the resources to get the job done. That is the only way the public will ever be satisfied that the issue has been resolved, and that Congress will have any credibility on this issue with the families and the American people.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### INTERNATIONAL SECURITY AND ECONOMIC COOPERATION ACT

The Senate continued with the consideration of the bill.

Mr. DODD. Mr. President, I want to take a minute, if I may. Last evening we had an extended debate on the issue of El Salvador and the issue of withholding 50 percent of the military aid to that country. As part of an extended debate, some of our colleagues went on at some length after the tabling motion failed.

As part of that discussion, rather extensive comments were made about a letter that was signed by a number of Ambassadors from various Central American countries urging this body not to support the proposition that was offered by the distinguished Senator from Vermont and myself last night.

That proposition would continue the policy that had been adopted by the Congress last year to withhold 50 percent of the military aid to El Salvador and place a significant amount of pressure on both sides in that conflict to resolve their differences.

I did not engage in the latter part of that debate last evening, Mr. President. But I wanted to take the floor this morning to respond to the suggestion, made by these five Ambassadors in their letter to Members of this Chamber, urging us to spend money in El Salvador.

I always find it somewhat intriguing that other people always get very generous with our dollars. These five Ambassadors, many of whom I have respect for, always seem anxious for the American taxpayer to spend our money on some other place in the world. I note with some significance that none of these countries have spent a nickel of their money in El Salvador—not a nickel. Yet they write letters to us telling us to spend our money in another place.

I am going to take note of this and maybe when the Foreign Operations appropriations bills come around, maybe we can provide the assistance to El Salvador and just reduce the amount of assistance to these countries. If they are so generous with our tax dollars, maybe we can be a little less generous with their aid.

Mr. President, I certainly respect their right to have their own opinions. Certainly they have the right to express those opinions. I welcome their comments and their suggestions. But I suggest the next time they start offering advice as to how we ought to spend our money, they might spend a little of their own money as well. If they are so concerned about seeing that the Government of El Salvador gets \$85 million in military assistance, then maybe they ought to suggest that they would be willing to forego the assistance we are providing to them for a year to make up the difference. Because we get advice from all over the world on how we ought to spend money on foreign aid, yet I rarely find any of these other countries willing to step up and contribute as well. This is particularly true for nations who are directly involved, as the nations of Central America have been over the last 10 years or so, with the issue of El Salvador.

I would also take note of the fact that some have suggested that we should listen to these countries—that they are providing good advice.

I would remind our colleagues that a few years ago they were advising us in other matters in the region, and some who suggested that we ought to follow their advice on this particular matter were unwilling to accept their advice when they were recommending support for the so-called Arias peace plan.

At any rate I did not last evening respond to the debating points raised

about the suggestions that have come from the Ambassadors of these countries. But I strongly suggest the next time Ambassadors from various countries start recommending how we spend American taxpayer money, that they might first examine their own books to see whether or not they are contributing any money to the very cause they are asking us to contribute to. I urge them to think about that, and maybe we can assist them in that process as these authorization and appropriations bills go forward.

We are going to have an appropriations bill come up in September, and I will examine that bill carefully when it comes to these countries who were so anxious to support the cause they so strenuously espouse. And I will determine whether they are contributing any money whatsoever to this particular effort. To the best of my knowledge, they are not.

I strongly recommend the next time they want to write letters like this, they may want to belly up to the bar themselves first.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, this is end of the week, and the managers of the bill would like to get this done. We had ample opportunity to have extended debate. I would have yielded at any time during my comments to my friend from Connecticut, who I know feels passionately about this issue.

I look forward to September, as he said, when we will be addressing this issue in the form of an appropriations bill. I have always respected his view. I believe he is one of the most knowledgeable Members of this body on foreign policy issues in general, and Central America specifically.

I will have to take some exception to the tenor of his remarks, which plainly are veiled threats at these countries, who felt that no legislative action to cut aid—not additional aid; they did not request additional aid, but took exception to cutting aid at this particular time. I believe they will view it as a veiled threat, or not-so-veiled threat.

I find that unfortunate, because I think obviously we want to judge these countries on their own merits. Also, my friend from Connecticut knows very well that these are very poor countries. Honduras is one of the poorest countries in the world, as is Guatemala. The prospect of them extending foreign aid to their neighbors, of course, is something that probably cannot be done readily.

But I do point out that these Central American countries have attempted to join together to form a common market. They have taken economic measures to improve the lot of their people. I know that my friend from Connecticut will continue to do so.

So I hope in his disappointment over what I think was a very spirited de-

bate, and the kind of discussion and debate that needs to be done, needs to be carried out in this body, that he will not threaten these countries on the basis of their support or lack of support of another country.

As I said, the hour grows late. I look forward to a spirited involvement and engagement in September, and I want to assure my friend from Connecticut again, I have the highest respect and regard for his views and his expertise on this issue. It has been a privilege for me to work with him and travel with him on many occasions throughout the region of Central America over a long period of years.

Mr. DODD. Will the Senator yield?

Mr. MCCAIN. I will be glad to yield.

Mr. DODD. I appreciate the Senator's comments. I have a great deal of fondness for the Senator from Arizona, as he knows, and I respect his views tremendously in this matter, and in many other matters as well.

I say to my friend, Mr. President, that it is not just this situation that troubles me; it was just that sense that we are so often advised by other countries on what to do. They are so willing and generous with their advice, and yet often so unwilling to do the other things a nation can do.

But I respect the point made by the Senator from Arizona. I do not say this in pique.

It is not just Central American countries; we get a lot of people, whether in Europe or the Pacific rim, who tell us what to do. We look around and ask, What do you folks do in this regard? In many cases, as I say, they are generous with their advice and stingy when it comes to sharing their responsibilities.

Incidentally, let me point out, because I know the Senator from Arizona knows him, Ruben Zamora's brother and another relative were abducted this morning on the streets on San Salvador, apparently by uniformed police. That's just one more piece of evidence of the horror that goes on in El Salvador—on both sides. I hope they will be returned quickly, we will discover who is responsible, and they will be safe and sound. But again, that's just another page in this tragic story in this country that has been so ravaged.

My colleague from Arizona and I both know that this is the kind of thing that goes on in El Salvador and we hope it stops, because these are some very good people who care deeply about their country, and we would like to see this come to an end.

I thank the Senator for his comments this morning, and I appreciate the spirit in which they are offered.

Mr. MCCAIN. I thank my colleague from Connecticut.

Again, I did not know the information about Mr. Zamora's brother. We will all wait anxiously and hope and pray that his brother and his friend is returned. Another argument, and per-

haps a validation in the efforts that the Senator, myself, and many other Members of this body have made in the effort towards bringing a peaceful resolution to that unhappy country because, clearly, the human suffering and agony that continues is something that deserves our attention and our every effort.

As I say, I look forward after the recess, I am sure shortly afterwards, we will engage in another spirited debate.

#### AMENDMENT NO. 870

(Purpose: To establish certain environmental protection procedures within the area comprising the border region between the United States and the Republic of Mexico)

Mr. MCCAIN. 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 Arizona [Mr. MCCAIN] for himself and Mr. DECONCINI, proposes an amendment numbered 870.

Mr. MCCAIN. 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:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Mexico Border Environmental Protection Act".

#### SEC. 2. PURPOSE.

It is the purpose of this Act to provide for the protection of the environment within the area comprising the border region between the United States and the Republic of Mexico, as defined by the 1983 Border Environment Agreement between the United States and Mexico.

#### SEC. 3. FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States the "United States-Mexico Border Environmental Protection Fund (hereinafter referred to as the "Fund"). The Fund shall consist of such amounts as may be appropriated or transferred to the Fund. No moneys in the Fund shall be available for obligation or expenditure except pursuant to an environmental emergency declaration pursuant to section 4.

(b) PURPOSE OF THE FUND.—The Fund shall be readily available for use by the Administrator of the Environmental Protection Agency (hereinafter referred to as the "Administrator") to investigate and respond to conditions which the Administrator determines present a substantial threat to the land, air, or water resources of the area comprising the border region of the United States and the Republic of Mexico.

(c) USES OF FUND.—(1) Moneys in the Fund shall be available, without fiscal year limitation, for use by the Administrator in carrying out field investigations and remediation of any environmental emergency declared by the Administrator under this Act.

(2) In carrying out his authority under this Act, the Administrator is authorized to expend moneys in the Fund directly or make such moneys available through grants or contracts.

(3) Moneys in the Fund shall be available for use by the Administrator for cost-sharing

programs with the Republic of Mexico, any of the States of Arizona, California, New Mexico, or Texas, any political subdivision of any such State, federally recognized Indian tribes, or any other appropriate entity, for use in carrying out field investigations and remediation actions pursuant to this Act.

#### SEC. 4. DECLARATION OF ENVIRONMENTAL EMERGENCY

(a) DETERMINATION BY ADMINISTRATOR.—The Administrator, whenever he determines conditions exist which present a substantial threat to the land, air, or water resources of the area comprising the border region of the United States and the Republic of Mexico, may declare the existence of an environmental emergency in such region. In no case shall the Administrator declare a condition an emergency under this section if such condition is specifically within the sole jurisdiction of the International Boundary and Water Commission.

(b) PETITION OF GOVERNOR.—In addition to the authority under subsection (a), the Administrator, upon the petition of the Governor of the State of Arizona, California, New Mexico, or Texas, or the governing body of a Federally recognized Indian Tribe may declare the existence of an environmental emergency in such region. In no case shall the Administrator declare a condition an emergency under this section if such condition is specifically within the sole jurisdiction of the International Boundary \* \* \*.

#### SEC. 5. INFORMATION SHARING.

The Administrator, in cooperation with the Secretary of State, the Governors of the States of Arizona, California, New Mexico, and or Texas, \* \* \* and the Republic of Mexico, is authorized to establish a system for information sharing and for early warning to the United States, each of the several States and political subdivisions thereof, and Indian tribes, of environmental problems affecting the border region of the United States and the Republic of Mexico. The Administrator shall integrate systems and procedures authorized by this section into any existing systems and procedures established to provide information sharing and early warning regarding environmental problems affecting the border region of the United States and Mexico.

#### SEC. 6. REPORT TO CONGRESS.

The Administrator, after consultation with the Secretary of State, the Republic of Mexico, the Governors of the States of Arizona, California, New Mexico, and Texas, and the tribal governments of appropriate Indian tribes, shall submit an annual report to the Congress on the use of the Fund during the calendar year preceding the calendar year in which such report is filed, and the status of the environmental quality of the area comprising the border region of the United States and the Republic of Mexico.

The administrator shall publish the availability of the report in the Federal Register, along with a brief summary.

#### SEC. 7. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Administrator shall establish a United States-Mexico Border Environmental Protection Advisory Committee (hereinafter referred to as the "Advisory Committee").

(b) FUNCTIONS.—It shall be the functions of the Advisory Committee to—

(1) monitor and study environmental conditions within the border region of the United States and the Republic of Mexico;

(2) plan and make recommendations for ongoing environmental protection within such border region; and

(3) carry out such other functions as the Administrator may prescribe.

(c) **COMPOSITION OF ADVISORY COMMITTEE.**—The Advisory Committee shall consist of such number as the Administrator shall appoint. At least 2 of the members shall be from business, 2 from non-Government organizations, and 5 from State local or tribal governments. The term of each member shall be for a period of not more than 5 years, specified by the Administrator at the time of appointment. Before filling a position on the Advisory Committee, the Administrator shall publish a notice in the Federal Register soliciting nominations for membership on the Advisory Committee.

(d) **MEETINGS AND REPORTS.**—The Advisory Committee shall meet at least on a quarterly basis, and report to the President and Congress not less than annually, on the state of the border region between the United States and the Republic of Mexico, together with the recommendations of the Advisory Committee, if any. The initial report shall be submitted within 12 months following the date of the enactment of this Act.

(e) **COMPENSATION.**—Members of the Advisory Committee shall serve without compensation. When serving away from home or regular place of business, a member may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for individuals employed intermittently in the Government service.

#### SEC. 8. INTERNATIONAL AGREEMENTS.

(a) **AUTHORITY.**—The Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico (hereafter "United States Commissioner") is authorized to conclude agreements with the appropriate representative of the Ministry of Foreign Relations of Mexico for the purpose of correcting border sanitation problems in international streams that cross the international boundary between the United States and the Republic of Mexico, caused by the discharge of untreated or inadequately treated sewage into such streams.

(b) **RECOMMENDATIONS.**—Agreements concluded under subsection (a) should consist of recommendations to the Governments of the United States and the Republic of Mexico of measures to protect the health and welfare of persons along those international streams that cross the international boundary between the United States and the Republic of Mexico, and should include—

(1) facilities that should be constructed, operated, and maintained in each country;

(2) estimates of the costs of plans, construction, operation, and maintenance of such facilities;

(3) formulas for the division of costs between the United States and the Republic of Mexico; and

(4) time schedule for the construction of facilities and other measures recommended within the agreements authorized by this section.

#### SEC. 9. JOINT RESPONSES TO SANITATION EMERGENCIES.

(a) **CONSTRUCTION OF WORKS.**—The Secretary of State, acting through the United States Commissioner, is authorized to conclude agreements with the appropriate representative of the Ministry of Foreign Relations of the Republic of Mexico for the purpose of joint response through the construction of works, repair of existing infrastructure, and other such appropriate measures in the Republic of Mexico and the United States to correct water pollution emer-

gencies in international streams that form or cross the international boundary between the United States and the Republic of Mexico caused by the discharge of untreated or inadequately treated sewage into such streams.

