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Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. The Chaplain will now deliver the opening prayer.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we begin this day praying with the psalmist, ''Teach me to do Your will, for You are my God; Your Spirit is good.''—Psalm 143:10. In a world of people with mixed motives and forces of evil seeking to distract us, we thank You that we know You are good. It is wonderful to know that You will our good, seek to help us know what is good for our loved ones and our Nation. You constantly are working things together for our good, arranging circumstances for what is ultimately best for us. We never have to worry about Your intentions. You know what will help us grow in Your grace and what will make us mature leaders.

Today, we want to be filled so full of Your goodness that we will know how to discern Your good for our decisions. Bless the Senators. Make them good leaders by Your standards of righteousness. Remind us that our Nation's greatness is in being good. Help us confront mediocrity at any level that keeps us from Your vision for our Nation; recruit us for the battle of ethical and social goodness. We make another verse of the psalmist our life-time motto ''May goodness and mercy follow me all the days of my life and I will dwell in the house of the Lord forever.'' Amen.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1997

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 3540, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3540) making appropriations for foreign operations and export financing in and related programs for the fiscal year ending September 30, 1997, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McCain amendment No. 5017, to require information on cooperation with United States antiterrorism efforts in the annual country reports on terrorism.

Coverdell amendment No. 5018, to increase the amount of funds available for international narcotics control programs.

The PRESIDENT pro tempore. There will now be 30 minutes of debate equally divided on the McCain amendment No. 5017.

The able Senator from Kentucky is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, this morning the Senate will immediately resume consideration of the foreign operations appropriations bill. Under the agreement reached last night, the Senate will begin 30 minutes of debate on the McCain amendment No. 5017 regarding antiterrorism efforts. Senators can expect a rollcall vote on or in relation to that amendment no later than 10 o'clock this morning, if all debate time is used.

Additional amendments are anticipated. Therefore, Senators can expect votes throughout the session of the Senate today. The majority leader has indicated that he hopes to complete action on this bill today. I might say that I think that is entirely possible. We have a number of amendments that are anticipated to be offered that would be acceptable, and there is really no reason why we should not be able to complete this bill today. The leader then plans to turn to the consideration of the VA-HUD appropriations bill following final passage of this bill.

Mr. President, I see the Senator from Arizona here. I will yield the floor.

Mr. LEAHY. Mr. President, if the Senator from Arizona will yield. Mr. President, I wish to compliment the distinguished Senator from Arizona, who had worked with this amendment last night and could have asked for a vote last night. I asked him if he might be willing to withhold while we discussed it further with him. I know there have been some discussions. I note that because the Senator from Arizona showed his usual courtesy and cooperation, I wish to thank him here on the Senate floor.

With that, I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Arizona is recognized.

PRIVILEGE OF THE FLOOR

Mr. MCCAIN. Mr. President, I ask unanimous consent that Greg Suchan, a fellow on my staff, be granted the privilege of the floor during the discussion of H.R. 3540.

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

AMENDMENT NO. 5017, AS MODIFIED

Mr. MCCAIN. Mr. President, I thank the Senator from Vermont and his staff for working with us last night on this particular amendment. In accordance with the previous unanimous-consent agreement, I send to the desk a modification of my amendment.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. The amendment will be so modified.

The amendment (No. 5017), as modified, is as follows:

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

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On page 198, between lines 17 and 18, insert the following:

INFORMATION ON COOPERATION WITH UNITED STATES ANTI-TERRORISM EFFORTS IN ANNUAL COUNTRY REPORTS ON TERRORISM

SEC. 580. Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f) is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(C) by adding at the end the following:

''(3) with respect to each foreign country from which the United States Government has sought cooperation during the previous five years in the investigation or prosecution of an act of international terrorism against United States citizens or interests, information on—

''(A) the extent to which the government of the foreign country is cooperating with the United States Government in apprehending, convicting and punishing the individual or individuals responsible for the act; and

''(B) the extent to which the government of the foreign country is cooperating in preventing further acts of terrorism against United States citizens in the foreign country; and

(4) With respect to each foreign country from which the United States Government has sought cooperation during the previous five years in the prevention of an act of international terrorism against such citizens or interests, the information described in paragraph (3)(B).'' and

(2) in subsection (c)—

(A) by striking ''The report'' and inserting ''(1) Except as provided in paragraph (2), the report'';

(B) by indenting the margin of paragraph (1) as so designated, 2 ems; and

(C) by adding at the end the following:

''(2) If the Secretary of State determines that the transmittal of the information with respect to a foreign country under paragraph (3) or (4) of subsection (a) in classified form would make more likely the cooperation of the government of the foreign country as specified in such paragraph, the Secretary may transmit the information under such paragraph in classified form''.

Mr. MCCAIN. Mr. President, I thank the Senator from Vermont for his cooperation. I think we have reached an agreeable resolution to this issue, which achieves the goal I was trying to accomplish. I think it satisfies the concerns not only of the Senator from Vermont had, but also of the administration.

Mr. President, this amendment would require the Secretary of State, as part of his annual report to Congress on global terrorism, to provide information on the extent to which foreign governments are cooperating with U.S. requests for assistance in investigating terrorist attacks with Americans. The Secretary will also be required to provide information on the extent to which foreign countries are cooperating with U.S. efforts to prevent further terrorist attacks against Americans.

The recent terrorist attack in Dhahran demonstrates the importance of cooperation of other governments in investigating and preventing terrorism against Americans. The proposed amendment would of course cover terrorist attacks against Americans or U.S. interests abroad, such as the Riyadh bombing last year or the assassination of two State Department employees in Karachi. It would also cover terrorist attacks in the United States, either by foreign terrorists or domestic terrorists operating with foreign assistance. For example, if the destruction of TWA flight 800 proves to be a terrorist act—and at this time we do not know that it was—the amendment would ensure that we know whether other countries are cooperating with the United States in investigating the crash and bringing to justice those responsible.

As part of his annual report on terrorism, the Secretary of State is already required by law to report on the counterterrorism efforts of countries where major international terrorist attacks occur and on the response of their judicial systems to matters relating to terrorism against American citizens and facilities. I believe it would be very useful to add to this report important information about how foreign governments are responding to U.S. requests for cooperation in investigating and preventing terrorist attacks against Americans.

Moreover, the executive branch is already required to provide information on other countries' antiterrorism cooperation. Section 330 of the recently enacted antiterrorism bill prohibits the export of defense articles or services to a country that the President certifies is not cooperating fully with U.S. antiterrorism efforts. Such cooperation must certainly include investigating terrorists acts against Americans. If such information is reasonable and useful in the context of military cooperation, then I see no reason why similar information cannot be provided for all other countries who are not the recipients of U.S. defense equipment or services.

The State Department has expressed reservations about the earlier drafts of this amendment, which included a requirement for certification along the lines of the anti-terrorism bill. Working with the Senator from Vermont, we have addressed this concern by requiring that the Secretary's report provided information, rather than a certification.

Another concern raised by the State Department is that there may be times when other countries, for reasons of their own, might not want it made public that they are cooperating with our anti-terrorism efforts. The amendment, therefore allows the Secretary to provide this information in a classified manner when it will enhance foreign countries' cooperation.

But international terrorism is a global problem that must be addressed by the joint efforts of all civilized states. If the United States seeks the cooperation of other countries in pursuing those who commit acts of terrorism against Americans, then I believe the Congress and the American people have a right to know whether foreign governments are indeed cooperating with the United States.

