

waive those sections of the Jones Act which prohibit foreign-made vessels from operating in coastwise trade. The waiver is necessary because, under the law, a vessel is considered foreign made unless all major components of its hull and superstructure are fabricated in the United States and the vessel is assembled entirely in the United States. This vessel was originally built in a foreign shipyard in 1977, but since then has been owned and operated by American citizens. The owners of the vessel have invested substantially more than the cost of building the boat in making repairs and maintaining the vessel in American shipyards with American products. The owners wish to start a small business, a charter boat and charter fishing operation, seasonally taking people out of Boston.

After reviewing the facts in the case of the *Marantha*, I find that this waiver does not compromise our national readiness in times of national emergency, which is the fundamental purpose of the Jones Act requirement. While I generally support the provisions of the Jones Act, I believe the specific facts in this case warrant a waiver to permit the *Marantha* to engage in coastwise trade. I hope and trust the Senate will agree and will speedily approve the bill being introduced today.●

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 656. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Quietly*; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER FOR "QUIETLY"

● Mr. KERRY. Mr. President, I am pleased to join my colleague, the distinguished senior Senator from Massachusetts, in introducing a bill to allow the vessel *Quietly* to be employed in coastwise trade of the United States. This boat has a small passenger capacity, carrying up to eight passengers on a charter business. The purpose of this bill is to waive those sections of the Jones Act which prohibit foreign-made vessels from operating in coastwise trade. The waiver is necessary because, under the law, a vessel is considered foreign made unless all major components of its hull and superstructure are fabricated in the United States and the vessel is assembled entirely in the United States. This vessel was originally built in a foreign shipyard in 1983, but since then has been owned and operated by American citizens. The owner of the vessel has invested substantially in repairing and maintaining it—in American shipyards with American products. The owner wishes to start a small business, a charter boat operation, seasonally taking people out for cruises.

After reviewing the facts in the case of the *Quietly*, I find that this waiver does not compromise our national

readiness in times of national emergency, which is the fundamental purpose of the Jones Act requirement. While I generally support the provisions of the Jones Act, I believe the specific facts in this case warrant a waiver to permit the *Quietly* to engage in coastwise trade. I hope and trust the Senate will agree and will speedily approve the bill being introduced today.●

ADDITIONAL COSPONSORS

S. 112

At the request of Mr. DASCHLE, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 112, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company.

S. 131

At the request of Mr. LIEBERMAN, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 131, a bill to specifically exclude certain programs from provisions of the Electronic Funds Transfer Act.

S. 230

At the request of Mr. SIMON, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 230, a bill to prohibit U.S. assistance to countries that prohibit or restrict the transport or delivery of U.S. humanitarian assistance.

S. 234

At the request of Mr. CAMPBELL, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 234, a bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a Motorcycle Safety Program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety laws, and for other purposes.

S. 303

At the request of Mr. LIEBERMAN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 303, a bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

S. 356

At the request of Mr. SHELBY, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 356, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 413

At the request of Mr. DASCHLE, the name of the Senator from California

[Mrs. BOXER] was added as a cosponsor of S. 413, a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under such act, and for other purposes.

S. 426

At the request of Mr. SARBANES, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 426, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 476

At the request of Mr. CAMPBELL, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 476, a bill to amend title 23, United States Code, to eliminate the national maximum speed limit, and for other purposes.

S. 495

At the request of Mrs. KASSEBAUM, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 495, a bill to amend the Higher Education Act of 1965 to stabilize the student loan programs, improve congressional oversight, and for other purposes.

S. 508

At the request of Mr. MURKOWSKI, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 508, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 523

At the request of Mr. BENNETT, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 523, a bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner, and for other purposes.

S. 613

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska [Mr. MURKOWSKI] was withdrawn as a cosponsor of S. 613, a bill to authorize the Secretary of Veterans Affairs to conduct pilot programs in order to evaluate the feasibility of participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform.

S. 629

At the request of Mr. THOMAS, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 629, a bill to provide that no action be taken under the National Environmental Policy Act of 1969 for a renewal of a permit for grazing on National Forest System lands.

S. 641

At the request of Mr. KENNEDY, the names of the Senator from Minnesota

[Mr. WELLSTONE], the Senator from California [Mrs. BOXER], the Senator from California [Mrs. FEINSTEIN], the Senator from Ohio [Mr. GLENN], the Senator from Hawaii [Mr. INOUE], the Senator from Maryland [Mr. SARBANES], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the names of the Senator from Kansas [Mr. DOLE] and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

AMENDMENT NO. 425

At the request of Mr. MCCAIN his name was added as a cosponsor of amendment No. 425 proposed to H.R. 1158, a bill making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

SENATE RESOLUTION 97—RELATIVE TO THE SOUTH CHINA SEA

Mr. THOMAS (for himself and Mr. ROBB) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 97

Whereas the South China Sea is a strategically important waterway through which transits approximately 25 percent of the World's ocean freight, including almost 70 percent of Japan's oil supply;

Whereas the South China Sea serves as a crucial sea lane for naval vessels of the United States and other countries, especially in times of emergency;

Whereas the People's Republic of China, the Republic of the Philippines, the Socialist Republic of Vietnam, the Republic of China on Taiwan, the State of Brunei Darussalam, and Malaysia have overlapping and mutually exclusive claims to portions of the South China Sea, especially in the Spratly Island group;

Whereas these competing claims have led to armed conflicts between several of the claimants;

Whereas these conflicts threaten the peace and stability of all of East Asia; and