(b) **HEALTH AND WELFARE.**—Agreements concluded under subsection (a) should consist of recommendations to the Governments of the United States and the Republic of Mexico establishing general response plans to protect the health and welfare of persons along those international streams that form or cross the international boundary between the United States and the Republic of Mexico, and should include, but not be limited to—

(1) description of types of sanitation emergencies requiring response including, but not limited to, sewer line breaks, power interruptions to wastewater handling facilities, components breakdowns to wastewater handling facilities, and accidental discharge of sewage which results in the pollution of streams that form or cross the international boundary;

(2) description of types of response to emergencies including, but not limited to, acquisition, use and maintenance of joint response equipment and facilities, small scale construction, including modifications to existing infrastructure and temporary works, and the installation of emergency and standby power facilities;

(3) formulas for distribution of costs of responses to emergencies under this section on a case-by-case basis; and

"(a) **FUNCTIONS OF THE BINATIONAL ADVISORY COMMITTEE.**—It shall be the functions of the Binational Advisory Committee to (1) assist EPA and SEDUE in the monitoring and study of environmental conditions within the border region of the United States and Mexico; (2) plan and make recommendations to EPA and SEDUE for ongoing environmental protection within such border region; and (3) carry out such other functions as EPA and SEDUE may prescribe."

"(b) **COMPOSITION OF U.S. DELEGATION TO THE BINATIONAL ADVISORY COMMITTEE.**—The U.S. Delegation shall consist of such number as the Administrator shall appoint. At least two of the members shall be from business, two from non-government organizations, and five from State or local governments. The term of each member shall be for a period of not more than five years, specified by the Administrator at the time of appointment. Before filling a position on the Advisory Committee, the Administrator shall publish a notice in the Federal Register soliciting nominations for membership on the U.S. Advisory Committee."

"(c) **MEETING AND REPORTING REQUIREMENTS.**—Reporting and meeting requirements of the Binational Advisory Commission will be established by the members.

(4) requirements for defining the beginning and end of an emergency.

#### SEC. 10. CONSTRUCTION; REPAIRS; AND OTHER MEASURES.

(a) **WATER POLLUTION EMERGENCIES.**—The Secretary of State, acting through the United States Commissioner, is authorized to respond through construction, repairs and other measures in the United States to correct sanitation emergencies in international streams that form or cross the international boundary between the United States and the Republic of Mexico, caused by the accidental discharge of untreated or inadequately treated sewage into such streams.

(b) **CONSULTATION.**—In responding to emergencies the Secretary of State shall consult

and cooperate with the Administrator, affected States, counties, municipalities, Indian tribes, the Republic of Mexico, and other affected parties.

#### SEC. 11. BINATIONAL ADVISORY COMMITTEE.

The Administrator in cooperation with the Secretary of State, is authorized to enter into an agreement or other arrangement with the Republic of Mexico to establish an Advisory Committee comprised of members from the Republic of Mexico and the United States.

#### SEC. 12. TRANSFER OF FUNDS.

(a) **TRANSFER AUTHORITY.**—The Secretary of State, acting through the United States Commissioner, is authorized to include as part of the agreements authorized by sections 8, 9, and 10 of this Act, the necessary arrangements to administer the transfer to another country of funds assigned to one country and obtained from Federal or non-Federal governmental or nongovernmental sources.

(b) **COST-SHARING AGREEMENTS.**—No funds of the United States shall be expended in the Republic of Mexico for emergency investigation or remediation pursuant to section 8, 9, or 10 of this Act absent a cost-sharing agreement between the United States and the Republic of Mexico unless the Secretary of State has determined and can demonstrate that the expenditure of such funds in the Republic of Mexico would be cost-effective and in the interest of the United States. In cases where funds of the United States are expended in the Republic of Mexico without a cost-sharing agreement, the Secretary of State shall submit a report to the appropriate committees of Congress explaining why costs were not shared between the United States and the Republic of Mexico, and why the expenditure of such funds without cost-sharing was in the national interest of the United States.

(c) **ESTABLISHMENT OF FUND.**—(1) There is established in the Treasury of the United States the United States International Boundary and Water Commission Fund (hereinafter referred to as the "Commission Fund"). The Commission Fund shall consist of such amounts as may be appropriated or transferred to the Commission Fund.

(2) Moneys in the Commission Fund shall be available, without fiscal year limitation, for use by the Secretary of State in carrying out the provisions of sections 8, 9, 10, 11, and 12 of this Act.

(3) In carrying out the purposes of sections 8, 9, 10, 11, and 12 of this Act, the Secretary of State is authorized to expend moneys in the Commission Fund directly or make such moneys available to fulfill the purposes of any such section through grants or contracts.

#### SEC. 13. AUTHORIZATION.

(a) **AUTHORIZATION FOR THE FUND.**—There is authorized to be appropriated to the Fund \$10,000,000, for use in accordance with the purposes of this Act.

(b) **AUTHORIZATION FOR ADVISORY COMMITTEE.**—There is authorized to be appropriated to the Administrator \$500,000 for support and operation of the Advisory Committee.

(c) **AUTHORIZATION FOR INTERNATIONAL BOUNDARY AND WATER COMMISSION FUND.**—There is authorized to be appropriated to the International Boundary and Water Commission Fund \$5,000,000 for carrying out sections 8, 9, 10, 11, and 12 of this Act.

(d) **AVAILABILITY OF FUNDS.**—All amounts appropriated pursuant to this Act shall remain available until expended.

#### SEC. 14. DISCLAIMER.

Nothing in this Act shall be construed as amending, repealing or otherwise modifying

any provision of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Superfund Amendments and Reauthorization Act of 1986, or any other environmental law treaty or international agreement of the United States.

Mr. McCAIN. Mr. President, this amendment is cosponsored by Senator DECONCINI. I want to thank him for his lasting concern, interest, and action on border environmental issues. This issue is critically important to our State. We share a common commitment to protecting our border communities. I will be brief on this issue because I have received the support of both sides on this amendment, with the inclusion of a colloquy that Senator SARBANES will engage in in just a minute or two.

First, I would like to thank my colleague from Maryland and my friend from Kentucky for allowing me to bring this amendment to the floor and to agree to it.

Mr. President, this amendment provides critical environmental protection to the region along our Nation's 2,000-mile border with Mexico. The United States and Mexico have high international responsibilities to protect human health and the natural resources we share in the border region. Certainly, the successful efforts to conclude free trade agreement intensifies those responsibilities.

Mr. President, this amendment is simple and straightforward. It authorizes national and binational advisory committees on the border environment. The committees will monitor border environmental conditions and provide input from the general public and State and local officials on border environmental issues.

In addition, the amendment authorizes a binational informational sharing and early warning system on environmental hazards and increases coordination and communication between the United States and Mexico, and among Federal, State, and local governments on our side of the border. And, it authorizes the International Boundary and Water Commission to respond to sanitation emergencies along the United States-Mexico border.

Mr. President, to accomplish the aforementioned goals the measure creates a \$15-million border emergency fund. This accord will enable us to respond to border environmental hazards and emergencies efficiently and with dispatch. Clearly, we have a compelling international responsibility to our neighbors, and we have Federal responsibilities to protect American lives and property along the border from the effects of pollution arising in Mexico.

President Salinas recognizes the importance of this issue and has committed to establishing a companion fund in Mexico with several million dollars as part of Mexico's contribution to this effort. Passage of this amendment is an important step in safeguarding human

health and the environment of the border region.

The text of my amendment tracks very closely with Senate bill 503, the United States-Mexico Border Environmental Protection Act, which Senator DECONCINI and I introduced earlier this year.

The legislation seeks to promote environmental protection along our Nation's border with Mexico. Across that 2,000-mile boundary, numerous American and Mexican sister cities are joined, binding our two nations in a very real and personal way.

As friends and neighbors, there can be no doubt that we have profound international responsibilities to safeguard and protect the natural resources our citizens must share in the region. No activities or conditions occurring on one side of the border must be permitted to endanger the health of people or the environment on the other.

Passage of this amendment will help us ensure a healthier and safer border environment. It will do so by promoting pollution prevention in the region through binational resource monitoring, long-term planning, and public involvement. And, it will provide the resources necessary to protect American lives and property from environmental hazards which may arise unabated south of the border—an important Federal responsibility.

Most importantly, the legislation would establish a border environmental emergency fund. The creation of this account would enable us to respond to environmental hazards, particularly emergency situations, along the border with dispatch and priority.

As we all know, negotiations on border environmental issues are currently underway between EPA and Mexico's counterpart SEDUE. I'm very confident that the joint planning efforts taking place at the direction of President Bush and President Salinas will result in strong border environmental protection measures for the region. In fact, a draft agreement is expected to be released shortly.

This amendment in no way interferes or redirects those efforts. Rather it will supplement and complement those negotiations in a very meaningful way, particularly in regard to the creation of a special emergency fund. In fact, President Salinas has assured me that if Congress creates a border environmental protection fund, that Mexico would create a companion account.

Great nations, like individuals, Mr. President, must be responsible to their neighbors. This is a critical time in history. We are striving to open the doors of commerce between the United States and Mexico, joining together in the march of economic progress. In doing so, we must redouble our efforts to protect the natural resources which sustain us and upon which a happier and more prosperous future depends.

Again, this amendment will help us meet that responsibility. I thank my colleagues for their vision and support.

I would like to provide a specific example of how the authorities and resources contained in this amendment can be put to use. A plume of ground water contamination has been identified on the Mexican side of the border near Arizona in an aquifer shared by the United States and Mexico. This particular aquifer flows in a northerly direction toward the United States. We hope and expect, of course, that the Mexican authorities will take every step necessary to clean up the contamination and its sources, just as we must investigate this matter to determine if any activities in the United States are contributing to the problem. The emergency fund would provide resources for U.S. participation in the field investigation, and enable us to take remedial action should the plume endanger U.S. water resources. This is just one example. Other environmental hazards affecting ground water and the border air shed exist in varying degrees along the international boundary.

While the Environmental Protection Agency would utilize the fund to address issues under its jurisdiction, international sewage problems fall under the jurisdiction of the International Boundary and Water Commission. The commission was created by treaty with Mexico in 1944 to control floods, manage salinity and develop municipal sewage treatment facilities along international streams.

In my home State, the IBWC has constructed international wastewater treatment facilities in Nogales and Naco, AZ. However, the commission's authority to respond to emergencies involving the sewage contamination of surface waters is a matter of some doubt. This measure provides the IBWC with explicit authority and resources to protect American lives and property from emergency conditions and establishes a \$5 million fund to do the job. In addition, the Secretary of State is directed to pursue agreements with Mexico for joint response to such events.

Mr. President, I'd like to offer another example of why this legislation is needed. Last October the breakage of a sewer main in Sonora, Mexico, combined with heavy rains to carry raw sewage into Arizona along the Nogales Wash.

The contamination resulted in a high incidence of hepatitis, harmed wildlife, and degraded public and private property, prompting the declaration of a state of emergency. No definitive and comprehensive action was taken to stem the flow of the sewage for several weeks due to concern about the availability of funds and uncertainty about the legal authority necessary to take action.

Had the emergency fund and response authority I'm proposing been in place,

perhaps we could have prevented much of the sickness and suffering visited on the residents of Nogales. We could have also prevented the possible contamination of drinking-water wells which may either have to be closed or cleaned up at great expense. Passage of this legislation will ensure prompt and effective response in the future.

I would like to note that certain provisions related to the IBWC in this bill are virtually identical to those in the Rio Grande Pollution Correction Act which was signed into law in 1987. Like the bill I'm introducing, the Rio Grande legislation authorized the IBWC to conclude agreements with Mexico to respond to surface-water contamination.

The United States-Mexico Border Environmental Protection Act expands the provisions of the Rio Grande bill to include the entire border, as a matter of fairness and necessity.

In addition to funding field investigations and rapid emergency response, the legislation recognizes the importance of communication between Mexico and the United States and among Federal, State, and local authorities here at home. The amendment seeks to establish an information-sharing and early-warning system so that Mexican and American officials at all levels will be apprised of environmental hazards and risks in a timely and coordinated fashion, so that response and remedy, likewise, will be timely and coordinated.

The EPA and IBWC funds will ensure comprehensive and timely response to hazards as they arise along the border. The long-term answer, however, is planning and prevention. In that regard, the bill seeks to bolster attention on the border environment and promote planning so that emergencies can be avoided. It calls for the establishment of domestic and binational advisory committees on the border environment. These groups would meet on a regular and formal basis to monitor environmental conditions along the border, as well as to plan and make recommendations for the continued protection of the region's air, land, and water resources.

Passage of this amendment is critical to the protection of the border environment and the maintenance of harmonious and productive relations with our friends to the south. Mr. President, Mexico recognizes the importance of this initiative as well. When I visited President Salinas in Mexico city last December, I informed him of my proposal to create a border environment fund. President Salinas agreed on the need for such an initiative and told me that if Congress created such an account, Mexico would do the same.

Mr. President, there is no doubt of our obligation to be a responsible neighbor to Mexico, nor of Mexico's obligation to us. As I said before, now

more than ever, it's important that we commit ourselves to a clean and healthy border environment for the safety and enjoyment of Americans and Mexicans who inhabit the region. Enactment of this legislation is a vital step to achieving that end.

I urge the Senate to consider and swiftly pass the United States-Mexico Border Environmental Protection Act.

Mr. President, I conclude by saying we have had some sad experiences already along the border in my own State, most recently in Nogales, AZ. There was a case of raw sewage flowing in from Nogales, Sonora, causing a serious public health problems. The Nogales experience highlights the importance of this kind of legislation and this kind of action.

I would also suggest if we are going to ratify a free-trade agreement, these border issues, environmental issues must be addressed.

Mr. President, I ask unanimous consent to have two articles on the issue of border environmental protection, one from the Arizona Republic and the other from the Tucson Citizen, printed in the RECORD.

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

[From The Arizona Republic, Mar. 8, 1991]  
U.S.-MEXICO PACT PROPOSED—FIGHTING  
BORDER POLLUTION

By adding to the well-being of residents of each country, a bill co-sponsored by Arizona Sens. Dennis DeConcini and John McCain has the potential for further strengthening the ties between the United States and Mexico. The purpose of the legislation is to fight border pollution.

The measure provides for rapid response to environmental hazards affecting the border region and calls for environmental monitoring and planning. It also seeks to promote international cooperation so that risk and emergencies can be avoided.