Just last week, I met with the family of a young American woman, Alisa Flatow, who was killed by an Islamic Jihad truck bomb in the Gaza Strip last year. According to Alisa's father, Stephen M. Flatow of West Orange, NJ, when President, Clinton sent an FBI team to investigate the attack, the Palestinian authority refused to cooperate with the FBI. ''As a result,'' Mr. Flatow writes in a letter to me supporting this amendment, ''the people responsible for planning my daughter's death have not been apprehended.''

Mr. President, I ask unanimous consent that at this point a letter from Stephen M. Flatow, of West Orange, NJ, be printed in the RECORD.

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

WEST ORANGE, NJ,
July 15, 1996.

Re H.R. 3540.

Senator JOHN MCCAIN,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: It was a pleasure to meet you last Thursday on the steps of the Longworth Building. I wholeheartedly support your amendment to the Foreign Operations Appropriations Bill, H.R. 3540, as it deals with crimes against Americans in foreign countries.

Following the death of my 20-year-old daughter, Alisa, in April 1995, President Clinton ordered an FBI team to Israel and Gaza to investigate the circumstances of her murder by the Islamic Jihad. While the Israelis cooperated fully, to my family's chagrin the Palestinian Authority would not cooperate with the FBI team. As a result, the people responsible for planning my daughter's death have not been apprehended.

It seems now that for the second time the Saudis are blocking a similar investigation by Americans of a crime involving the deaths of Americans. My sympathies are with the families of the victims of terror and my prayers are for the capture and proper adjudication of the perpetrator's guilt.

I am confident that, with your perseverance, justice will be done.

Sincerely,

STEPHEN M. FLATOW.

Mr. McCAIN. Mr. President, I might add that this refusal to cooperate with the FBI is not mentioned at all in the State Department's 1995 report on international terrorism. But this is an excellent example of the type of information that I believe the executive branch should routinely provide to the Congress and to the American people.

I urge my colleagues to support this amendment. Again, Mr. President, this is not my original proposal. I would have liked to have seen a certification process. I understand the concerns raised by the Senator from Vermont and by the State Department. I am pleased as always to have the opportunity to work with him, as, clearly, this issue of terrorism transcends any party or political viewpoint.

As I said earlier in my remarks, I do not know if the tragedy of TWA flight 800 was an act of terror or not. I was

pleased to note this morning, as we all were, that the black boxes were recovered, which, in the opinion of most experts, will give us the kind of factual evidence we need to reach a conclusion. But whether flight TWA 800 was an act of terror or not, the reality is that terror has now became part of the world scene and the American scene.

Any expert that you talk to will clearly state that you could not attack terrorism where the act of terror takes place. You attack it at the root and the source of the act itself. That means going to places where the training, equipping, and arming takes place. It also means obtaining the cooperation of every other civilized nation and taking whatever action is necessary to go to the source of this act of terrorism.

Mr. President, as I said, I am not drawing any conclusions, nor would I advocate any course of action, because there is a wide range of options that are open to an American President and Congress in the event that an act of terror is perpetrated on American citizens.

It is instructive to note that some years ago, when there was a bomb in a cafe in Germany, that a previous administration was able to identify the source of that act of terror. A bombing raid was mounted and successfully carried out in Libya, and since that time, Mr. Qadhafi has been rather quiet. It does not mean that Mr. Qadhafi has abandoned his revolutionary zeal, but it was certainly a cautionary lesson to Mr. Qadhafi and his friends.

I do not say that is the remedy in every case of an act of terror. I think that there are a wide range of options, such as economic sanctions and others, that are open to us. But if we do not act in response to acts of terror, and if we do not act in a cooperative fashion, then it is virtually impossible to address these acts of terror in an effective fashion.

Mr. President, I thank my colleagues, the Senator from Vermont and the Senator from Kentucky, for their assistance on this amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I reserve the remainder of my time.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I believe that there is strong support for the amendment of the Senator from Arizona. I know that I am one supporting it. Again, I compliment him for the effort that he has made on this.

I also understand that as a result of efforts to get some Senators back in here, that we will probably not have this vote until 10 o'clock. I know that meets the satisfaction of leadership. So I might just make a couple of general comments on the bill along the lines of what I did yesterday.

This legislation reflects the best compromise that we are able to make in the Senate in the committee and a compromise between the distinguished Senator from Kentucky and myself in this legislation. We had an effort within a very small limit and a very small allocation. The allocation itself reflected the best efforts of the distinguished chairman of the overall Appropriations Committee, Senator HATFIELD.

But I think that, Mr. President, we have to ask ourselves at some point just how long we can go down this road. No matter what the administration is, Republican or Democrat, we are going to have to face up to the responsibility of world leadership when we are the most powerful and wealthiest democracy known to history. We have seen steady cuts in the area of foreign aid. Maybe it is politically popular to go back home and talk about those cuts, but let us look at what we have with the conservative, tight-fisted, anti-foreign-aid rhetoric of the Reagan administration.

President Reagan's budgets were almost 40 percent higher in foreign aid than President Clinton's. President Bush's were. Frankly, those budgets reflected reality. The rhetoric did not reflect reality. The budget reflected more reality. But we have been so caught up with the rhetoric. The rhetoric of the Reagan administration rarely reflected their spending priorities. But we have gotten so caught up with the rhetoric that we have now made the spending priorities a reality. As a result, we are not reflecting our responsibilities. Some are just pure economic sense.

If we help in the development of these other countries, that is usually the biggest and fastest growing market for our export products. We create jobs in the United States. The more exports we can create, the more jobs we create, and our fastest growing and biggest potential market is in the Third World. That is why Japan and so many other countries spend more money than the United States does as part of their budget in these other parts of the world, because they know that with the United States stepping out of that they can step in. They are creating jobs. We lose American jobs. They create Japanese jobs, European jobs, and otherwise. They probably sit there and laugh and cannot understand why we believe our own rhetoric and give up these potential jobs. But they will take them over.

Then we have another area, and it is a moral area. We have less than 5 percent of the world's population; we use more than 50 percent of the world's resources. Don't we as a country have a certain moral responsibility to parts of the world?

In some parts of the world, the annual—think about this for a moment, Mr. President—in some parts of the world, the annual per capita income of a person is less than one page of the cost of printing the CONGRESSIONAL RECORD for this debate. We have already spent in the debate this morning by 10 minutes of 10 more than the per capita income of parts of the world where we help out with sometimes 20 cents per capita, sometimes even 25 cents per capita. Are we carrying out our moral responsibility as the wealthiest, most powerful nation on Earth?

We can look at pure economic sense. It makes little economic sense to us. We lose jobs as we cut back. We lose export markets as we cut back. But we also have some moral responsibility. Most Americans waste more food in a day than a lot of these hungry countries, the sub-Saharan countries and others, will ever see on their tables. We spend more money on diet preparations in this country than most of these nations will ever see to feed their newborn children or their families.

So I ask, Mr. President, at some point when you feel good about the rhetoric of going home, Members feel good about the rhetoric of going home and talking about how they are opposed to foreign aid, they ought also to look in their soul and conscience and ask what they are doing. And, if they are not touched in their soul and their conscience, then also talk to the business people in their State and say: ''We are doing this even though we are cutting off your export jobs, even though we are cutting out American jobs by doing this.''

There is an interesting op-ed piece in the Burlington Free Press of July 24 by George Burrill, and I ask unanimous consent that it be printed in the RECORD.