Whereas the 1992 Manila Declaration of the Association of South East Asian Nations, also recognized by the Socialist Republic of Vietnam and the People's Republic of China, calls on the claimants to exercise restraint and seek a peaceful negotiated solution to the conflicts: Now, therefore, be it

*Resolved*, That the Senate—

(1) urges the executive branch to reiterate to the claimants in the South China Sea that the United States does not take a position on any individual claim;

(2) calls upon all of the claimants to refrain from using military force to assert or expand territorial claims in the South China Sea;

(3) urges the executive branch to declare the active support of the United States for the 1992 Manila Declaration of the Association of South East Asian Nations, and calls upon all the claimants to observe faithfully its provisions; and

(4) calls upon the claimants to scrupulously observe the January, 1995 status quo ante pending any negotiations or resolution of the conflicts between such claimants over such claims.

Mr. THOMAS. Mr. President, as the chairman of the Senate Subcommittee on East Asian and Pacific Affairs, I would like to take this opportunity to call my colleagues' attention to an issue that, while somewhat obscure, has the potential to escalate into a dangerous regional conflict with serious repercussions for the United States: competing jurisdictional claims to the Spratly Islands.

The Spratlys comprise 21 islands and atolls, 50 submerged land spits, and 28 partly submerged rock groups and reefs. Totalling less than 5 square kilometers in area, these islets are spread out over 340,000 square miles in the southern third of the South China Sea, one of the world's largest marginal seas. The largest island, Itu Aba, is only four-tenths of a square mile in area; Spratly Island, after which the group is named, measures only 0.15 square miles. Portions of the area are claimed by most of the sea's littoral states; the People's Republic of China, Malaysia, the Philippines, Taiwan, Vietnam, and Brunei. All, with the exception of Brunei, maintain a military presence on the islands.

Their interest is based on more than mere fishing rights or territorial aggrandizement. It is thought—although not yet known conclusively—that the islands overlie vast reserves of oil and natural gas. The South China Sea in general is one of the most productive offshore petroleum areas in the world; since 1950, 29 oil fields and 4 gas fields have been developed there. This makes possession of the Spratlys quite attractive to the area's developing economies.

What many view as China's increasingly hegemonic interest in the area seems to be the principal cause of tension among the claimants. As we all well know, China is clearly the emerging power in Asia. As the PRC has initiated limited free-market reforms and its economy expands, it has been able to devote more resources away from purely domestic concerns and to assert itself—flex its muscle—more often in regional affairs. The PRC's growing visibility is unnerving to many of its neighbors. This is due in large measure to the fact that because the PRC's greater presence is increasingly exhibited in a buildup of its military forces, it has increased the opportunity for armed conflicts with those neighbors.

The PRC—and consequently the Republic of China on Taiwan—and Vietnam both assert the oldest claims to the area. The PRC contends that it has a long history of presence in the area, including: a purported naval discovery in the Western Han Dynasty around the year 111 B.C., a 1292 Yuan Dynasty visitation by the Java-bound fleet of Kublai Khan, and a Ming Dynasty survey of the islands by Cheng He, who is

said to have visited the islands seven times between the years 1405 and 1433. While there is some evidence of intermittent visitation of some of the Spratlys and surrounding waters by Chinese fishermen, records are sparse, incomplete, conflicting, and in the opinion of many scholars do not necessarily demonstrate a pattern of routine occupation, administration, or assertion of sovereign control sufficient to establish on airtight claim. For example, an official report by the Chinese Government issued in 1928 set forth that country's southernmost delineation of its territory as the Parcel Islands and makes no mention of the Spratlys.

Vietnam's claim is based on historical arguments premised on events from before, during, and after occupation by its former colonial overlord, France. Recent Vietnamese pronouncements claim that its involvement with the Spratlys can be traced back to 1650–53, although I have not yet seen a credible substantiation of that assertion. A further contact is claimed during the reign of Emperor Gialong in 1816, and an inaccurate Vietnamese map dated 1838 identifies the Spratlys under the name Van Ly Truong Sa as a part of Vietnamese territory. Interest in the islands appears to have lapsed over the early- and mid-French occupation period, although the French Government sent a naval expedition to the islands in 1933 and laid claim to seven groups of islets.

These conflicting Chinese and Vietnamese claims have in the not-distant past resulted in verbal, and sometimes military, clashes. In 1974, for example, the PRC occupied the South Vietnamese-claimed Parcel Islands—the Xisha Qundao—about 350 miles north of the Spratlys. The Vietnamese forces lost and withdrew from the islands. A few days later, though, 120 South Vietnamese soldiers landed on one of the Spratlys; the PRC responded with a protest and a warning against any such future action. In March 1988, the PLA-N sank three Vietnamese naval transports in the Spratlys, killing 72 Vietnamese soldiers.

Beginning in the late 1970's, a growing economic dimension began to appear in the Sino-Vietnamese dynamic. When the PRC began open-door economic reforms in 1978, the development of an offshore petroleum industry was at the forefront. The PRC opened its continental shelf from the Bohai to Beibu Gulfs in 1979, and announced a series of Sino-foreign seismic survey agreements. Vietnam, in response, protested the surveys as brazen violations "of the territorial integrity of Vietnam and its sovereignty over its natural resources."

This verbal sparring over the competing claims continued until the early 1990's, when the two countries began to swipe at each other using oil concessions as their weapon. On May 8, 1992, the PRC's China National Offshore Oil Co. granted an oil concession to