The need for such a plan, Sen. McCain says, was demonstrated last October when an area near Nogales, Ariz., was contaminated by a break in a Mexican sewer main. While a state of emergency was declared, the senator notes, comprehensive action to stem the flow of raw sewage into Arizona was delayed for several weeks by a lack of funds and uncertainty about the legal authority to take such action.

"Had the emergency fund and response authority been in place last year," the senator says, "perhaps we could have prevented much of the sickness and suffering visited on the residents of Nogales."

In urging prompt passage of the bill, Sen. McCain points to more trouble ahead. He cites a report from the Arizona Department of Environmental Quality identifying a plume of groundwater contamination in an aquifer shared by the United States and Mexico.

The Senate bill would create a \$10 million emergency fund under the Environmental Protection Agency. It also would empower the International Boundary and Water Commission to respond to water pollution emergencies affecting streams that flow between the U.S. and Mexico, providing a \$5 million fund for such responses.

The McCain-DeConcini measure would establish a U.S.-Mexico Border Environmental

Protection Advisory Committee, under the auspices of the EPA, and assign it to oversee conditions in the border region—including activities in the U.S. that could contribute to border pollution—and make recommendations for safeguarding water and air quality.

Sen. McCain, who earlier had asked Mexico to respond to the Nogales crisis, met in December with Mexican President Carlos Salinas de Gortari. He received a commitment from Mr. Salinas of \$4 million to help underwrite the cleanup of border environmental problems.

The provisions of the Senate bill, Mr. McCain notes, are similar to those in the Rio Grande Pollution Correction Act of 1987. It makes sense to include the entire border.

[From the Tucson Citizen, Mar. 6, 1991]

NOGALES HEALTH

U.S. Sens. John McCain and Dennis DeConcini have introduced legislation to provide \$15 million in environmental funds to protect the health of border residents.

The money is needed to attack a border pollution problem that is so severe, it literally makes people sick.

In October, Gov. Rose Mofford declared a state of emergency after a hepatitis scare and the discovery of polio virus in the water of Nogales Wash.

Health officials say the wash, which carries raw sewage from Nogales, Mexico into Nogales, Ariz., contains high counts of nearly all disease-carrying microorganisms.

The water has been chlorinated since October, but stopping the flow of sewage was delayed for weeks due to lack of money and international authority.

McCain said sickness and suffering might have been prevented if an emergency fund and authority to use it had been in place last year.

He met in December with Mexican President Carlos Salinas de Gortari, who pledged \$4 million to clean up border environmental problems.

The U.S. Congress should do its part by passing the U.S.-Mexico Border Environmental Protection Act.

Mr. DECONCINI. Mr. President, I am pleased to join my colleague, Senator MCCAIN, as an original cosponsor of the amendment. This amendment is identical to legislation we introduced earlier this year; the United States/Mexico Environmental Protection Act. This legislation responds to a real and current threat to the health and environment of those citizens living along our border with Mexico.

As many of my colleagues know, I have long been concerned about the unique nature of binational environmental problems facing the United States and Mexico. The environment does not recognize the artificial boundaries. Because of the unique geographic and ecological characteristics of this region, border communities share common aquifers and air supplies. If there is a degradation our natural resources, citizens of both countries suffer.

This amendment will enable the EPA and the State Department to respond to urgent environmental situations in an emergency fashion. This will be particularly responsive to the current situation in Nogales, Arizona. For the benefit of my colleagues, untreated

sewage from Nogales, Sonora is being discharged from damaged sewage lines into Nogales Wash and threatens drinking water supplies which service the communities on both sides of the border. Mexico lacks the resources to adequately respond to infrastructure deficiencies such as what is occurring in Nogales. This amendment will provide the resources needed to rapidly respond to this situation.

The United States-Mexico Environmental Protection Act also calls for extensive monitoring of environmental problems along the border. In my experience in working on these problems, one fact is clear to me; there is a definite lack of substantial information on the environmental issues along the border. This amendment will go a long way to rectifying this problem.

Mr. President, I want to commend Senator McCAIN for his initiative in this regard. With the United States-Mexico Environmental Protection Act, he has recognized a critical need and has responded to address it. I applaud his efforts and look forward to continuing to work with him to address these binational environmental issues.

Mr. McCAIN. I thank again my friend from Maryland for agreeing to this amendment. I yield to him.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, first of all, we are prepared to accept the amendment. I know the two Senators from Arizona, Senator McCAIN and Senator DeCONCINI, are confronting a very serious problem in the United States-Mexico border area. The Environment and Public Works Committee had expressed some concerns about their jurisdiction in this matter.

Mr. BURDICK. Mr. President, the Environment Committee has reviewed the amendment offered by Senator McCAIN concerning sewage pollution in the United States-Mexico border area and does not object to the amendment in its present form.

The amendment, however, establishes specific responsibilities for the Administrator of the Environmental Protection Agency, specifically in sections 3, 4, 5, 6, 7, 14, and the corresponding subsections of the authorization section. These authorities are properly the jurisdiction of the Senate Environment and Public Works Committee. Does the distinguished floor manager of the bill agree with this assessment?

Mr. SARBANES. Yes, the sections of the amendment the Senator mentions are properly the jurisdiction of the Environment and Public Works Committee. We look forward to working with the Environment Committee in this important matter.

I am pleased it has been resolved in a manner that allows the two Senators from Arizona to move forward on a matter which I know is of very deep and critical concern to them. Frankly,

as others learn more about the situation, it is sure to be of deep and critical concern to them as well, I would say to the Senator.

The PRESIDING OFFICER. Is there further debate? The Senator from Kentucky.

Mr. McCONNELL. I commend the Senator from Arizona for the good work he has done on behalf the people of his State.

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

The amendment (No. 870) was agreed to.

Mr. SARBANES. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### AMENDMENT NO. 871

Mr. CRANSTON. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mr. CRANSTON] proposes an amendment numbered 871.

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

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

The amendment is as follows:

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

(a) The Congress finds that—

(1) one of the most important changes that must occur in newly emerging democracies is that a Nation's military and other security forces are fully under the control of civilian authority;

(2) the success and prestige of the United States Armed Forces and those of many other democracies have been immeasurably advanced by their unquestioned subordination to civilian political authority and their strict adherence to a mission of national defense of territory and sovereignty;

(3) the American model has an important array of lessons in the proper management of civil-military relations, such as—

(A) the clear and unequivocal direction provided by civilian political leaders of the military structure and forces;

(B) the control of the military budget by Congress provides essential oversight by elected officials responsible to the people;

(C) the existence of close interaction and contact between civilians and military, and between the four services, throughout the command and control structure;

(D) civilian-run nongovernmental agencies help inform and shape defense policy; and

(E) the United States military, which has no internal law enforcement functions except in extreme and unusual circumstances, has, therefore, remained at the margins of partisan politics;

(4) in many emerging democracies the corps of civilian managers that forms an in-

tegral part of military management in the United States does not exist, particularly within the parliaments or congresses of these new democracies;

(5) the lack of continuity in democratic political institutions can mean a loss of historical memory, gaps in technical training, and an absence of personal ties between military officers and civilians which sustain good will in times of crisis.

(b) Recognizing that democratic control over the military cannot be established without empowering civilian managers in defense and security issues and without circumscribing the role of the armed forces to that of national defense functions, it is the purpose of this section to require that, within 120 days of the enactment of this bill, the Administration shall provide to the Committee a report that—

(1) outlines a program for the training of foreign civilian officials, particularly members of national legislatures or parliaments and their staffs, in the management and administration of military establishments and budgets, and for training these civilian authorities in creating and maintaining effective military judicial systems and military codes of conduct, including the observance of internationally recognized human rights;

(2) this program shall have as its principal objectives (a) the contributing to responsible defense resource management; (b) the fostering of greater respect for and understanding of the principle of civilian control of the military, including the separation of civilian law enforcement and military national defense roles as stated in *posse comitatus*, and (c) the improvement of military justice systems and procedures in accordance with internationally recognized human rights."

Mr. CRANSTON. Mr. President, one of the most important changes that must occur in newly emerging democracies is that a nation's military and other security forces are placed fully under the control of civilian authority.

Without a doubt, the success and prestige of the U.S. Armed Forces and those of many other democracies have been immeasurably advanced by their unquestioned subordination to civilian political authority and their strict adherence to a mission of national defense of territory and sovereignty.

I believe that the American model has an important array of lessons in the proper management of civil-military relations, such as the clear and unequivocal direction provided by civilian political leaders of the military structure and forces; the control of the military budget by Congress provides essential oversight by elected officials responsible to the people; the existence of close interaction and contact between civilians and military, and between the four services, throughout the command and control structure; civilian-run nongovernmental agencies help inform and shape defense policy; and the U.S. military, which has no internal law enforcement functions except in extreme and unusual circumstances, has, therefore, remained at the margins of partisan politics.

In many emerging democracies the corps of civilian managers that forms an integral part of military manage-

ment in the United States does not exist, particularly within the parliaments or congresses of these new democracies.

This lack of continuity in democratic political institutions can mean a loss of historical memory, gaps in technical training, and an absence of personal ties between military officers and civilians which sustain good will in times of crisis.

My amendment would require the administration to report to the Foreign Relations Committee about the feasibility of instituting a program designed to train civilians, particularly elected officials from national legislatures and their staffs, in defense and national security issues.

This effort would be complementary to existing U.S. security assistance programs, such as the international military education and training. I urge its adoption.

The PRESIDING OFFICER. Is there further debate?

Mr. SARBANES. Mr. President, the Senator from California is addressing a very important issue, and that is civilian control over the military. We tend to take it for granted in this country. I must say, we do not fully appreciate how unusual a pattern it is here and in some of the other parliamentary democracies. An effort to provide assistance to emerging democracies in developing civilian control over the military is extremely important. I am prepared to accept the amendment.

Mr. MCCONNELL. If we could withhold for just one moment.

The PRESIDING OFFICER. Is there further debate?

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MCCONNELL. Mr. President, we have no problem with the Cranston amendment.

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

The amendment (No. 871) was agreed to.

Mr. CRANSTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. SARBANES. Mr. President, I will say to Members that we have only a few amendments remaining on the list of amendments that were declared last night to be in order. We urge those few colleagues who have not yet presented their amendments to come to the floor

and do so in order that we can complete the list.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

Mr. HELMS. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. The Simon amendment is pending.

Mr. HELMS. In order to proceed to another amendment identified in the unanimous-consent request of last night, I ask unanimous consent that the Simon amendment be temporarily laid aside.

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

#### AMENDMENT NO. 872

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], proposes an amendment numbered 872. At the appropriate place in the bill, add the following new section:

"SEC. . It is the Sense of Congress that no U.S. policy or assistance for Israel may be conditioned upon the denial of the right of Jews to settle anywhere in the area identifiable as Biblical Israel, including Judea and Samaria."

Mr. HELMS. Mr. President, it would be an understatement to say that I was surprised by news reports this past Tuesday that Jim Baker and Brent Scowcroft, both of whom are friends of all of us, and for whom I have admiration, had declared that the proposed loan guarantees for housing for the massive influx of Soviet Jews might be conditioned upon Israel's agreeing not to build more settlements in the Biblical territories of Judea and Samaria taken in 1976 from Jordanian occupation.

I hope these reports are not correct. Jews and Arabs will not travel the road to peace together until they first learn to live together. The notion of "the settlements are an obstacle to peace" is misguided. It is well known that Israel's presence in the territories is amply justified by international law and that the settlements in the so-called West Bank are not taking land owned by Arab residents. My amendment at the desk is sense-of-the-Senate resolution restating the right of Jews to settle in Biblical Israel.

Parenthetically, Mr. President, let me mention that at the time of the establishment of Israel, I did not like the way it was done. I stated so publicly

when I was not in public life. My position won for me a lot of criticism from people who did like the way it was done. I recall that I talked with a U.S. Senator who had just come back from that area, who predicted that there would be hostilities and resentment until the end of time. He described the bitter faces of the Arabs behind the barbed wire and all of that.

So I have not been exactly a favorite of AIPAC. They are good people, entitled to their views, but the amendment I am proposing indicates that I think that the Jews are correct in their position today. I think Jim Baker and Brent Scowcroft are wrong in their position, if indeed it is their position as reported this past Tuesday.

I say all of this, Mr. President, because the idea that Jews do not have the right to live in peace in the land of their forefathers, with other residents of the territory, is deeply abhorrent to what I perceive to be the American sense of fairplay.

After all, more than 90 percent of the places named in the Bible are found in Judea and Samaria. The territories are lands where Abraham, Isaac, and Jacob tended their flocks and where, along with Joseph, they are buried. So who are we in the United States to insist that the Jews cannot live in the land of their Patriarchs?

The objection to Jewish settlements in the territories of their forefathers comes from an implied assumption that there are no circumstances under which the settlements would be allowed. In fact, that policy seems to deny the very principle upon which the movement for the return of Jews to the Holy Land was founded. It seems to say that Jews may return to the Israel of 1948, but that they will not be allowed to return to the Israel of the Patriarchs, that is to say the Israel in the Biblical sense.

If the United States arbitrarily denies Jews the right to settle in the territories simply because they are Jews, then our policy would be tantamount to embracing the Zionism-is-racism policy of the United Nations.

By mandating an arbitrary halt to the settlements as a precondition for negotiations, the United States would be in the unique set of circumstances of insisting that the central principle at stake in the negotiations—that is, the right of Israel to exist—is somehow to be surrendered before negotiations begin.

Mr. President, Baptists—and I am one of them—Methodists, all the rest of us, have to understand that if Jews cannot live in Biblical Israel, the monstrous conclusion follows that they live in Israel only out of sufferance and not out of right.

Yes, there must be negotiations in the Middle East, but they also must begin on equal terms. The United States must not be in the position of

trying to deny the fundamental issue at stake, in order to obtain some piece of paper that is only one more step toward the elimination of Israel itself.

Yet, the reports that I heard and read have been to the effect that Secretary Baker would deny loan guarantees for housing for the Soviet Jews in order to pressure Israel to give up its very rationale for existing. So how can a purely humanitarian issue be associated with the raw-power politics of the treacherous Middle East?