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

[From the Burlington Free Press, July 24, 1996]

U.S. FOREIGN AID HELPS AMERICANS AT HOME

(By George Burrill)

Of all the budget cuts enacted last year, none was more damaging than the reductions in foreign assistance. Fortunately, the hemorrhaging appears to have stopped. The Senate is now acting on the foreign operations spending bill, which will increase the funding slightly over this year's level. In James Jeffords and Patrick Leahy, Vermont is fortunate to have two senators who understand the role of foreign assistance in improving the economic security of Americans. Both serve on the appropriations subcommittee with jurisdiction over foreign operations, and both have supported the programs that helped create future markets for U.S. exports.

One poll last year showed that nearly six out of 10 Americans incorrectly believed that the U.S. spends more on foreign aid than on Medicare. In fact, the government collects only about $11 per person each year from income taxes to pay for foreign assistance.

Most people know that foreign aid can be humanitarian. But few Americans realize that 80 percent of the total foreign assistance budget is spent right here in the United States, on American goods and services—more than $10 billion in 1994. This translates to about 200,000 U.S. jobs. For example, Cormier Textile Products in Maine provided tarps for disaster relief and temporary housing in Africa.

Closer to home, I am working on a project to enhance the computer capabilities of the Egyptian parliament. What kind of computers? IBM—which has over 6,000 employees in Essex Junction.

Today, exports account for 10 percent of the entire U.S. economy—double the level of a decade ago. In 1983, the jobs of five million workers depended on U.S. exports. Today, that number has reached 12 million.

The fastest growing markets for U.S. goods and services are in the developing world. Between 1990 and 1995, exports to developing countries increased by nearly $100 billion, creating roughly 1.9 million jobs in the United States.

This increase in U.S. exports to the developing world is no accident. Most of the foreign assistance that we spend on developing countries today goes toward making them good customers tomorrow. The American economy is growing today mainly because other countries want and can afford to buy our products and services.

U.S. foreign assistance now focuses on encouraging six reforms in developing countries.

First, we encourage reform of developing countries' overall economic policy. For example, in the Czech Republic, we assisted in the transition from a command economy to a free-market system. The United States helped the Czech government create a healthy economic environment for investors, which included a balanced government budget, low inflation and low unemployment. With over 10 million mostly urban and well-educated consumers, reforming the Czech economy has meant an 11 percent increase in U.S. exports there between 1993 and 1994.

Second, we encourage developing countries to dismantle laws and institutions that prevent free trade. Guatemala now exports specialty fruits, vegetables, and flowers—and the increased buying power of Guatemalans has meant a 19 percent increase in U.S. exports there every year since 1989.

Third, we are helping to privatize state-dominated economies. This dismantling of state-run industries is an important means of attracting foreign investment. A $3 million U.S. government to investment to support privatization in the Indonesian energy sector has led to a $2 billion award to an American firm for Indonesia's first private power contract. In fact, the U.S. foreign assistance budget has enabled U.S. companies to dominate the global market for private energy.

Fourth, U.S. foreign assistance encourages developing countries to establish business codes, regulated stock markets, fair tax codes and the rule of law. Foreign assistance helps create the stable business environments that U.S. companies need in order to cooperate effectively.

Fifth, we are helping to educate a new class of consumers in developing regions. When the United States helps educate a population, we help develop the skills needed in modern economy and a solid middle class with a vested interest in seeing economic reforms succeed.

Sixth, we help build small businesses. Community-run lending programs administered by the U.S. government are expanding small businesses and increasing per capita income in many developing countries.

The United States spent relatively more on foreign economic aid in the 1960s and '70s than it does today. The economy activity we are seeing in the developing world is tightly linked to the work the U.S. government carried out 20 and 30 years ago. Although the private sector is ultimately responsible for economic growth, the government's work is critical. At the very least, our goal should be to match the mean level of total U.S. economic assistance of the 1960s—about $18 billion a year.

America is at a crossroads. We can choose to make a smart investment now or pay a steep price later. The relatively small amount of money we spend on foreign economic assistance serves as an engine for our future economic growth.

Mr. LEAHY. So, Mr. President, let us go on with this debate, as we will. As I said, I support the amendment of the distinguished Senator from Arizona. But let us understand that there are issues here beyond what might be in the applause line at a town meeting back home or at a service club meeting when you say, ''By God, we are taking the money away from those foreigners and putting it right here in America.'' We are not doing that really. When we cut back on all our programs for development and for democracy around the world, we cut back on the potential of American jobs in export, we cut back our own security, we increase the potential that our men and women will be sent into trouble spots worldwide, but also we ignore our moral responsibilities as a country with 5 percent of the world's population using over 50 percent of the world's resources.

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. MCCAIN. 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. MCCAIN. Mr. President, I ask unanimous consent to add Senator HUTCHISON and Senator COHEN as cosponsors of this amendment.

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

Mr. MCCAIN. 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. 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.

The question occurs on amendment No. 5017, as modified, offered by the Senator from Arizona [Mr. MCCAIN]. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New York [Mr. D'AMATO] is necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from New Jersey [Mr. LAUTENBERG] are necessarily absent.

I further announce that the Senator from New York [Mr. MOYNIHAN] is absent on official business.

The PRESIDING OFFICER (Mr. INHOFE). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 96, nays 0, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—96

Abraham	Feinstein	Lugar
Akaka	Ford	Mack
Ashcroft	Frahm	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Murkowski
Bond	Gramm	Murray
Boxer	Grams	Nickles
Bradley	Grassley	Nunn
Breaux	Gregg	Pell
Brown	Harkin	Pressler
Bryan	Hatch	Pryor
Bumpers	Hatfield	Reid
Burns	Heflin	Robb
Byrd	Helms	Rockefeller
Campbell	Hollings	Roth
Chafee	Hutchison	Santorum
Coats	Inhofe	Sarbanes
Cochran	Jeffords	Shelby
Cohen	Johnston	Simon
Conrad	Kassebaum	Simpson
Coverdell	Kempthorne	Smith
Craig	Kennedy	Snowe
Daschle	Kerrey	Specter
DeWine	Kerry	Stevens
Dodd	Kohl	Thomas
Domenici	Kyl	Thompson
Dorgan	Leahy	Thurmond
Exon	Levin	Warner
Faircloth	Lieberman	Wellstone
Feingold	Lott	Wyden

NOT VOTING—4

D'Amato	Lautenberg
Inouye	Moynihan

The amendment (No. 5017), as modified, was agreed to.

Mr. LEAHY. 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. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, for the information of Members of the Senate, Senator COVERDELL has an amendment pending which we are going to lay aside and immediately go to an amendment to be offered by the distinguished Senator from Maine.

I see Senator COVERDELL is on the floor. I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, just from a housekeeping point of view from this side of the aisle, if we have Democrats who have amendments, I wish they would contact me. We want to be as cooperative with the distinguished chairman as possible and slot these in. I would be happy to go to third reading in the next 15 minutes, if we could. I do not think that is possible. But I urge Senators to move as quickly as possible if they have amendments and get them up and go forth.

Mr. MCCONNELL. Mr. President, very quickly, there are 28 amendments that we are currently aware of. At least seven of those we now know we can accept. So we should be able to move along here with dispatch.

I see the Senator from Georgia is on the floor. Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 5018

Mr. COVERDELL. Mr. President, I ask unanimous consent to add Senator THURMOND and Senator HATCH as cosponsors to amendment No. 5018.

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

Mr. COVERDELL. Mr. President, I ask for the yeas and nays on amendment No. 5018.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Coverdell amendment be temporarily laid aside.