The loan guarantees will be debated at a later date and will no doubt be discussed in great detail. But for the moment, the Senate, I think, has a duty to go on record in strong opposition to the idea that the right of Jews to live peacefully with Arabs in the Biblical Territories of Israel, is a negotiable item.

Frankly, Mr. President, I have always been deeply disturbed by Israel's overwhelming dependence on foreign aid from the United States. I have said, very candidly, that Israel ought to be viewed as an important ally in that area because of the defense aspects, and I have made that clear time and time again.

The Wall Street Journal yesterday published an article which detailed some of the problems created by Israel's dependence upon foreign aid from the United States. I ask unanimous consent that this Wall Street Journal article of July 23 be printed in the RECORD.

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

[From the Wall Street Journal, July 23, 1991]  
CUT OFF AID TO ISRAEL AND WATCH IT THRIVE  
(By Joel Bainerman)

JERUSALEM—Israel is being threatened with a cut-off of U.S. aid should it refuse to accept Secretary of State Baker's "invitation" to a U.N.-sponsored conference on Middle East peace. At stake is not just the \$10 billion in loan guarantees that Israel had requested to help settle the wave of Soviet Jewish immigrants, but also the \$3 billion a year that Israel now gets in military aid and debt forgiveness. Accepting Mr. Baker's invitation may or may not be a wise idea from the point of view of Israeli security; Israelis can, however, stop worrying about Mr. Baker's unspoken threat: The loss of U.S. aid would be a blessing for Israel's economy.

In the 42 years since the establishment of the state of Israel, the U.S. has given Israel \$47.5 billion in aid; all but \$2.8 billion of it since 1975. The \$3 billion a year Israel now gets amounts to fully 6% of Israel's gross national product. If philanthropic donations from Jews in other countries are counted, the value of foreign assistance grows to 12% of Israel's GNP.

What has been the result of all this generosity? A group of Israeli economists recently pondered that question in a study for the Israeli International Institute for Applied Economic Policy Review in Tel Aviv.

#### RESULT OF GENEROSITY

Arnon Gafny, who served as governor of the Israeli central bank from 1976 to 1981,

suggests that Israel is suffering from what economists call the "Dutch disease." A temporary "gift of nature," like the Dutch natural gas fields or Israel's external aid, may confer benefits for a limited period, but will often impair a country's competitiveness over the long term by encouraging it to spend beyond its people's own means.

Prof. Moshe Syrquin of Bar Han University observes that Israel's economy did pretty well until 1972, a period when U.S. aid was minimal. As aid increased, output and productivity slowed, and resources shifted from investment to consumption. Aid enabled Israel to live beyond its means: aid has jumped to 76% of the value of Israel's trade deficit in 1987 from 24% in 1970. It has also enabled Israel to maintain a sizeable welfare state: Government spending consumes more than 80% of gross domestic product; in 1970, before the aid began to flow, government spending took only 33% of GDP. At least in the Israeli context, Mr. Syrquin concludes, foreign aid permitted distortions in the economy to persist by postponing the necessity for domestic economic reform.

U.S. aid has enabled Israel to avoid the normal disastrous economic consequences of statism. Government plays an enormous role in the Israeli economy. Not only does it spend nearly four-fifths of the society's wealth, but the public sector employs more than 40% of the work force. Subsidies of food prices, farm incomes, housing, health services, credit, industry and transportation consume \$5.5 billion each year, or about 10% of GNP—more than defense, whose share of GNP has dropped to 8.5% from 11.5% in 1981. The taxes to pay for these subsidies are crushing: more than 56% of earnings. Tax evasion is estimated at \$3 billion a year, and the black economy is generally supposed to account for one-quarter of national output.

U.S. aid has also saved Israel from the necessity of confronting its ubiquitous trade union movement. Israel's unions enforce archaic labor laws that have cut output per employee to half the level that obtains in most industrial economies. A two-day general strike called by the Histadrut, Israel's federation of unions, in June 1990 to protest economic reform pulled 800,000 workers out of their jobs, costing the economy more than \$100 million.

Israel's unions are also major investors, owning nearly one-third of the economy. Many Histadrut enterprises are moneylosers, but the unions have been able to extract government bailouts, as well as generous subsidies of their sick fund—bailouts that the government might have been considerably more reluctant to attempt in the absence of U.S. aid.

Israel could easily survive without U.S. aid, if it adopted free-market policies. The Tel Aviv Chamber of Commerce calculates that Israel's choking trade restrictions cost Israelis \$2.5 billion a year in higher prices. (Even though wages average about one-third U.S. wages, the cost of living in Israel is higher.) If that's correct, free trade would offset 80% of the cost to the economy of a total U.S. aid cutoff.

Israelis could recoup even more of the money lost by an aid cutoff if they took the advice of Alvin Rabushka, a Hoover Institution fellow who directs research at the Institute for Advanced Strategic and Political Studies in Jerusalem. Mr. Rabushka has prepared an alternative state budget for Israel that slices \$3 billion off Israel's \$12.5 billion in non-defense government spending, by slashing subsidies and axing unnecessary programs, especially in industry and agriculture.

Israel could even eliminate the need for its requested \$10 billion in settlement assistance—if indeed that assistance is needed at all—by selling some portion of its nationalized assets. The Israeli government owns 190 companies that are collectively worth at least \$15 billion. On top of that, it owns 93% of all the land.

With such attractive alternatives, why does Israel swallow its pride and beg for aid from abroad? Why do its politicians maintain economic policies that retard growth?

A free market economy would undermine the way Israel's ugly political system works. If ministers of the government were deprived of the opportunity to appoint party hacks to highly paid positions in state-owned enterprises, they would lose an important means of building and maintaining personal constituencies. Losing the power to direct state funds to a religious school here, a bus line there, or a clinic over yonder would deprive them of the traditional currency of Israeli elections.

It's important for both Israel's supporters and its critics in the U.S. to understand that Israel is dependent on U.S. aid only because of its foolish economic choices. The moment that the U.S. ceases to pick up the yearly overdraft, Israel will be forced to change its ways. Israel's politicians, to do them justice, do put the security of the state ahead even of their appetite for power, and if that security requires privatization and budget cutting, then privatization and budget cutting is what they will do.

#### POLITICAL CHANGES

Many observers believe that economic change in Israel can only follow political reform. In fact, the economic shock of an aid cutoff could well precipitate political reform—particularly a stronger executive and the abandonment of the decrepit political system that gives tiny extremist parties veto power over national policy. At the moment, there is no chance of serious political reform because nearly every facet of life—even sports—is touched by government's spending power. The moment the market rather than politicians decides people's economic fate, the existing political parties and their complex systems of patronage will be superfluous; the principal obstacle to reform—the complex inter-relationship between political parties and civic life—will have dissolved.

Unconditional U.S. aid has been a very mixed blessing for Israel. It has genuinely made life easier for Israelis in the short term, but it has also underwritten self-destructive policies. Once Israel's Dutch disease is cured, healthy tissue—the private sector can grow and prosper. And an economically healthy Israel would be free to decide to accept or decline Mr. Baker's "invitations," without fear of losing its allowance from Uncle Sam.

Mr. HELMS. Mr. President, I have pointed out for a number of years that this unhealthy dependence on United States foreign aid—in return for supposed benefits—would eventually result in blackmail attempts to force Israel to surrender on key issues of its national survival. And now maybe that moment has come. That is the reason I am offering this sense-of-the-Senate amendment.

In the long run, Israel must realize that United States foreign aid is a two-edged sword. United States aid has become a line item in the Israeli budget.



Every dollar we give makes it more and more difficult for Israel to normalize its economy. Every dollar we give is a link in an iron chain that makes Israel so dependent upon the whims of the United States State Department that Israel's independence of action, its very freedom to pursue its most vital long-term interests, is threatened.

This is what I have been saying for a long time to my Jewish friends, as their Baptist friend. For many years it was not understood. There were political reactions to my position, which I understood then and which I understand now. That is the process in this country. But in the end, the truth generally emerges, and I think it may now be emerging, to the great discontent of a number of my friends who have in the past felt that I was wrong.

Even now, it is clear that the so-called land-for-peace policy being proposed for peace in the region is a policy that Israel has long identified as a threat to its survival. Nothing has changed since the Gulf war to suggest that the surrender of actual territories for alleged peace will guarantee Israel's survival.

Indeed, the Gulf war demonstrates the opposite. Saddam Hussein imposed his own kind of peace in Kuwait on August 2. Yet the United States believed, up to and including August 1, that Kuwait was secure. How wrong we were.

Israel had enough difficulty defending itself against missiles launched from a distance of 200 miles during Desert Storm. Can you imagine the problem if the missiles had been launched from the mountaintops of a PLO state 10 or 15 miles from Tel Aviv?

Moreover, the recent subjugation of the Christian community in Lebanon, and the installation of a Syrian-controlled puppet government, with the acquiescence of the United States State Department, is an example that Israel must examine with care. And I think they are doing exactly that.

Finally, Israel has already given up 90 percent of the territories that it occupied during the 6-day war, and substantially complied with U.N. Resolution 242, yet, it has had little experience of peace.

As I have said many times in the past, the massive levels of United States foreign aid that Israel has accepted in the past, and is still seeking, has created an unhealthy leverage against Israel in the forthcoming talks, and makes it difficult—I hope not impossible—for Israel to choose freely about its future.

I will do everything possible to help Israel to wean itself away from dangerous dependence on foreign aid, but for the moment the issue is whether Israel must surrender one of its fundamental principles.

Mr. President, the Government of Israel has come under intense pressure during the past week to agree to Amer-

ican proposals for a Middle East Peace Conference. This prospective conference, jointly sponsored by the United States and the Soviet Union, would involve the key Arab States in the Middle East—with the exception of Iraq—the United Nations in some undefined way, Palestinian representatives elected by no one, and the highest Israeli Government officials. That is supposedly the group that is going to meet.

According to the American Secretary of State, the overall structure of the generalized conference would provide for direct negotiations between Israel and its Arab adversaries, as well as between the Israelis and Palestinian representatives from Judaea and Samaria, the so-called occupied territories. Yet, none of the Arab leaders have indicated that they would actually be willing to meet face-to-face with the Israeli representatives. King Hussein of Jordan has specifically rejected such bilateral talks; yet, Secretary of State Jim Baker, would have us believe that the conference would consist of a series of bilateral negotiations. If that gentleman were here, I would like to ask him when and who will participate, because it is not clear to me.

The United Nations presence at this conference is particularly troubling, since no one is able to describe what the U.N. representative or representatives will be doing, let alone the precise U.N. role with respect to the overall negotiations. The record of the past does not provide much confidence from an international organization which still equates Zionism with racism and which has condemned the Government of Israel in literally dozens and dozens of declarations and resolutions by both the U.N. General Assembly and the U.N. Security Council. So all of these factors serve to turn on a red light—at least for this Senator.

Much has been made in the past several days of the willingness of Syria to attend the proposed conference without preconditions, and similar claims have been made with respect to the kingdoms of Jordan and Saudi Arabia. This is the same Syria, Mr. President, which currently occupies almost all of Lebanon and rules it as a client state, having achieved that control while the United States was occupied with the war against Iraq in the Persian Gulf. So you can see how confusing it was when our Secretary of State announced this certain plan.

By the way, Syria is still on the United States terrorism list. Syria has not renounced terrorism as a weapon of national policy. Syria is still at war with Israel and keeps the bulk of its formidable military machine a mere 30 miles from the Israeli border. In fact, Mr. President, Syria has been involved in every Arab-Israeli conflict since the proclamation of the State of Israel. This is the same Syria which was in-

involved in the blowing up of the United States marine base in Lebanon just a few short years ago.

When President, Assad, King Hussein, King Fahd, and the Palestinians indicate they will meet without preconditions, what is the real meaning of their implied assurances? Only the Deputy Foreign Minister of Syria has made any public statement on this quintessential issue, and Hafez Assad's letter to President Bush has still not been made public we do not know what is in it. It appears that the United States is going to require only one party to have to make concessions to its current enemies, and that one party is the State of Israel.

I cannot understand a foreign policy like that, nor can I support it.

The Golan Heights are on the negotiating table, the West Bank and Gaza are on the negotiating table, even the capital city of Jerusalem is on the negotiating table. I should add, Mr. President, that—incredibly—the U.S. Government considers East Jerusalem to be occupied territory and keeps its Embassy in Tel Aviv. If President Truman gave in to the Soviet pressure toward Berlin, at the time of the courageous Berlin Airlift, would there be a free and united Germany today? Of course not. The Palestinians, of course, would like all of Israel, but right now they are willing to settle for just East Jerusalem, the West Bank, and Gaza, with more territory to be added later. Do we so soon forget who the Palestinians supported in the war against Saddam Hussein? They did not support us. The Saudis, our recent allies, have never even conceded West Jerusalem to the Israelis.

In other words, Mr. President, the Arab States have historically and continually taken the position of what's ours is ours and what's yours is negotiable. These are parties which Secretary Baker maintains have no preconditions. It is Israel which must sacrifice before the Islamic altar of nonpreconditions.

Also, according to our friend, Jim Baker, United States Secretary of State, the Arab States are willing to withdraw their economic boycott of Israel if the Israeli Government stops the emigration of Soviet Jews to Judaea and Samaria and eliminates the building of new settlements or the enlarging of present settlements. What a wonderful deal this is. The Arab economic boycott of Israel is illegal in the first place, in international law, it is illegal in American domestic law, it is an absolute violation of the Bush administration's global economic policy, and it is economic warfare—illegal warfare—levied against Israel.

On the other hand, Mr. President, and this is my assessment of the situation, the Israeli possession of Judaea and Samaria has stronger claim to validity under international law and his-

torical precedent than that of any Arab State. As a Baptist, I feel very strongly about that. Camp David envisioned autonomy for the Palestinians in the West Bank and Gaza. It did not—I repeat, I am talking about the Camp David accord—it did not provide for the creation of a Palestinian state, no matter what the pro-Arab factions in the U.S. Department of State would now have us believe.