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

AMENDMENT NO. 5019

(Purpose: To promote the improvement of the lives of the peoples of Burma through democratization, market reforms and personal freedom)

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

The legislative clerk read as follows:

The Senator from Maine [Mr. COHEN], for himself, Mrs. FEINSTEIN, Mr. CHAFEE, and Mr. MCCAIN, proposes amendment numbered 5019.

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

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

The amendment is as follows:

On page 188, strike lines 3 through 22 and insert the following:

POLICY TOWARD BURMA

SEC. 569. (a) Until such time as the President determines and certifies to Congress that Burma has made measurable and substantial progress in improving human rights practices and implementing democratic government, the following sanctions shall be imposed on Burma:

(1) BILATERAL ASSISTANCE.—There shall be no United States assistance to the Government of Burma, other than:

(A) humanitarian assistance,

(B) counter-narcotics assistance under chapter 8 of part I of the Foreign Assistance Act of 1961, or crop substitution assistance, if the Secretary of State certifies to the appropriate congressional committees that:

(i) the Government of Burma is fully cooperating with U.S. counter-narcotics efforts, and

(ii) the programs are fully consistent with United States human rights concerns in Burma and serve the United States national interest, and

(C) assistance promoting human rights and democratic values.

(2) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any loan or other utilization of funds of the respective bank to or for Burma.

(3) VISAS.—Except as required by treaty obligations or to staff the Burmese mission to the United States, the United States shall not grant entry visas to any Burmese government official.

(b) CONDITIONAL SANCTIONS.—The President shall prohibit United States persons from new investment in Burma, if the President determines and certifies to Congress that, after the date of enactment of this act, the Government of Burma has physically harmed, rearrested for political acts, or exiled Daw Aung San Suu Kyi or has committed large-scale repression of or violence against the democratic opposition.

(c) MULTILATERAL STRATEGY.—The President shall seek to develop, in coordination with members of ASEAN and other countries having major trading and investment interests in Burma, a comprehensive, multilateral strategy to bring democracy to and improve human rights practices and the quality of life in Burma, including the development of a dialogue between the State Law and Order Restoration Council (SLORC) and democratic opposition groups within Burma.

(d) PRESIDENTIAL REPORTS.—Every six months following the enactment of this act, the President shall report to the Chairmen of the Committee on Foreign Relations, the Committee on International Relations and the House and Senate Appropriations Committees on the following:

(1) progress toward democratization in Burma;

(2) progress on improving the quality of life of the Burmese people, including progress on market reforms, living standards, labor standards, use of forced labor in the tourism industry, and environmental quality; and

(3) progress made in developing the strategy referred to in subsection (c).

(e) WAIVER AUTHORITY.—The President shall have the authority to waive, temporarily or permanently, any sanction referred to in subsection (a) or subsection (b) if he determines and certifies to Congress that the application of such sanction would be contrary to the national security interests of the United States.

(f) DEFINITIONS.—

(1) The term ''international financial institutions'' shall include the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the Asian Development Bank, and the International Monetary Fund.

(2) The term ''new investment'' shall mean any of the following activities if such an activity is undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that is entered into with the Government of Burma or a non-governmental entity in Burma, on or after the date of the certification under subsection (b):

(A) the entry into a contract that includes the economical development of resources located in Burma, or the entry into a contract providing for the general supervision and guarantee of another person's performance of such a contract;

(B) the purchase of a share of ownership, including an equity interest, in that development;

(C) the entry into a contract providing for the participation in royalties, earnings, or profits in that development, without regard to the form of the participation;

provided that the term ''new investment'' does not include the entry into, performance of, or financing of a contract to sell or purchase goods, services, or technology.

Mr. COHEN. Mr. President, this is one of the so-called Burma amendments. I will take a few moments to explain the nature of what I am seeking to achieve.

I am offering this amendment on behalf of myself, Senator FEINSTEIN, and Senator CHAFEE, and Senator MCCAIN. Let me begin, Mr. President, by stating that nothing that we do or say on the floor of the Senate today is going to magically bring democracy, freedom and prosperity to the long-suffering people of Burma.

Burma's history, since gaining independence after World War II, has been a series of oppressive regimes unable to set the Burmese economy on its feet, unwilling to grant the peoples of Burma the democracy and justice that motivated their heroic struggle for independence in the years leading up to the British withdrawal.

When decades of isolation and economic mismanagement gave way in the late 1980's to a transitional period under military rule, there was a slight glimmer of hope that Burma might finally be moving toward a more bright and democratic future. But stolen elections, student riots, and the jailing of democratic politicians, including the Nobel Prize winning leader of the democracy movement, Aung San Suu Kyi, soon made clear freedom's day had not yet arrived for Burma.

Over the past 5 years, Burma's military junta, the State Law and Order Restoration Council, or SLORC, as it is called—its acronym—has pursued policies of economic restructuring, leading to economic growth. But its continued oppressive tactics and the oppression of the forces of democracy, the use of conscripted labor, and the quest to pacify ethnic unrest in various parts of the country have all brought us to where we are today.

Mr. President, the amendment that I am offering seeks to substitute language that the Foreign Operations Subcommittee has offered in this bill.

While I disagree with the subcommittee's approach to the issue, I would like at this time to pay personal recognition to Senator MCCONNELL for his longstanding dedication to the issue of Burmese freedom. It is an issue little discussed in the Senate until recently. I think that the considerable attention the issue now receives owes a great deal of credit to Senator MCCONNELL's persistence to this issue. So I want to commend him for his untiring efforts, drawing our attention to this issue.

I want to also recognize Senator MCCAIN and Senator KERRY of Massachusetts for their sustained involvement in the debate over America's Burma policy.

Mr. President, the choice today is not whether the subcommittee's approach or the one that I am offering in this amendment is going to turn Burma into a functioning democracy overnight. Neither will accomplish that. And it is not a question of who is more committed to improving the lives of the Burmese people or who has greater respect for the tireless eloquence and courage of Aung San Suu Kyi. All of us involved in this matter respect Suu Kyi immensely and share

her aspirations for a democratic and prosperous future for the Burmese people.

But the question is, does the approach laid out by the subcommittee increase America's ability to foster change in Burma and strengthen our hand and allow the United States to engage in the type of delicate diplomacy needed to help a poor and oppressed people obtain better living standards, political and civic freedoms, and a brighter future as a dynamic Asian economy—one of the next of the so-called Asian Tigers?

I think, Mr. President, with all due respect, the answer is no. By adopting the subcommittee language the Senate will be sending the follow message:

That the United States is ready to relinquish all of its remaining leverage in Burma;

That America is shutting every door and cutting off all of its already-depleted stake in Burma's future;

That the Congress is ready to further bind the hands of this and any future administrations, taking away those tools of diplomacy—incentives, both in a positive and negative sense—which are crucial if we are ever going to hope to effect change in a nation where our words and actions already carry diminished clout.

All of us deplore the behavior of the Burmese junta. We all sense the plight of the Burmese people. We know the United States must support the forces of democratic change in Burma. I fully support the appropriation in this year's foreign operations bill to aid the democrats in the struggle.

I think we have to recognize the reality of the situation in Burma and our influence over there. Burma is not identical to previous situations in which the United States has successfully pressured governments who are antithetical to our values of democracy and freedom.

First, let me say Burma is not South Africa. Burma is not South Africa. Back in the 1970's and 1980's, the oppressive nature of the apartheid regime in South Africa led the Senate to impose heavy sanctions and isolation to end the regime. In order to do that, we had the support of not only our Western European allies but of the frontline nations, those surrounding South Africa, who also lent their support and joined in the effort to bring an end to apartheid.