Finally, what is the Soviet role going to be in all this? Are the Soviets going to be given a major behind-the-scenes role? Soviet relations with the State of Israel have undoubtedly improved, but where is the Soviet Embassy? Where is the Soviet Ambassador? Why should we believe that the Soviets suddenly and without explanation have become even handed toward the problems of the Middle East? This is the same country that maintained military advisers in Iraq during the recent Persian Gulf conflict, and I am talking about the Soviet Union.

Let me conclude, Mr. President, by saying that it appears to me that the United States is attempting to dragoon Israel to the peace table without a careful and well-developed consideration of possible consequences, anticipated and unanticipated. Israel may well be given the choice of either total world isolation or accepting the fact that a generalized peace conference will result in the piece-by-piece dismemberment of much of the Israeli State.

By the way, what would happen if President Mubarak is removed from the scene of if King Hussein is overthrown, or if President Assad gives his personal word, such as it is, and then succumbs to a fatal illness? The leadership of all the Arab States is based upon the power of a particular personality. You stop to think about it. They are not democracies. They are not bastions of freedom. Their word has not in the past been their bond.

One final thought and I am through: How ironic it would be, if democratic Israel—the most supportive ally we have in the world—should be reduced to the condition to pursue the romantic illusions of the pro-Arab factions in the State Department for the past half century.

No matter how many of us felt about the way Israel was created, it is nonetheless a fait accompli—and Israel is today a viable and thriving democracy. The United States is the greatest democracy in the world, and we continue to tell ourselves that. I am convinced, Mr. President, that our policy should be clear, not shrouded in fumes of oil emanating from the authoritarian dictatorship of the Middle East.

Mr. President, I ask unanimous consent that a letter, from the Senator from Florida to Secretary of State James Baker be printed in the RECORD.

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

U.S. SENATE,  
Washington, DC, May 23, 1991.

Hon. JAMES A. BAKER,  
Department of State,  
Washington, DC.

DEAR MR. SECRETARY: While I understand your frustration at the current impasse in the Arab-Israeli peace process, I disagree with the Administration's view that Israeli settlements are the "greatest obstacle to peace."

If we are to raise the issue of obstacles to peace we should be clear: the greatest obstacle to peace is the lack of democracy in the Middle East. Israel, a democracy, is faced with unelected leaders who maintain a state of war with Israel for their own purposes and care little about the interests of their own people or the region.

Democracies do not fight wars with each other, let alone attempt to erase other democracies from the map. If the Arab states treated Israel as well as they treated each other there would still be no peace—because governments that rule by force at home are quick to resort to force abroad.

Israeli democracy is not the obstacle to peace; it is the only hope for peace—not only for Israelis but all the peoples of the region.

No democracy, let alone Israel whose population has suffered so greatly from decades of war, would seek to perpetuate a conflict a single day beyond what is necessary to safeguard her freedom and security.

Israel is the Kuwait of the Arab-Israeli conflict. Israel is the state whose existence is not recognized. Israel is the victim of three attempts in as many decades to wipe her off the map. Only the bravery and sacrifice of the people of Israel has prevented Israel from sharing the fate of Kuwait.

Let's stop blaming the victim and say the truth: it is the unelected leaders of the Arab world who refuse to negotiate an end to the Arab-Israeli conflict. Israeli democracy is not the problem; it is the solution. A peace process that does not recognize these principles, I am afraid, will not succeed.

Sincerely,

CONNIE MACK,  
U.S. Senate.

Mr. HELMS. I yield the floor, Mr. President.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HELMS. Mr. President, I ask unanimous consent that the distinguished Senator from Oklahoma [Mr. NICKLES] be added as a cosponsor of the present amendment.

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

Mr. HELMS. I inquire of the distinguished Republican manager of the bill, would he like a rollcall vote or for this to be considered on a voice vote?

Mr. MCCONNELL. I say to my friend from North Carolina, I discussed his amendment with the manager of the

bill, Senator SARBANES, and I believe it is going to be acceptable. He is off the floor momentarily. Let us have a brief quorum call.

Mr. HELMS. If the manager is willing to accept it I am willing to have a voice vote.

Mr. MCCONNELL. I thank my friend from North Carolina.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KASTEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KASTEN. Mr. President, I ask unanimous consent to lay aside the pending business.

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

#### AMENDMENT NO. 873

(Purpose: To provide for the establishment of the Middle East Environmental Defense Network (Project EDEN), for the purpose of promoting and strengthening regional environmental conservation and protection through public awareness, national action and intergovernmental cooperation.)

Mr. KASTEN. 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 Wisconsin [Mr. KASTEN] for himself, Mr. INOUE, Mr. BURDICK, Mr. LIEBERMAN, and Mr. LEAHY proposes an amendment numbered 873.

Mr. KASTEN. 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 234, line 24, add the following new title:

**TITLE XIII—MIDDLE EAST ENVIRONMENTAL COOPERATION AND RESTORATION ACT OF 1991**

#### SEC. 1301. SHORT TITLE.

This title may be cited as the "Middle East Environmental Cooperation and Restoration Act of 1991".

#### SEC. 1302. FINDINGS.

The Congress of the United States finds that—

(1) the Gulf War and the resulting damage to the environment of the Arabian Gulf graphically demonstrates the vulnerability of the natural environment of the Middle East and man's potential for inflicting untold damage on that environment;

(2) interdependence, rather than independence, characterizes the relationship of all parts of the Middle East, the natural environment, and the global community;

(3) environmental quality is an integral component of every nation's national security;

(4) through concerted, cooperative action the peoples of the Middle East can reverse the damage to their natural environment;

(5) regional cooperation is essential to the management, restoration and maintenance of the environment of the Middle East;

(6) the problems associated with environmental degradation affect all countries of the Middle East regardless of national income, religious orientation or political persuasion;

(7) environmental protection and stewardship of the earth is compatible with the major religious traditions of the peoples of the region;

(8) the President of the United States was correct in declaring before Congress on March 6, 1991 that regional cooperation will stand in the future as a central pillar of United States foreign policy in the Middle East; and

(9) there is an urgent need for the countries of the Middle East, in cooperation with the United States and other concerned parties, to address through enlightened action, the environmental problems of the region.

**SEC. 1303. ESTABLISHMENT OF THE MIDDLE EAST ENVIRONMENTAL DEFENSE NETWORK.**

(b) **ESTABLISHMENT.**—The President shall establish and direct, through the Agency for International Development, a program to be known as the "Middle East Environmental Defense Network" (hereafter in this title referred to as "Project EDEN").

(c) **PURPOSE.**—The purposes of Project EDEN are as follows:

(1) To develop a Middle East Regional Environmental Protection Plan.

(2) To assess the environmental problems affecting all Middle East states.

(3) To seek and advance ways in which all Middle East states can work cooperatively to ameliorate natural resource and environmental degradation.

(4) To promote national and, wherever appropriate, cross-boundary natural resource and environmental restoration and maintenance activities.

(5) To develop and disseminate educational programs to promote regional understanding and cooperation in all areas of environmental protection.

(6) To undertake and encourage both public and private initiatives to improve the quality, quantity, and management of natural resources and the environment through initiatives such as regional planning, joint infrastructure investment, water conservation, water quality management, air quality management, solid waste management, desalination, reforestation, energy efficiency, and renewable energy utilization.

(7) To provide a framework for new interstate structures, institutions, and relationships which might be developed to further environmental and natural resource management in the Middle East region.

(8) To undertake and encourage the safe handling, minimization, substitution, and cleanup of hazardous substances as well as the restoration of degraded desert and marine ecosystems between regional states.

(9) To conserve, protect, manage, restore, maintain and promote the historical, cultural, social, archaeological, and geophysical resources and heritages of the peoples of the Middle East, where possible, within their natural environment.

(10) To conserve, protect, and enhance biodiversity, both in situ and ex situ, and to develop regional programs to advance these ends.

(11) To undertake and encourage the involvement of the private sector, governmental, nongovernmental, bilateral and multilateral organizations and entities in all aspects of environmental protection and rehabilitation.

(12) To promote environment-related technology transfer as well as identify new tech-

nologies which might contribute to environmental protection, management, restoration, and maintenance.

(13) To initiate and guide mutually beneficial environmental research and development projects between various Middle East countries.

(14) To research, investigate, document, and mitigate, wherever possible, the adverse effects on the public health and general welfare of environmental degradation.

(d) **FUNDING.**—(1) There are authorized to be appropriated to the President \$10,000,000 for fiscal year 1992 and each fiscal year thereafter for United States participation in Project EDEN. The President may seek reimbursement for United States expenses associated with Project EDEN by the Conference as established in Sec. 1306.

(2) Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

**SEC. 1304. ENVIRONMENTAL PLANNING COUNCIL.**

(a) **ESTABLISHMENT.**—There is established an interagency Environmental Planning Council (hereafter in this title referred to as the "Planning Council").

(b) **COMPOSITION.**—The Planning Council shall be composed of 9 members, or their designees, as follows:

(1) The Administrator of the Agency for International Development.

(2) The Secretary of State.

(3) The Administrator of the Environmental Protection Agency.

(4) The Administrator of the National Oceanographic and Atmospheric Administration (NOAA).

(5) The Secretary of Agriculture.

(6) The Secretary of the Interior.

(7) The Director of the National Academy of Sciences, Board on Science and Technology in Development (BOSTID).

(8) The Director of the United States Trade and Development Program (TDP).

(9) The Chairman of the Council on Environmental Quality.

(c) **ADMINISTRATION.**—(1)(A) The Administrator of the Agency for International Development, or his designee, shall serve as Chairman of the Planning Council and shall convene not less than four meetings of the full Planning Council each year.

(B) The Administrator of the Agency for International Development shall provide the Planning Council with a permanent staff, office space and any other support, as required by the Planning Council, from within the Agency for International Development.

(2) The Administrator shall—

(A) enter into contracts, grants, and other financial arrangements, as necessary on behalf of the Planning Council, in accordance with other applicable law, to carry out the work of the Planning Council and the purposes of Project EDEN;

(B) establish, coordinate, and fund a Project EDEN postgraduate fellowship program focused on issues of environmental public policy in the Middle East; and

(C) maintain and coordinate the work of the United States Environmental Center pursuant to section 1309(f) of this Act.

(d) **PLANNING COUNCIL RESPONSIBILITIES.**—The Planning Council, shall have the following responsibilities:

(1) To prescribe policies and procedures to establish and implement Project EDEN.

(2) To coordinate United States activities in support of Project EDEN with the Permanent Conference on Environmental Security and Cooperation and its Secretariat.

(3) To establish working groups, as necessary, to assist in the carrying out of Plan-

ning Council responsibilities and the purposes of Project EDEN.

(4) To prepare an annual 5-year strategic environmental plan for the Middle East which shall be presented to the Secretariat of the Permanent Conference on Environmental Security and Cooperation for annual review and then to the Permanent Conference on Environmental Security and Cooperation for ratification.

(5) To encourage the establishment of Environmental Planning Councils by each member state participating in Project EDEN.

(6) To recommend to the Administrator of the Agency for International Development specific ways to enhance existing bilateral and multilateral programs of the United States established to promote the diffusion of knowledge on regional environmental issues through joint research and development, cooperative exchanges, education, and mutual assistance.

(7) To advise the Administrator on the operation of the United States Environmental Center.

(f) **ANNUAL REPORTING REQUIREMENTS.**—Not later than June 1 of each year, the Administrator of the Agency for International Development shall submit a report to the Committees on Appropriations of the Senate and House of Representatives and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, on the work and future agenda of Project EDEN, including—

(1) an evaluation of the progress Project EDEN is making to environmental management in the Middle East;

(2) a timetable, a budget, and an action plan for the execution of Project EDEN initiatives during the coming fiscal year; and

(3) a detailed accounting of the operating expenses of the Planning Council, the Permanent Conference on Environmental Security and Cooperation in the Middle East, and the Secretariat of the Conference.

**SEC. 1305. ACTIONS OF THE PRESIDENT OF THE UNITED STATES.**

The President is authorized to enter into negotiations and agreements with governments of Middle East for the purpose of concluding, by September 1, 1992, an international agreement establishing a Permanent Conference on Environmental Security and Cooperation, a Conference Secretariat, a Middle East Regional Environmental Fund, and Middle East Environmental Centers.

**SEC. 1306. THE PERMANENT CONFERENCE ON ENVIRONMENTAL SECURITY AND COOPERATION.**

(a) **ESTABLISHMENT.**—The President is authorized to enter into agreements with the governments of countries described in subsection (b) on the establishment of a Permanent Conference on Environmental Security and Cooperation in the Middle East (hereafter in this title referred to as the "Conference"), by September 1, 1992.

(b) **COMPOSITION.**—The countries referred to in subsection (a) are those countries designated by the United States Agency for International Development as Middle East and North Africa or which choose to participate in Project EDEN.

(c) **RESPONSIBILITIES AND OBJECTIVES.**—The Conference should have the following responsibilities and objectives:

(1) To carry out the purposes of Project EDEN.

(2) To serve as the focus for substantive interaction on environmental matters among Project EDEN member states.

(3) To provide regional leadership in the advancement of new ideas for environmental management.

(4) To approve by a majority vote the annual operating budgets of the Conference and the Secretariat.

(5) To establish the Middle East Regional Environmental Fund.

(6) To approve by a majority vote of the members the projects to be funded from the income derived from the Middle East Regional Environmental Fund.

(7) To maintain a corpus within the Middle East Regional Environmental Fund of not less than the equivalent of \$100,000,000 in United States dollars.

(8) To solicit from donor countries, multilateral institutions, private entities, the United Nations Iraq reparations account and other sources, initial funding and subsequent capital increases for the Middle East Regional Environmental Fund.

(9) To promote the maximum exchange of information and research data on the state of the environment in the Middle East.

(10) To involve and solicit the views of nongovernmental organizations.