Unlike South Africa in the 1970's and 1980's, Burma is not surrounded by nations ready to shun it. As a matter of fact, Burma's neighbors and other states in the region reject the view that isolating Burma is the best means to encourage change. They are pursuing trade and engagement, and will do so regardless of what we do or say. Those nations over there who are closest and in closest proximity are maintaining their relations with Burma, seeking to bring about change over a period of time. Isolating Burma is simply not going to work, and we will not have the support of our allies. We will not have the support of our Asian friends.

Second, Burma is not Iran. Do not make that comparison to Iran. The Revolutionary Islamic Government of Iran is known as a sponsor of terrorism and promoter of sectarian unrest throughout the Middle East and beyond. Not only does Iran flout the rights of its own citizens, it sponsors international terrorism, works to undermine neighboring governments and pursues the development of nuclear weapons. As a result of this, Iran is largely a pariah state. While we might have disagreements with our friends and allies around the world regarding our Iranian policy or our policy toward Iran, there is general recognition that the revolutionary government there is pursuing policies contrary to the interests of regional stability and peace.

There is no such consensus on the Burmese junta. While many of their neighbors express irritation about the refugee flow caused by the SLORC's ongoing battles with the various ethnic groups, they view the efforts to oust SLORC as a threat to peace and stability in the region. The subcommittee's proposal will not make American policy more effective or make possible a more cooperative policy or regional consensus in dealing with SLORC.

Let me say that Burma is not China. I do not happen to be a particular supporter of the Clinton administration's China policy in general. A central tenet of the policy is that the United States can threaten sanctions on Chinese exports to the United States in order to convince the government of Beijing to live up to its agreements. We have had a longstanding debate over our policy with respect to China. I know many people might disagree with the administration's proposal.

I recall, for example, when President Bush was in the White House, there was strong opposition coming from the Democratic side to having anything to do with China, because we wanted to impose sanctions because of their terrible record on human rights. I recall many Members stood on this floor and talked about the butchers of Beijing, kowtowing to the Chinese, and imposing this policy of sanctions. President Clinton, when he was candidate Clinton, adopted that policy. Then, when he took office, he saw it was not going to work. We did not have the support of our allies. We did not have the support of our other friends in Asia.

So the administration changed its policy toward China, and it is because of that we have some leverage; we have considerable leverage because the Chinese export many billions of dollars of goods to this country. So now, by engaging the Chinese, we are able to exercise some influence in some areas of concern to the United States, including human rights, but also with respect to our intellectual property rights, which we feel have been violated time and time again.

So we cannot compare this to China because we do not have that kind of policy leverage over Burma. We do not have the kind of export-import relationship with Burma that we have with China, so we do not have the leverage to help in bringing about change.

For all of the reasons I am suggesting, it is important we create a Burma policy in tune with the realities of Burma today and not the examples of South Africa, Iran or China. The alternative that I offer today sets a course for a coherent American Burma policy which upholds our values and, at the same time, expresses our interests in regional stability. It does, however, make American values and interests clear in a way that gives the administration flexibility in reacting to changes, both positive and negative, with respect to the behavior of the SLORC.

In addition, I hope that the amendment I propose would not only allow for exceptions to the subcommittee's proposal, but I want to create some conditionality here, Mr. President. I propose to allow exceptions to the policy of no assistance to Burma in three critical areas.

First, humanitarian assistance: We do not want to impose sanctions that are basically going to be directed against the people, the Burmese people. That is only going to impoverish them more. So I would have no sanctions across the board in terms of including humanitarian assistance.

Second, there is an exception for counternarcotics effort. The counternarcotics provision, I think, is important, because, as Senator MCCAIN has pointed out on so many occasions, the real victims of a failure to crack down on the narcotics trade in Burma are the millions of Americans who are harmed, both directly and indirectly, by our Nation's epidemic drug abuse.

Burma is estimated to be the source of two-thirds of the world's production of heroin. So, does it make sense for us to eliminate all efforts to have a counternarcotics program in Burma? Are we not serving our national interests by at least maintaining some policy consistent with trying to stop the flow, interdict the flow, find other alternatives for the Burmese people to replace their crops with other types of crops?

My amendment would allow a limited counternarcotics effort in Burma. It is certified to be in our national security interests in accord with our human rights concerns.

The subcommittee's bill would prohibit all counternarcotics efforts in Burma. My amendment would not end the flow of heroin, but I think at least it does not throw in the towel in an effort to stem that poisonous stream. The amendment I offered recognizes that, to be effective, American policy in Burma has to be coordinated with our Asian friends and allies. This is not the case of the unilateral actions offered by the subcommittee.

Mr. President, I have traveled in recent years throughout Southeast Asia, and I have discussed foreign policy, certainly, with many of the leaders there. Frankly, they do not see eye to eye with our policies. That does not mean that we have to necessarily conform our policies to the way in which they view the situation in Burma, but it does mean that we should look on each and every occasion to consult with and, when possible, cooperate with the other nations of ASEAN, if we hope to effect change in Burma.

It seems to me that we can get on the floor, point to the oppression of the Burmese junta, and we can satisfy ourselves that we are seeking to punish them. But if, in fact, we do not have the support of our allies, and we do not have the support of those neighbors in the region friendly to us who are seeking to work us with on a multilateral basis, then we can stomp on this stage here and produce no visible effect or improvement on behalf of the Burmese people.

Burma is located in one of the most dynamic regions of the world. It is the most dynamic region of the world. I suggest, Mr. President, that we have seen the flowering of democracy and freedom in parts of the world where values were quite alien to those that we support. We have seen developments, for example, in South Korea and Taiwan that have proven democracy can evolve out of formally authoritarian regimes. The same thing can happen in Burma. The best way to do that is to adopt a policy which gives the President some tools to influence the situation. The subcommittee's proposal is all sticks, no carrots. What we seek to do is give the President some limited flexibility to improve the situation on behalf of the Burmese people.

I hope my colleagues will recognize this is not an effort to contradict what the subcommittee seeks to achieve, but rather provides the President with flexibility. It does not matter whether you support this President or not.

Someone asked me whether or not I was carrying the water of the administration. Let me say, Mr. President, I have never considered myself to be a waterboy for anybody. I have never carried water for any administration, if I thought it was simply seeking to accommodate the administration. I think there is only one team. There is not a Republican or Democratic team; there is only one team when it comes to foreign policy. We all ought to be on the same side.

We ought to try to develop a bipartisan approach to foreign policy. I am not seeking to carry the water of the administration, any more than I have in the past, when I was accused of not acting on behalf of an administration. What we need to have is a policy which this President or, what I hope to be President Dole after the next election, has the flexibility to achieve the goals that we all desire, and that is the promotion of democracy and humanitarian relief.

Mr. MCCONNELL. I thank my colleague from Maine for his thoughtful presentation.

I know there are some others on the floor who would like to speak. Let me make a few observations here at the outset of the debate. My good friend from Maine mentioned that we had consulted with leaders in the area. The one leader that we have not consulted with is the duly elected leader of Burma, Aung San Suu Kyi. Her party won 82 percent of the vote in 1990. She is the legitimately elected head of a Burmese Government that has not been allowed to function. It has not been allowed to function because the State Law and Order Restoration Council simply disallowed the election, put her under house arrest until July 1995, and she still effectively is in that state. They say she is not under arrest anymore, but, in fact, she stays at home most of the time. That is the safest place to stay. She has to sort of smuggle out messages to the rest of the world.