(11) To coordinate the work of the national Planning Councils.

(12) To hold an annual meeting of Conference members.

(13) To approve and amend operating procedures for the Conference.

**SEC. 1307. SECRETARIAT TO THE PERMANENT CONFERENCE ON ENVIRONMENTAL SECURITY AND COOPERATION.**

(a) **ESTABLISHMENT.**—The President is authorized to enter into an agreement with foreign governments on the establishment of a Secretariat to the Permanent Conference on Environmental Security and Cooperation in the Middle East (hereafter in this title referred to as the "Secretariat"), by September 1, 1992. Such agreement should provide for the United States to serve as permanent head of the Conference Secretariat.

(b) **RESPONSIBILITIES.**—An agreement negotiated under subsection (a) should provide for the Conference Secretariat to—

(1) devise and recommend changes to the operating procedures of the Conference;

(2) manage the regular affairs of the Conference;

(3) establish the work plan for the Conference, including project solicitation, project development, project evaluation, preparation of an annual budget for the review and approval of the Conference, and the obligation and expenditure of funds;

(4) prepare an annual operating budget and a 5-year strategic plan for the Conference;

(5) exercise full oversight and accountability over Project EDEN by maintaining full financial disclosure and planning visibility through regular project audits and other mechanisms as may be necessary;

(6) prepare an annual report for the approval of the Conference;

(7) organize an annual public meeting of Conference members;

(8) establish and support scientific committees to study, evaluate, monitor and make scientifically based recommendations to the Conference on problems connected with the purposes of Project EDEN; and

(9) establish working bilateral and multilateral relationships with governmental and nongovernmental financial, development and other institutions.

(c) **ROLE OF THE ADMINISTRATOR OF AID.**—The Administrator of the Agency for International Development, or his designee, should serve as the permanent chair of the Conference and shall retain the right of veto over Conference decisions and appointments.

(d) **COMPOSITION OF THE SECRETARIAT.**—The daily operations of the Secretariat of the Conference should be managed by a Director-General with supervisory authority over a full-time professional staff appointed by the Director-General and approved by the Conference.

(e) **DIRECTOR-GENERAL.**—The position of Director-General should be held for a period not to exceed one 5-year term and should rotate among member states of Project EDEN.

(f) **STAFF OF THE SECRETARIAT.**—(1) The staff of the Secretariat shall be vested with the same responsibilities, rights and entitlements of civil servants employed by the International Bank for Reconstruction and Development.

(2) The professional staff of the Secretariat should be drawn from Project EDEN member states and should be persons of distinction in the fields of basic sciences, engineering, ocean and environmental sciences, education, research management, international affairs, health physics, health sciences, or social sciences.

(3) The number of full-time professional staff employed by the Conference Secretariat should not exceed 50. The number of clerical staff employed by the Conference Secretariat should be as required to support the work of the professional staff and the Conference.

(g) **ANNUAL ENVIRONMENTAL ASSESSMENTS.**—The Secretariat of the Conference should prepare and submit to the Conference, no later than May 1 of each year, a report on the state of the Middle East environment including measures indicating the progress, or lack of progress, made by each country in the Middle East in fostering environmental cooperation and in solving and managing the regional environmental issues addressed by Project EDEN.

**SEC. 1308. MIDDLE EAST REGIONAL ENVIRONMENTAL FUND.**

(a) **ESTABLISHMENT.**—The President is authorized to enter into agreements with foreign governments on the establishment of a Middle East Regional Environmental Fund (hereafter in this title referred to as the "Fund"), by September 1, 1992.

(b) **PURPOSE.**—It should be the purpose of the Fund—

(1) to finance Middle East environmental projects having a transnational dimension consistent with the purposes of Project EDEN and which are authorized by the Conference; and

(2) to finance the full operating costs of the Permanent Conference on Environmental Security and the Conference Secretariat.

(c) **ORGANIZATION.**—The Fund should be established and managed by the Conference Secretariat.

(d) **CAPITALIZATION OF FUND.**—The Fund shall be capitalized with contributions solicited by the Conference Secretariat from Project EDEN member states and pursuant to the terms of section 1308(f)(2) and section 1308(f)(3) of this Act.

(e) **PURPOSES FOR DISBURSEMENT OF FUNDS.**—Disbursements from the Fund should be made only for projects conforming to the purposes of Project EDEN and for the administrative costs associated with the work of the Conference and the Secretariat.

(f) **AUTHORITY TO INCUR OBLIGATIONS.**—Obligations against the Fund should be made by the Secretariat and should be subject to the review and approval of the Conference.

(g) **USE OF IRAQI REPARATIONS.**—The Secretariat, with the full cooperation and active leadership of the President of the United States, should work through the United Nations to seek 25 percent of any future repara-

tions paid by Iraq for war damages leading to, or resulting from, the Persian Gulf War is applied to the Middle East Regional Environmental Fund and used for environmental remediation, natural resource management, environmental research and environmental education.

(h) **ANNUAL CONTRIBUTIONS.**—The Secretariat, with the full cooperation and active leadership of the President of the United States should solicit annual contributions to the Middle East Regional Environmental Fund from national and multilateral entities, private donors, individuals and other sources as might be required to carry out the purposes of Project EDEN.

**SEC. 1309. MIDDLE EAST ENVIRONMENTAL CENTERS.**

(a) **ESTABLISHMENT.**—The President is authorized to enter into agreements with foreign governments for the establishment, by September 1, 1992, of Middle East Environmental Centers (hereafter in this title referred to as the "Environmental Centers") and an Environmental Data Network, within and between the sovereign member countries of Project EDEN.

(b) **COORDINATION.**—Coordination of the Environmental Centers should be carried out by and through the Conference Secretariat.

(c) **PURPOSES.**—The purpose of each Environmental Center would be to serve as a national focal point for regional environmental cooperation and the national support of environmental initiatives through the active fulfillment of the purposes of Project EDEN pursuant to section 1305(c) of this Act. The responsibilities of the Environmental Centers also should be, among others—

(1) to support and assist national environmental ministries and regional environmental organizations and initiatives;

(2) to establish and maintain the Project EDEN Environmental Data Network through regional cooperation;

(3) to direct innovative environmental research and sustainable development initiatives;

(4) to establish and maintain a broad-based, active, and integrated early warning system for irregular or threatening interstate ecological, geophysical, biological, atmospheric, or maritime hazards;

(5) to serve as a crisis management coordination, communication, and information network between sovereign countries participating in Project EDEN, international organizations, and others;

(6) to establish and maintain a comprehensive inventory database of all significant biological, geophysical, historical and cultural resources on national lands to be freely available for public study and global dissemination; and

(7) to establish and maintain a water research authority to—

(A) monitor national water supplies;

(B) support study into more efficient means of water allocation, distribution and utilization;

(C) promote water conservation;

(D) study the environmental and social effects of water engineering projects;

(E) study the environmental and social effects of development projects on local and regional water availability;

(F) recommend new approaches toward managing or resolving local and regional water disputes; and

(G) contribute to the making of sound national water policies.

(d) **ENVIRONMENTAL DATA NETWORK FOR THE MIDDLE EAST.**—The Secretariat, in coordination with the permanent Conference Chair,

shall establish the Project EDEN Environmental Data Network (hereafter in this title referred to as the "Data Network").

(e) RESPONSIBILITIES.—The purpose of the Data Network would be—

(1) to support the work of Project EDEN and the Middle East Environmental Centers in which it will be housed;

(2) to provide for a voice and data link between all participating Middle East, associated states, international agencies and entities, educational institutions and private organizations in Project EDEN.

(3) to serve as a means for providing real-time communications and dissemination of information on actual or potential environmental occurrences, hazards, accidents, and crises;

(4) to promote the wide distribution of technical, scientific, and information on environmental resources in the Middle East;

(5) to assist in providing and fostering environmental education and an appreciation for the importance of regional environmental awareness;

(6) to facilitate environmental research, evaluation, and testing; and

(7) to provide on-line access to the Project EDEN environmental data bank.

(f) THE UNITED STATES ENVIRONMENTAL CENTER.—It is the sense of the Congress that the President should establish within the Agency for International Development, an Environmental Center dedicated to the purposes of Project EDEN and linked fully to the Middle East Environmental Centers and the Data Network.

Mr. KASTEN. Mr. President, this is an amendment which I, on behalf of Senator INOUE and others, submitted for the RECORD a couple of days ago so that the Senate would have an opportunity to review it. It has to do with the establishment of a mechanism for cooperation in the management of environmental problems in the Middle East.

The environmental conditions in that region are serious and a number of people believe pose a threat to future cooperation in the region. Project EDEN establishes a mechanism for formal and informal scientific and governmental cooperation on those issues. It will promote both environmental cooperation as well as regional cooperation.

As I said, the amendment was submitted on Wednesday. It was printed in the RECORD at that time. We have also given the floor leadership an opportunity to review it. It has been available for several days. Several Senators, frankly, have had suggestions. We have worked with them and they have been accommodating over the last couple days.

The amendment is now cosponsored by Senator INOUE, Senator BURDICK, Senator LIEBERMAN, and Senator LEAHY, in addition to myself.

I ask unanimous consent that a summary of this amendment be printed in the RECORD.

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

THE MIDDLE EAST ENVIRONMENTAL DEFENSE NETWORK  
PROJECT EDEN

A new approach.—Project EDEN establishes a new, comprehensive environmental architecture for the Middle East—addressing issues as diverse as hazardous waste disposal, water scarcity, desertification, biodiversity and oil pollution.

Advances the Peace Process.—The greatest steps on the path to peace the Middle East can be found in existing cooperation between the states on the region on specific environmental issues. EDEN will expand upon these contacts and encourage bi-lateral and multi-lateral problem-solving.

USAID the Guiding Force.—The United States, through the Agency for International Development, will be the guiding force behind Project EDEN.

Scientific, Problem-solving Orientation.—Project EDEN is to be a scientific, technical effort to address Middle East environmental problems—not a political forum.

International in Scope: Project EDEN recognizes the transnational nature of the region's environmental problems.

EDEN's Structure.—The amendment would establish a:

U.S. Planning Council within USAID to coordinate EDEN activities, provide recommendations on environmental strategy and priorities.

Permanent Conference on Environmental Security and Cooperation to be the forum for EDEN member states and to hold an annual meeting on the Middle East environment.

Conference Secretariat to be the working body of the Conference, providing oversight and budgeting of projects and activities.

Middle East Environmental Fund to finance EDEN activities through Iraqi reparations, member contributions and other donors, such as the World Bank.

Country Environmental Centers housing a date network between all member states and the U.S. for real time environmental crisis management, research and data exchange.

Mr. KASTEN. My hope is that this amendment can be agreed to.

Mr. SARBANES. Mr. President, I say to the distinguished Senator from Wisconsin, who is a cosponsor, we are prepared to accept the amendment. The administration has expressed misgivings about this amendment because there have been no hearings on it and they do not feel they have had an opportunity to be heard and to indicate how they think it might be changed or modified to make it more satisfactory.

I do want to note the ambitious planning council for which your amendment provides. I wish we could get such a planning council to address some of our domestic situations. That is not a bad group: The AID Administrator; the Secretary of State; the EPA Administrator; the NOAA Administrator; the Secretary of Agriculture; the Secretary of the Interior; the Director of the National Academy of Sciences Board on Science and Technology; the Director of the Trade and Development Program; and the Chairman of the Council on Environmental Quality. They would meet four times a year. That is a pretty high-powered planning council. I wish we could get a similar planning council to address some of our domestic problems and needs.

But having said that, and having noted the concern which the administration has expressed to us, I am prepared to go ahead and accept this amendment.

Mr. MCCONNELL. Mr. President, the amendment is acceptable on this side as well.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 873) was agreed to.

Mr. KASTEN. 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.

Mr. KASTEN. Mr. President, I thank the Senator from Maryland and the Senator from Kentucky for their help and their work on this amendment and for agreeing to further modifications that we needed to make in this concept. I look forward to their leadership and I look forward to working with them.

Mr. President, if I could have the attention of the bill managers.

Mr. President, I have an amendment on the list of amendments that are due to be considered having to do with nuclear proliferation. It is my understanding that we have now been able to work out this overall question, that a middle ground has been established, and in fact a middle-ground amendment has been adopted. So it would be my intention, simply in the interest of helping the managers of the bill, to take the Kasten amendment with regard to nuclear proliferation off the list of amendments that are due to be considered. I will not offer that amendment. I simply want to expedite the proceedings here. I will not offer that amendment. I am satisfied with the result of the compromise.

Mr. SARBANES. Mr. President, earlier today we adopted a more comprehensive amendment which I think addressed some of the concerns which the Senator had. We appreciate his statement. I thank the Senator.

Mr. KASTEN. I thank the managers of the bill.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SARBANES. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so that it be in order for Members to offer an amendment.

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

The Senator from Delaware is recognized.

AMENDMENT NO. 823

(Purpose: To require the transmittal of certain information to the Congress in connection with any arms sales to Middle East countries)

Mr. BIDEN. Mr. President, I have an 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 Delaware [Mr. BIDEN], proposes an amendment numbered 823.

Mr. BIDEN. 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:

On page 98, between lines 13 and 14, insert the following:

**SEC. 415. MIDDLE EAST SECURITY AND DEMOCRACY.**

(a) **SHORT TITLE.**—This section may be cited as the "Middle East Security and Democracy Initiative Act of 1991".

(b) **FINDINGS.**—Congress finds that—

(1) United States arms sales policy in the Middle East should be designed to contribute to the stability and security of the region;

(2) in the absence of progress by governments in the region to build institutions that satisfy popular aspirations for democratic rights and economic development, arms sales alone will be insufficient to ensure the stability and security of the region and the defense of United States interests therein; and

(3) accordingly, the United States must pursue a multifaceted policy in the Middle East, emphasizing progress toward political pluralism and economic development within the security environment fostered by a sound arms sales policy.