So the one leader we have not consulted, Aung San Suu Kyi, has an opinion about the proposal in the foreign operations bill. The duly elected leader of Burma, receiving 82 percent of the vote, thinks that the approach in the underlying bill is the way to go. Maybe the other people in Indonesia, Korea, Philippines, and other places do not think it is the way to go, but the one who won the election, the Western-style supervised election in 1990, thinks that the only thing that will work are sanctions.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. MCCONNELL. Not yet. Mr. President, let me say that in terms of the pain to American business, there are only two companies, both of them oil companies, that are in there and plan to stay. Everybody else is pulling out. One oil company decided not to deal with this regime. Eddie Bauer pulled out, and Liz Claiborne pulled out. The retailers do not want to have anything to do with this crowd, which exists for the sole purpose of terrorizing its own citizens. They have a 400,000-person army, armed to the teeth, not because of any expansionist goal, but to suppress and abuse their own citizens. That is all they do. So if you want to do business in Burma, you cut a deal with the State Law and Order Restoration Council and you enrich them.

So in terms of the pain to American business, if this sanctions measure went into effect, it would affect only two companies—not like South Africa, in which my friend and colleague from Maine supported the South African sanctions bill, as did I. My friend from Maine voted to override the President's veto, as did I. A lot of others did, too, a good number of Senators who are still in the Senate on both sides of the aisle. That was actually a painful decision because there was a lot of American investment in South Africa that had to pick up and leave. There is no question about whether South African sanctions worked. They worked. Now, I know there is a feeling around here on the part of some that sanctions never work. The truth of the matter is that sometimes they do and sometimes they do not. We have to pursue these issues one at a time, in a pragmatic way, and consider what is appropriate in a given country.

I say to my friend from Maine, and others, that we did not start proposing unilateral sanctions the first year. I have been working on this issue for a couple of years, most of the time sort of by myself, because there are no Burmese-Americans to get us all interested in this. America is a melting pot, and a lot of Americans who came from other places get interested in foreign assistance bills. Whether they are Jewish-Americans, Ukrainian-Americans, Polish-Americans, they take an interest, or Armenian-Americans. There are not many Burmese-Americans. So this issue has not been on the radar screen here. But, as a practical matter, this is one of the most, if not the most, because it ranks up there with North Korea, repressive regimes in the world.

It has been 6 years since the election. The Bush administration did not pay any attention to the election, and neither is the Clinton administration. The problem I have with the proposal of my friend from Maine—and I know it is well-intentioned and popular with the other countries in ASEAN—is that I do not think it will have any impact, I say with all due respect, because the present administration has shown no interest in doing anything significant.

As I understand the proposal of my friend from Maine, it would, in effect, mean increasing aid to SLORC, since the Senate voted 50 to 47 in November to put off aid for narcotics. We all understand that the American interest in Burma is not because we have a lot of Burmese citizens; it is because we have a lot of Burmese heroin. If you wanted to look at it from a purely domestic point of view, that is the interest in Burma.

So I guess the question is whether there would be a serious narcotics enforcement effort by this crowd running Burma.

Mr. LEAHY. If the Senator will yield, I think I know the answer.

Mr. McCONNELL. I yield for a quick observation.

Mr. LEAHY. I think it would be safe to say that if past performance is any indication—and I think it is an indication —there would not be any help in stopping the heroin traffic by the group that runs it. I think the indication is that a number of them are benefiting very directly from this heroin traffic, as the Senator from Kentucky has pointed out before.

Mr. McCONNELL. The Senator from Vermont is right on the mark. Since SLORC seized power, opium production has doubled and seizures dropped 80 percent. The warlord, Khun Sa, has had a complete safe haven. That is the kind

of cooperation we are getting from the State Law and Order Restoration Council, which runs Burma with an iron hand.

Now, some will suggest that unilateral sanctions are a radical step. Well, there is precedent for it, and my friend from Maine mentioned some of the other countries. In many of them, we subsequently had help from others. I think it is reasonable to assume that if the United States takes the lead, we will not be alone. We will not be alone. Things are beginning to stir in the European Union, the European Parliament, and European companies. Two European companies pulled out just in the last week or so. So the movement is beginning.

If America will lead, there will be a lot of followers, not initially with ASEAN, I agree with my friend from Maine. They have the biggest investment there. I can see why they do not want to change the status quo. They are doing just fine. It is probably a lot easier for countries that do not have huge investments there to choose not to invest if they do not already have big investments. Certainly, it is not going to be much of a hit to U.S. business to take this step. But it is a beginning. It is a beginning.

We have pursued unilateral sanctions against Libya, Iran, and Cuba. So we have done this before. It is not completely unique. It is not a radical step. It has been 6 years, Mr. President, since the election over there—6 years of terrorism and murder, and the ASEAN countries are doing business and everybody else is ignoring it.

It seems to me, at this point, it is not reasonable to assume that this sort of constructive engagement is going to improve. There has been no improvement—none in 6 years. First, the Bush administration and then this administration either (a) has ignored the problem or (b) tried to engage in constructive engagement.

There are plenty of other Senators who would like to speak. I just wanted to lay out for the Senate, as we begin the debate, what the committee position suggests is not a particularly radical step. This is truly one of a handful of pariah regimes in the world. If the United States doesn't lead, who will?

I yield the floor.

Mr. THOMAS. Mr. President, I rise in full support of the COHEN amendment to the Burma provisions of H.R. 3540.

As the chairman of the Subcommittee on East Asian and Pacific Affairs, I strongly object to the present language in the committee substitute amendment. My problems with the provision are both procedural and substantive.

First, on the procedural issue, this matter is clearly one for an authorizing committee to consider, not—with all due respect—an appropriating committee. The subject matter of the provision is clearly legislative in nature; it has absolutely nothing to do with funding. Consequently, it has no business being included in an appropriations bill. In the House, this provision would be subject to a point of order on that grounds alone, and would have been formerly in the Senate too until the recent Hutchinson precedent.

Second, if enacted into law, the provision would create a significant change in our relationship with Burma. Although I will readily admit that our present relationship with Burma is not especially deep, the imposition of mandatory economic sanctions would certainly downgrade what little relationship we have. Moreover, it would affect our relations with many of our allies in Asia as we try to corral them into following our lead. Finally, and I have heard precious little from the manager of the bill on this, it would have a substantial and detrimental impact —to the tune of many millions of dollars—on several United States businesses with investments in Burma.

Consequently, the provision and its possible ramifications are a matter which should be carefully considered by the authorizing committees of jurisdiction: the Committee on Banking and the Committee on Foreign Relations. To date, Mr. President, neither committee has had that opportunity. The Banking Committee held a hearing on Burma sanctions several weeks ago. At that hearing, the committee heard from only the first of three witness panels; the first panel consisted of supporters of the legislation, while the second and third consisted of the administration—which is opposed to the bill—and sanctions opponents. The remainder of the hearing has been indefinitely postponed. Under those circumstances, I do not believe that it can be said that the Banking Committee has had an opportunity to fully consider the matter.

As for the Foreign Relations Committee, neither the full committee nor my subcommittee has held a hearing on Burma or the sanctions provisions in this Congress. We were prevented from holding hearings on the Burma sanctions bill [Mr. MCCONNELL] Senator from Kentucky because the Parliamentarian ruled it was referable only to Banking. Yet despite the fact that the provision strikes at the very heart of bilateral relations with Burma, neither Senator MCCONNELL or his staff has ever even discussed this matter with me or the chairman of the full Foreign Relations Committee. When Congress acts it should do so only after careful and considered deliberation, something lacking in this case, and not by a last-minute attachment to appropriations legislation.

Substantively, I believe the sanctions provided for in the bill are a completely ineffective way to get Burma's attention. We all know very well that economic sanctions only work if they are multilateral. We've seen that proven time after time.

It is clear that in this case, we would be the only country imposing sanctions. All of the ASEAN countries, especially those which border Burma, have told us point blank that they will not join us in imposing sanctions. They will continue their policy of constructive engagement with Burma, and they told a recent United States mission to the area that imposing sanctions would be foolish. In fact, Mr. President, no other country I know of has agreed to go along with proposed sanctions—no other country, Mr. President.

Therefore, we are left in a position of imposing unilateral sanctions, and unilateral sanctions are just like no sanctions at all. If we prohibit United States companies from doing business in Burma, foreign business with no similar handicap will be more than happy to step in and take our place. There is very little I can think of that we are in a position to supply to Burma which couldn't be supplied by a foreign country were we removed from the arena. This was a principal argument put forward by many Senators against imposing sanctions against the People's Republic of China. I wonder how many of those Senators are now arguing in favor of sanctions against Burma?

In addition, the Burma provisions strike me as somewhat hypocritical. The Socialist Republic of Vietnam, in same region, is a Communist country that routinely violates human rights and suppresses democracy; free speech is forbidden, opponents of the government are locked up for years, just like in Burma. But Mr. President, I don't see anybody moving to impose sanctions against that government.

On the contrary, we're doing everything we can to increase U.S. business there because we believe that's the best way to effectuate change. We've seen that increased business contacts are the best way to influence China; this seeming truism is the principal reason why we continue to renew China's most-favored-nation status each year. Most Senators have apparently concluded that the same is true for Vietnam. Why, then, are we taking a different position with regards to Burma?

Mr. President, I am the first to agree that democracy needs to be restored in Burma, that SLORC has to go, and that Daw Aung Sun Suu Kyi and her party are the rightful government of that country. Unfortunately, this bill is not going to bring us one step closer to bringing that about. All it is going to do is hurt U.S. companies, put us out on a limb without the support of our allies or other countries in the region, and make us look somewhat foolish.

For these reasons, I oppose the committee amendment and support the Cohen amendment. I strongly urge my colleagues to do likewise.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I rise in support of the Cohen amendment. I was part of a group that perfected an amendment and put out a ''Dear Colleague'' letter. It was similar in many

respects to the Cohen amendment. It had some significant differences, and we had a broad support I believe for that amendment. But, Mr. President, we have determined—Senator NICKLES and I, and other supporters of this amendment—that the differences between the Johnston-Nickles amendment and the Cohen amendment were not sufficient so as to divide our forces. And we believe that essentially this amendment incorporates what we think is the central thrust of our amendment. So, therefore, we support it, and I urge my colleagues to do so.

Mr. President, this is a difficult question. No one defends the SLORC, the group that is running Myanmar, or Burma. It is true they are a bad regime. They are not an Iran in the sense that they do not practice state terrorism. They are not a Nazi Germany in the sense that they engage in genocide. But they are plenty bad, Mr. President, and we do not defend them.

The question is: Would it be effective to do what Senator MCCONNELL has proposed? Would it be effective? Would it help achieve the end? Mr. President, I think it would do precisely and exactly the opposite.

Mr. President, to cut off American participation in Burma—not foreign participation but American participation—would be exactly the wrong thing. First of all, it is no sanction because Americans are less than 10 percent of foreign investment in Burma today and the total of foreign investment is less than Burmese send back—Burmese expatriates from around the world send back to their own country. The reason for this is because under the former leader of Burma, General Ne Win, who was there for over two decades, Burma was one of the most hermetically sealed countries on the face of the Earth. People did not go outside Burma. People did not come inside Burma. It was a totally closed not only economy but society that practiced the most cruel kind of repression; no doubt about that. It has only been in the last few years, Mr. President, that Burma has opened up at all. They have begun to let a little bit of light in. Indeed, Unocal, which is an American company, is in there together with Total, which is a French company, to develop the gas fields. Actually they want to send the gas to Thailand. The Thais are very strong supporters of this, as you might suspect.

And the question is: Is it good to have an American company, or would it be better to have Total, the French company, have the contract? Really that is the question proposed by the McConnell approach. I submit it is better to have an American company there.

Mr. President, I talked to the President of Unocal. He personally have been talking to these people in what we call the SLORC, the State Law and Order Restoration Council, the group that is running Burma. Whether or not he has been successful, or whether or not he is beginning to be successful, you can argue. But I can tell you, Mr. President, that the President of Unocal—an American—it is better to have him in there than to have only the French because the French and the Europeans have never really helped on human rights matters. I mean they never helped on China. They never helped on other countries around the world. It is always the United States who does the propagation of democracy and human rights. We have a Louisiana company that has a subcontract there.

The South Koreans are ready, willing, and able. And, as a matter of fact, it is grooming to take their place in Burma. I ask you, Mr. President. Do you think that the South Koreans are going to be in talking about human rights and democracy? Mr. President, it is much more likely that Americans will do so. When you have a country that has been so sealed off from Western influences, from civilizing influence, from moderating influences all these years, it is important to let the light in—the cleansing light of democracy, the cleansing light of Western civilization, the dynamic forces of the free market. It is better to let those in. Then you have something with which to sanction. If, just as they are letting the light in, you suddenly shut the light off, there is neither a sanction to be had nor a loss for the Burmese in continuing with their course of conduct.

My colleague from Kentucky says that there has been no improvement at all; that they have not responded at all. Mr. President, I would say that is debatable. We asked the Burmese to do a couple of things, both of which they did. We asked them to release Aung San Suu Kyi. They did, as my colleague from Kentucky says. She is not under house arrest. She stays at home because it is the safest place. Maybe so. But we asked them to do that, and they did that. She is not in prison. That is not much but it is something we asked them to do, and they did it.

We asked them to release the Members of Parliament. Most of them have been released. Several hundred have been released. There are a number which remain in prison. They say there is no Member of Parliament in prison, and rather cynically they are able to justify that by saying they decertified those Members of Parliament.

So I do not mean to make the case that the Burmese are responding completely, or responding in good faith, or that there is great reason to hope. But, Mr. President, there is some progress and some measurable progress where there was none before. When Ne Win was running that country, you could not even get American news media in; a member of the news media. Now, Mr. President, there is at least reason to hope.

My friend from Kentucky says Aung San Suu Kyi, that brave woman who did in fact win the election, has backed his position. Mr. President, I tried to read everything that she has said. I stand second to none in my admiration for her. She is a very brave woman. She has risked her personal safety to stand up for freedom and democracy in Burma. And I hope eventually that she will be successful.

But I am not aware—I was going to ask my colleague from Kentucky—if she has endorsed the specific language of the McConnell amendment. Has she endorsed this specific language?

Mr. MCCONNELL. I would say to my friend from Louisiana that I believe the answer to that is yes.

Let me read the quote. I have not shown her the language. She said that ''Foreign investment currently benefits only Burma's military.'' These are direct words from Aung San Suu Kyi. ''Foreign investment currently benefits only Burma's military rulers and some local interests but would not help improve the lot of the Burmese in general.'' She says, ''Investment made now is very much against the interests of the people of Burma.'' She said further, these are direct quotes in May 1996, this year: ''Burma is not developing in any way. Some people are getting very rich. That is not economic development.'' All of those are direct recent quotes.