(c) **PRESIDENTIAL CERTIFICATION.**—(1) Whenever the President submits to the Congress a numbered certification with respect to an offer to sell, or an application for a license to export, major defense equipment, defense articles, or defense services to a Middle East country under section 36(b)(1) or section 36(c) of the Arms Export Control Act, as the case may be, such certification shall include a report—

(A) analyzing the steps taken by the government of that country to build or maintain institutions that embody democratic principles, unless a certification is made with respect to such country under paragraph (2)(A)(i)(I); and

(B) in the case of any oil exporting country, analyzing the steps taken by the government of that country to invest and contribute, in a manner commensurate with its wealth, to the economic development of the region.

(2) Whenever a numbered certification with respect to a sale or export described in subsection (c)(1) to a Middle East country is submitted to Congress, the President shall include in such certification—

(A)(i) a certification—

(I) that the exercise of governmental power in that country is determined by free and fair elections and that such country is maintaining institutions that embody democratic principles; or

(II) that, in the case of a country that does not qualify for certification under subclause

(I), such country has a record of continuing progress with respect to developing institutions that embody democratic principles; and

(ii) in the case of any oil exporting country, a certification that such country has a record of continuing and substantial achievement in making investments and contributions, in amounts commensurate with its wealth, to the economic development of the region; or

(B) a certification that the proposed transfer of such major defense equipment, defense articles, or defense services is of such compelling importance to the security interests of the United States as to warrant such transfer notwithstanding the President's inability to make the appropriate certifications required by subparagraph (A).

(d) **DEFINITIONS.**—For purposes of this section—

(1) the terms "defense articles", "defense services", and "major defense equipment" have the meanings given to such terms by paragraphs (3), (4), and (6), respectively, of section 47 of the Arms Export Control Act;

(2) the term "oil exporting country" means a country that exports petroleum extracted within its territory; and

(3) the term "Middle East" means the region which consists of Algeria, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, and Yemen.

On page 3, after the item relating to section 414, insert the following new item:

Sec. 415. Middle East security and democracy.

Mr. SARBANES. Will the Senator be willing to enter into a time agreement?

Mr. BIDEN. I will be delighted to. I believe a half-hour equally divided would be fine and it may not take that long. I think prudence would indicate that is the most appropriate time limitation.

Mr. SARBANES. I thank the Senator.

Mr. President, I ask unanimous consent that there be 30 minutes of debate on the Biden amendment equally divided in the usual form, and at the end of the 30 minutes or the yielding back of any time, without any intervening action, a vote on or in relation to the Biden amendment occur.

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

The Senator from Delaware is recognized.

Mr. President, the amendment I am offering serves a very simple purpose. It establishes the principle that our defense cooperation with nations of the Middle East during the gulf war must be put into a larger context, that we should not simply defend the status quo. The status quo is not, as one columnist recently wrote, the same as stability.

The situation in the Middle East continues to be unstable, in part as a consequence of the fact that there are a number of, essentially, oligarchies, if not monarchies, that in my view, do not, at this point, have a life expectancy that is going to go well into the next century. The fact of the matter is

that there is a desire for movement toward democratization.

I am not naive, Mr. President. I have been around a long time, presumptuously to say, I have been dealing with foreign policy issues for a long time. I do not believe there is a democratic spirit prepared to spring up in every country of the world awaiting our discovery and encouragement. But, I do think, as has been clearly demonstrated by every expert who has testified before the Foreign Relations Committee, and I expect probably the Armed Services Committee and the Intelligence Committee as well, that we have essentially two compelling elements here. The President has reiterated them in the past and continues to do so. One is that U.S. interest is founded on stability, and stability is found in the existence of governments in the region that have the popular support of the people of those countries and the region itself. Secondly, stability is found in seeing to it that the have-nots of the region have some access to, some promise of, some hope for economic growth.

It is not the Saudi people or the Kuwaiti people that evoke hostility from so many in the Arab world toward Saudi Arabia or Kuwait. It is the fact that a very small number of people control and hold unto themselves what a vast majority of the 60 million Arabs in the region believe to be the birthright of all Arabs in the region—oil and its bounty. They find it somewhat inconsistent that while their bedouin brothers are roaming around the desert from hand to mouth, there are folks living in Riyadh with gold fixtures on their commodes and on their showers and on their bathtubs. It is not a situation that lends itself to long-term stability.

So I might add, what difference does this make to us? That is their problem one may say. However, it is obviously not their problem, because when any problem in that region of the world erupts in a way that threatens the prospect of the continued supply of oil to the Western World, we have a President and other leaders in this Nation and in the world who say, ah ha, we, the West, must go in and settle things.

How do we go in and settle things? We spend tens of billions of dollars sending hundreds of thousands of forces, tens of thousands of miles to settle things. What happens when it is all over? When it is all over, we have a Saudi governing family continuing to resist any democratization and not willing to share the birthright to any greater extent they have already. We have a Kuwaiti ruling family doing all that it can to suppress any instincts for democratization by engaging in a judicial system which in practice is draconian and doing everything in their power to maintain the status quo ante.

You even have Mr. Saddam Hussein wandering around Baghdad with a side-arm strapped to his side consolidating power at the expense of tens of thousands, hundreds of thousands of his people whose human rights are brutally ignored.

Mr. President, my amendment does two things. It attaches two conditions to future U.S. arms sales to the Middle East. Before weapons can be sold to a Middle Eastern country, the President must certify that the recipient nation either, first, is a democratic nation or, second, even if it is not a democracy, it is making some progress toward developing institutions that embody democratic principles. In other words, it is doing something to move from the status quo ante so that we do not have to send our sons and daughters again over to that region of the world because a significant portion of the population there concludes that they are not being represented.

Let me review this. It requires the President to certify either that the nation is already a democracy, like Israel, or that it is making some progress toward developing institutions that embody democratic principles.

In addition, the President must certify, in the case of the oil-exporting nation, that it is contributing, commensurate with its wealth, to the economic development of the region, in order that the American taxpayers are not the ones who are expending their dollars and sending their money, sending their treasure to the Middle East to generate stability, when in fact you have several families sitting upon tens of billions of dollars of wealth. They should be contributing to the stability.

Now, the out for the President is, even if he cannot certify that the recipient country is moving toward democracy and making some effort to see to it that there is economic stability in the region, he can still propose such a sale of arms if he deems the arms transfer to be of compelling importance to the security interests of the United States. In other words, the amendment seeks to promote democratic institutions and economic development. But it does provide the President with sufficient flexibility to go forward with the sale.

The amendment also provides the President the flexibility to decide the criteria to be used in submitting the certification. It does not mandate 20 steps that must be taken by a country before it can meet the test of this amendment.

Mr. President, this amendment is necessary to place U.S. policy in the Middle East on a proper course—in promotion of American ideals.

Promoting democracy, Mr. President, unfortunately, has never been our policy in the Middle East. Indeed, for years we sought precisely the oppo-

site—the maintenance of monarchies that extend privileges and basic rights to a select few. Even now, the President apparently prefers the dictatorship of the Baath Party in Iraq—minus Saddam Hussein—to any other alternative.

Casting a blind eye to dictatorship should have no place in President Bush's new world order. Instead, we should promote political pluralism in the Middle East, encouraging our friends in the region to take steps to enhance the legitimacy—and thus the stability—of their regimes.

That is our policy around the globe—except the Middle East. Under President Reagan, we even created an institute, the very mission of which was the promotion of democratic values. That body, the National Endowment for Democracy, is working in every region of the world—Africa, Asia, Eastern Europe, Latin America—yet it has almost no operations in the Middle East.

Its Democratic Party affiliate—the National Democratic Institute for International Affairs—recently published a strategy paper on its approach to the various regions of the world. The chapter on the Middle East sheds interesting light on U.S. policy regarding democracy in the Middle East. In concluding that there is little rationale for taking a proactive approach in the region, the report cites the following reason, among others:

We are unlikely to obtain the same type of encouragement from the U.S. Government as we have received elsewhere.

I am fully aware that democracy is not just around the corner in the Middle East. But the democratic ideal is alive in the region, and we should not shrink from encouraging it.

Nor should we be reluctant to persuade the Gulf States that investing their oil profits in the poorer nations of the Middle East is crucial to regional stability. A key cause of instability in the region is the jealousy felt by many Arabs toward the oil-rich states, whose contributions to Arab development they consider woefully inadequate.

A recent report by the Congressional Research Service that I commissioned supports this perception. According to the study, the aid programs of the Arab oil-exporting nations fell from a peak of \$9.5 billion in 1980 to \$1.5 billion in 1989, the lowest level in the 17-year period covered by the CRS report.

Arab leaders often speak of oil as the birthright of all Arabs. But as this study makes clear, only a handful of Arabs are benefiting from the supposed inheritance of all. In fact, in the years leading up to the gulf war, the key oil-rich countries—particularly Kuwait and Saudi Arabia—steadily reduced aid to their fellow Arabs.

Mr. President, I am sure that we will hear arguments that it is arrogant for us to suggest how other countries

should proceed with their internal affairs; that democracy cannot be imposed from without; that our values are not the values of our Arab allies; that this will offend our friends in the gulf.

To those who say that this amendment might offend our allies in the gulf, I say that promoting democracy should not be an offense to anyone, especially those whom American soldiers fought to defend. It seems like the least we can expect.

We just sent 500,000 American troops to the gulf to defend these oil-rich monarchies from Iraqi aggression. I believe that our willingness to shed American blood in the Persian Gulf permits us to expect progress toward democracy and economic development.

Such progress is crucial to stability in this volatile region. Throughout the gulf crisis, many Arabs supported Saddam Hussein because of the enmity they feel toward the oil-rich monarchies. We cannot allow a future Saddam to exploit this resentment in the future.

My amendment will send a clear message to the gulf rulers—that the status quo is unacceptable. And it will send an equally clear message from Riyadh to Rabat—that pervasive economic and political progress is needed in the Middle East—far more than a new infusion of arms.

Mr. President, I ask how much time does the Senator from Delaware have remaining under his control.

The PRESIDING OFFICER (Mr. BRYAN). The Senator has 3 minutes 54 seconds.

Mr. BIDEN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, let me first point out that this amendment was offered and subsequently withdrawn in the Foreign Relations Committee. I do not know anybody who does not support in principle the expansion of democracy to the far corners of the globe. But this amendment should be considered for what it really is, a backhanded effort to levy criticism against some of the nations which we fought beside and for in the Persian Gulf.

Senator BIDEN's amendment was a surprise in an otherwise uneventful committee markup and now once again it is surprising because of the timing. This week has brought us news of potential breakthroughs in talks in the Middle East. Secretary Baker clearly is enjoying a degree of success in his tireless effort to negotiate the terms of the peace conference in which all parties feel comfortable participating. Why in the world, Mr. President, would the Senate take aim and fire at some of the participants after all the careful confidence-building efforts is beyond this Senator's understanding.

I simply do not think the Senate should compromise the delicate peace process that is inching along in the proper direction. If Members are not persuaded to defeat this amendment on the grounds it is poorly timed, I think they should consider the fact that it sets an impossible double standard. If we insist that all aid recipients be full-fledged, home-grown American-styled democracies, frankly, there would not be many countries left around the world which could benefit from our assistance.

This is not to say that we should sell our principles out or work to achieve anything less than free market economics and universal political participation. But we should recognize that aid and our objectives are a dynamic and changing process. We should leverage our aid to achieve the political and economic reforms in which we all believe. But it is not an overnight process. I think we ought to give Secretary Baker the vote of confidence and the window of opportunity he needs to complete this crucial round of talks.

Mr. President, just summarizing, we are all interested in promoting democracy. There is no question about that. But at this particular juncture, applying that kind of standard, even with the outs that the Senator from Delaware would provide the administration, it seems to me is particularly inappropriate. There is no history of democracy in the Middle East. There is only one democracy in the Middle East. We do have to go on and deal with other countries in the Middle East.

This is the first time in anybody's memory, at least since 1979, there has been significant progress in the Middle East toward peace. Let us not complicate the matter further, Mr. President. I share the goals of the Senator from Delaware, but it just seems to me it does not in any way contribute to the peace process to offer and approve this particular amendment at this time.

I might suggest to the Senator from Delaware, would he not be willing to modify his amendment to simply require a report, something that gets at what he is seeking to achieve short of the manner in which the amendment is currently drawn? Is there anything, I would ask my friend from Delaware, short of this that might satisfy him as we move toward the end of this debate and try to wrap up this foreign aid bill, the first one we will have passed in some 5 years?

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 11 minutes and 11 seconds.

Mr. MCCONNELL. I will retain the remainder of my time and hope that my friend from Delaware might have some encouraging remarks about how we might move forward.

Mr. BIDEN. Mr. President, I find it fascinating my friend from Kentucky says he does not know of anyone who does not support democracy. I know a whole bunch of people who do not support democracy and they start in the Middle East beginning with Kuwait.

He indicates it is inappropriate to promote democracy now. I find it interesting that it is inappropriate to promote democracy now. I did not think it was ever inappropriate to promote democracy.

No. 3, I harken back to the Senator's words on this bill. Just yesterday he made the statement that encouraged me to come forward. He said, "If there is anything that America stood for in the post World War II period, it is democracy and capitalism." I would like to work on the democracy part in addition to the capitalism part.

No. 4, this has nothing to do with the peace process, zero to do with the peace process. It does not affect Israel. It does not affect the Arab States in terms of their attitude toward one another. It affects whether or not there will be in fact a peace process that we can help encourage for the people in Kuwait, for the people in Saudi Arabia, relative to their government, and other places I might add.

Last, so I can have a little bit of time left to respond if need be, the fact of the matter is that all it requires the President to do is say there is some progress toward democratization.

I sat down with the Saudi Ambassador, and I went over it in detail with him. He did not see any problem with this amendment. I do not know why my friend from Kentucky finds it a problem.

I retain the remainder of my time. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Mr. President, let me just say that the administration certainly is not in support of this amendment of the Senator from Delaware, not because we are not in favor of promoting democracy or capitalism, but simply at the risk of being redundant for the very reason the Senator from Kentucky stated earlier. We are actually making some progress in the Middle East now. We are right on the verge it appears of significant breakthrough.

It seems to this Senator, and I think as well to the administration, that this is an amendment that is simply not needed at this particular time, which is not to say that any of us do not endorse democracy and capitalism. Obviously, we do. I hope that will emerge there in the Middle East at some point. But to set up any of these kinds of unrealistic requirements at this particular juncture in an area of the world that has no history whatsoever of democracy, it seems to me, is an unrealistic standard.

So I hope that the Biden amendment will be defeated. It seems to me it is simply not needed at this particular juncture.

We are all sort of keeping the heat on, if you will, in the Middle East with the statements that we have said about our hopes for the evolution of democracy. That is particularly the case in Kuwait. I think that setting up a process of grading our friends, giving them a grade, would be a diplomatic setback here at this particularly sensitive time. So I hope that the Senate will not approve the Biden amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes 24 seconds.

Mr. MCCONNELL. I retain the remainder of my time.

Mr. BIDEN. Mr. President, let me point out a few facts. The dictatorships in the Middle East are moving backward and not forward. For example, Kuwait's aid program of \$1.1 billion in 1990 dropped in 1989 to \$169 million to their fellow Arabs and brethren, an 84 percent drop. Saudi Arabia's aid was \$5.7 billion in 1980 to their Arab brethren, and by 1989 it dropped to \$1.2 billion, a drop of nearly 80 percent.

Last, this administration has never been concerned about democracy in the Middle East that I am aware of before, or after, or during the peace process. It is not a word that comes into their jargon very often.

The fact of the matter is there is a need for a prod. It has nothing to do with the present peace process. It has nothing to do with Arab-Israeli relationships. It has everything to do with what we stand for, and what principles we have, and the President has an out. All he has to do is say there is some progress somewhere. If there is not any progress and he still wants to sell them weapons, it is in the overwhelming national interest of the United States to sell them anyway.

I retain the remainder of my time, if I have any. I yield the floor.

The PRESIDING OFFICER. The Chair informs the Senator from Delaware that he has 52 seconds left, and the Senator from Kentucky has 9 minutes and 24 seconds.

Mr. MCCONNELL. Let me repeat, Mr. President, it is hard to argue at this particular juncture that an amendment targeted at the Middle East has nothing to do with the peace process. That is the big news in the Middle East right now. Three or four months ago the big news was the Persian Gulf war. Right now it is the Middle East peace process, which for the first time in a very long time appears to be moving forward.

Now it can be argued that the amendment targeted at the Middle East, the net result of which would be to have a public report card on our allies in the area, and right now virtually every-



body in the area is our ally more or less, a public report card in which we presumably give one country a C, one country a D, and one country or more countries an F, would in any way contribute to what is the most important thing going on right now in that area, which is the prospects for peace.

So the issue on the Biden amendment is not whether we are for or against democracy evolving in the Middle East. The issue is to whether at this particular juncture having a public report card on our allies in the Middle East—in which they are stood up and given a grade, presumably none would get an A, maybe somebody would get a D, probably would get an F—in what way, Mr. President, does that make any contribution whatsoever at this most delicate time in which there is quite possibly for the first time maybe ever a chance to solve once and for all the Arab-Israeli dispute.

So, Mr. President, it seems to me while I know this amendment is well-intentioned, with all due respect to my friend from Delaware it seems to me contributes nothing to what is the most important issue in the area at the moment, and that is the prospects for peace.

Mr. President, I am prepared to yield the remainder of my time if the Senator from Delaware is. We can move ahead here. I will make a motion to table at the conclusion of our debate.

Mr. BIDEN. Mr. President, I will use up the last few seconds.

Mr. President, I find the Senator's reasoning absolutely fascinating. The administration comes forward with a massive new proposal for arms sales to Saudi Arabia. How does that not affect the peace process?

Just yesterday, the administration came up with a \$300 million sale for munitions to Saudi Arabia. How does that not affect the peace process if that is the case? The administration opposed an effort by the Senator from Delaware and others to stop the Chinese from selling ballistic missiles to Assad of Syria. How does that not affect the peace process?

I find it interesting that the only time my Republican friend stands up to take issue with something going on in the Middle East is when the commodity offered to the Middle East is democracy. It is all right for Assad to get ballistic missiles from China. It is all right to sell hundreds of millions of dollars worth of arms but not democracy. I find that fascinating.

The PRESIDING OFFICER. The Chair informs the Senator from Delaware that the time allocated to him has expired.

Mr. SARBANES. Mr. President, would the Senator like additional time? I would be happy to yield him some.

Mr. MCCONNELL. Mr. President, I yield 2 minutes to the Senator from

Rhode Island, after which, I plan to yield back my time so we can move ahead.

Mr. CHAFEE. Mr. President, I have a little difficulty with this amendment. As everyone knows, before these sales can be made now, there has to be a notification to the Congress of the United States. There is a delay process where we can consider whether we wish to proceed or not. I just am not quite sure what could be gained by this long list of items that the President must certify to the Congress.

I did not hear all of the remarks of the distinguished Senator from Delaware. I would be glad to have him respond on my time. I know he is out of his time.

But my first question is what happens in the event, for example, we give money to a nation for foreign military sales? Let us take the case of Israel where we gave them—I think it is \$1.8 billion for military sales.

Would that notification be required in the case of those purchases?

Mr. BIDEN. Yes.

Mr. CHAFEE. I apologize because I was not here for his entire remarks. What is the matter with the present notification? There is nobody more familiar and knowledgeable with these matters than the distinguished Senator from Delaware. Does he know that the President has to give 45 days notice before there is a sale now?

And whereas that might be a limited—well, I think it is just a form of notice.

The PRESIDING OFFICER. The Chair informs the Senator from Rhode Island that the 2 minutes allocated to him has expired.

Mr. MCCONNELL. Mr. President, I yield 2 additional minutes to the Senator from Rhode Island.

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

Mr. CHAFEE. I think the Senator well recognizes that during that period, we do not restrict ourselves to just is it a good sale from the U.S. point of view, as far as dollars and cents go. We spend a lot of time looking at, and we have had lengthy debates on those sales, as the distinguished Senator knows.

So I am not quite sure what is to be gained by this list of specifics in that declaration—exercise of governmental power, and that the Nation is determined by free and fair elections.

It seems to me this is a system of preventing or inhibiting sales to those nations that have been our allies but were not democracies. We wish they were, but every nation in the world is not just the way we would like it.

Mr. BIDEN. If I can respond, I say, Mr. President, that there is no long list. There are only two things he has to say: Either they are a democracy, or making some progress toward it; or, second, they are engaged in providing for the economic well-being of the re-

gion. The reason for it is very simple: To encourage these two things to happen. Very simple and straightforward. If the President concludes he cannot certify either of those, but the sales will still go forward, he can still go ahead and sell it.

Mr. CHAFEE. Except that, as the Senator knows, for a President to use the loophole that it is of such urgent, compelling interest to the security interests of the United States is a very, very tough hurdle to get over.

Mr. BIDEN. It does not say that. It just says "compelling." It does not even have to be urgent.

Mr. CHAFEE. I must have a misprint. The act I have says, "of such urgent and compelling interest." That may have changed. If so, maybe I am mistaken. Am I wrong on that?

Mr. BIDEN. Where is he reading from?

The PRESIDING OFFICER. The Chair would inform the manager that 1 minute—

Mr. MCCONNELL. How much time do I have?

The PRESIDING OFFICER. One minute 57 seconds.

Mr. MCCONNELL. Mr. President, I yield to the Senator from Rhode Island an additional 57 seconds.

Mr. CHAFEE. Is this going to take the Senator's whole time?

Mr. MCCONNELL. That is right.

Mr. CHAFEE. Yes, I am reading from a description of the bill.

Mr. BIDEN. I think the Senator has an old copy. I do not mean that as a criticism. It says, "is of such compelling importance to the security interests of the United States as to warrant such transfers notwithstanding the President's inability to make such a certification."

Mr. CHAFEE. I have trouble with this. It seems we are levying a whole series of requirements and notification. We already have the notification, and the President will not be able to, in many cases, perhaps, override these objections, and so we lose the sale. The sale goes to somebody else.

By the way, have any other nations joined in this, any of the old suppliers out there?

Mr. BIDEN. Mr. President, as the—

The PRESIDING OFFICER. The Chair informs the Senator that only 45 seconds remain.

Mr. MCCONNELL. Mr. President, if I can reclaim my time, let me sum it up, and I will make a motion to table the Biden amendment.

We already have the right to refuse arms sales under existing law. The only issue, I say to my colleagues, is whether in any way, at this particular juncture, it is helpful for a public report card on our allies in the Middle East on the question of whether they either, A, have a democracy, which none of them do; or, B, are making any progress toward a democracy, and will that help

the peace process when, for the first time since at least 1979, we have a real opportunity for peace in that area?

Mr. President, I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DURENBERGER. Mr. President, I understand and support the sentiments expressed by the Senator of Delaware. All of us would like to see more democracy and representative governments in the Middle East region. That is not at all the issue at hand, however.

I must oppose this amendment because it is highly inappropriate that the Senate should inject itself into the middle of a sensitive, delicate, and promising negotiating process. We contribute very little by trying to muscle our way to the negotiating table.

Yet again, it seems that the Senate just can't leave well enough alone when this country is involved in an ongoing productive negotiating process. Too many members want to be Secretary of State. This body is not intended, or equipped, to run U.S. foreign policy. Yes, we have an important role to play. No doubt. But why must we throw ourselves in the middle of things when the administration has the matter under control.

Mr. President, it is important that we appreciate that this amendment not only links U.S. arms sales, foreign policy, and security policy to a sovereign country's form of government. It also links these critical U.S. policies to their level of foreign assistance to other countries in the region.

Where else in the world do we condition U.S. policies—policies that are intended to promote fundamental U.S. interests—on an independent, sovereign country's foreign aid programs? No where, as far as I can determine at this moment.

The objectives laid out here are superb. No doubt about it. But that doesn't mean that we should therefore automatically put our 2 cents in. Secretary Baker is managing an extremely difficult process with a great deal of care and skill. Passing this amendment, no matter how laudable the underlying objectives, will not contribute to promoting the negotiating process.

Yes, Mr. President, I enthusiastically support democratic principles and want to see them expanded all over the world. But this amendment is not a measure of our support for these principles. It's an intrusion into ongoing process where this body should leave well enough alone at this point.

Thank you, Mr. President. I yield the floor.

Mr. PELL. Mr. President, I commend the Senator from Delaware for his initiative regarding Middle East security and democracy.

This amendment will serve American interests in the Middle East by shining a light on the continuing absence of essential democratic values in the region.

The amendment will also provide American diplomats with an important tool. If nations in the region want to purchase U.S. weapons, they must demonstrate progress toward political pluralism.

The promotion of democratic values should always be a central tenet of U.S. foreign policy, and it should be applied universally—in Asia, in Europe, in Latin America, and in the Middle East.

Contrary to arguments that I am sure will be offered, this proposal does not in any way restrict the President's ability to make foreign policy. The amendment provides the President with sufficient flexibility to sell arms to the region, even if the standards required by the amendment cannot be met.

Mr. McCONNELL. Mr. President, has my time expired?

The PRESIDING OFFICER. The chair informs the Senator that, yes, it has.

Mr. McCONNELL. I make a motion to table, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD: I announce that the Senator from Ohio [Mr. GLENN], the Senator from Iowa [Mr. HARKIN], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 39, nays 57, as follows:

[Rollcall] Vote No. 152 Leg.]

YEAS—39

Bentsen	Durenberger	Lott
Bond	Exon	Lugar
Boren	Garn	McConnell
Breaux	Gore	Murkowski
Brown	Gorton	Packwood
Burns	Gramm	Roth
Chafee	Hatch	Rudman
Cochran	Hatfield	Simpson
Cohen	Helms	Smith
Craig	Jeffords	Stevens
Danforth	Kassebaum	Symms
Dole	Kasten	Thurmond
Domenici	Kerrey	Wallop

NAYS—57

Adams	Powler	Moynihan
Akaka	Graham	Nickles
Baucus	Grassley	Pell
Biden	Heilin	Pressler
Bingaman	Hollings	Reid
Bradley	Inouye	Riegle
Bryan	Johnston	Robb
Bumpers	Kennedy	Rockefeller
Burdick	Kerry	Sanford
Byrd	Kohl	Sarbanes
Coats	Lautenberg	Sasser
Conrad	Leahy	Seymour
Cranston	Levin	Shelby
D'Amato	Lieberman	Simon
Daschle	Mack	Specter
DeConcini	McCain	Warner
Dixon	Metzenbaum	Wellstone
Dodd	Mikulski	Wirth
Ford	Mitchell	Wofford

NOT VOTING—4

Glenn	Nunn
Harkin	Pryor

So the motion to table the amendment (No. 823) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Republican leader is recognized. The Republican leader will suspend for a moment so the Chair can inform the Senate all time for debate has expired. The pending question would be, then, the vote on the amendment itself.

Mr. SARBANES. Mr. President, I ask unanimous consent the Republican leader be able to proceed for 5 minutes. I think we may be able to work something out.

The PRESIDING OFFICER. Is there objection? The request has been made for 5 minutes for the Republican leader. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I did not know there was any time agreement. It was my understanding there would be no time agreements on any of the amendments. Certainly I would not have granted a time agreement on this or any other amendments. It is my hope we can dispose of this amendment and that we can also dispose of the amendment by Senator HELMS. I think if those two were disposed of, withdrawn, then we could probably complete action on this bill in the next 10, 15, or 20 minutes. If not, I am constrained to say, even though this is a time agreement, there is no time agreement on the bill and we would be compelled to speak at length.

The PRESIDING OFFICER. The Chair reminds the Senator that under the previous order, unless there is a unanimous consent to modify that, all time has expired.

Mr. SARBANES. Mr. President, I ask unanimous consent that the managers of the bill have 10 minutes equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The managers have 10 minutes, equally divided, I presume under the usual form.