I think it is safe to say that she hopes that we will begin these kinds of sanctions.

A further direct quote from the New York Times of July 19, 1996, direct quote: ''What we want are the kind of sanctions that will make it quite clear that economic change in Burma is not possible without political change.''

So I would say to my friend from Louisiana, the answer is no. I have not shown her the actual language. I am totally confident that she supports the approach that I have recommended.

Mr. JOHNSTON. Mr. President, I thank the Senator for responding on that. I think the answer to my question is—and I think the Senator was honest in saying—that Aung San Suu Kyi has neither seen nor endorsed this language, that she in fact endorsed sanctions, as the Senator from Maine [Mr. COHEN] has in his amendment. It is sanctions. One of the central questions is this. I made up a little poem. I am not as good at poetry as the Senator from Maine is, but my little poem is this:

A sanction will not a sanction be if it hurts the sanctioner and not the sanctionee.

What that means is if all you do is cost American jobs and influence by substituting, for Unocal, Total, a French company, when Unocal is trying its best to influence the SLORC, influence the government, doing what it can, and all you are doing is getting the Americans out and putting in the French, getting the Americans out and putting in the South Koreans, then I submit that is no sanction at all.

Now, we are told by my friend from Kentucky that there is precedent for this because we have taken unilateral sanctions against Iran and Libya and Cuba.

First of all, I think these three countries are greatly distinguishable, the first two practicing terrorism all around the world, and in the case of Cuba, shooting down American planes over international airspace. Whatever else you may say about Burma, they do not practice state terrorism, nor do they threaten their neighbors.

Moreover, my friend from Kentucky says that sanctions sometimes work and sometimes do not, and he talks about the example of South Africa. They did, in fact, work in South Africa where you had a united world. The whole world was united against South Africa. In the case of Burma, the United States, to my knowledge, has not one single ally. The nations of the area, the ASEAN countries, actively oppose sanctions and actively hope that we will engage Burma not just because they want to trade with Burma, and they do, but because they believe that the best way to sanitize that regime, to encourage a dialog, to bring democracy to Burma is by beginning to engage that country.

The European Union 2 weeks ago voted not to impose unilateral sanctions. Not even the Danes, whose diplomat there died in prison under very suspicious circumstances, are willing to engage in sanctions against Burma.

The Cohen amendment seeks to have our administration get other nations of the world to engage in multilateral sanctions. Multilateral sanctions will work. If we can engage the other countries of the region and of the world to cooperate with us in sanctions, that, in fact, will be a sanction and will not be what we call friendly fire. Friendly fire, as we found out in Desert Storm and as we have always known, never hurts the other side. It hurts yourself. It decreases our influence with Burma.

So, Mr. President, I strongly urge that we pass the Cohen amendment and that we seek to help bring democracy to Burma.

Mr. MCCONNELL addressed the Chair.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Kentucky.

Mr. MCCONNELL. Very briefly, I just wanted to make a couple of observations with regard to the comments of my good friend from Louisiana.

Aung San Suu Kyi has a cousin, an official spokesman, who resides in the United States and heads an organization called the National Coalition of Government of the Union of Burma. He is, in effect, Aung San Suu Kyi's spokesman in our country. He is here because he has to be here. He cannot be over there and continue to breathe. I have a copy of a letter dated July 12, 1996, from him on the very issue that we are debating here this morning. Dr. Sein Win says:

> The immediate imposition of economic sanctions against the ruling military junta is urgently needed. I do not take the impositions of sanctions on my country lightly.

He understands what we are talking about here.

> I and the democratic forces working to liberate our country know that foreign investment serves to strengthen SLORC. It is providing SLORC with the means to finance a massive army and intelligence service whose only job is to crush international dissent.

He goes on to say:

> The situation in my country has deteriorated into free fall.

He concludes by saying:

> I urge you to stand on the side of 42 million freedom-loving Burmese and support economic sanctions against this rogue regime.

I certainly agree with my friend from Louisiana that the State Law and Order Restoration Council is no threat to its neighbors. It is not. It is a threat to its own citizens. That is what this is, a regime of terrorism against the Burmese people. If we do not impose sanctions unilaterally, who is going to start this? Who is going to take the lead if the United States does not? Sooner or later, if the international community is going to notice what is going on there and take some steps, it is going to happen because of American leadership.

Mr. President, I know the Senator from Missouri is anxious to speak. I will come back to this later. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise today in support of the amendment by my colleague from Maine. I am very much concerned about the impact of the provisions in the underlying bill. Like most, if not all, of my colleagues, I would agree and agree wholeheartedly that the present conditions in Burma, or Myanmar, are deplorable. The conditions of SLORC cannot and should not be condoned. As I have said in the past on many occasions, their claim to govern is an illegitimate claim. Their hold on power through oppression and denial of human rights is one that I and, I believe, everyone else in this body would like to see come to end as soon as possible.

Aung San Suu Kyi and her party won an election in 1990 and I am confident would win again if another election were held today. SLORC came to power solely due to its ability to coerce. Period. End of story.

The question that we are now trying to answer is, how do we respond to the situation? How can the United States influence the activities of SLORC to bring about change in Burma and to bring the democratically elected government of Aung San Suu Kyi back to Burma?

One approach that is taken in the foreign operations appropriations bill is to try to achieve change in Burma through total unilateral sanctions—unilateral sanctions. This approach assumes that such actions will influence and pressure SLORC to change its behavior.

I have to commend my colleagues for their eagerness, their dedication and the leadership of the Senator from Kentucky to try to see that we do something to bring about change in Burma, but I am not convinced that cutting off what little contact we do have with that country will serve the positive purpose we seek. That action, in my opinion, will do nothing to bring about change in Burma. Such sanctions would be ineffective in achieving their purpose and would solely deny the Burmese people, the ones we are trying to assist in this whole debate, the positive effect of closer and deeper American engagement.

What would be accomplished by implementing sanctions unilaterally on a country where U.S. investment is relatively insignificant, minor, almost unimportant and would be quickly taken up by our competitors? We must remember that all of the nations of Asia and much of Europe, including France, Germany, and the United Kingdom, disagree with this policy of sanctions.

Like the Senator from Maine, I have had the opportunity to visit with leaders in the ASEAN countries, and I can tell you that they are not going to impose sanctions. They believe in engagement. They are going to continue to engage in Burma.

Is the progress toward peace, human rights, and the recognition of democratic principles more likely to be furthered by our withdrawing from the field? I think not. Sanctions did work in South Africa, but only because the United States was part of a much larger coalition. They do not work when we go in as the Lone Ranger and try to cut off our minuscule investment.

The Senator from Kentucky has given us quotes from Aung San Suu Kyi and her spokesperson, in which they talk about foreign sanctions. If all countries who are now trading with Burma could be enlisted, then there could be a major impact. But I can tell you from talking to—and mostly from listening to—the leaders of the countries that are the neighbors of Burma, that is not going to happen.

Burma is just beginning to open its doors to the outside world. There are neighboring countries and other countries in the world anxious and willing to go in. The opening is a unique opportunity that we have not seen before, an opportunity to help bring about change, to make things happen. Frankly, I am not so much concerned, not so much interested in the very small investment that our companies may now have in Burma. If we were part of an overall sanctions picture, I would say it would be worth it, if other countries would get out as well. But I can see us having a positive effect in the entire region if we continue to be involved, if we continue to have the opportunity to exercise U.S. influence to bring U.S. values to that country. It just makes sense.

How can we influence anything if we are the only ones outside the room while the rest of the world is carrying on without us, probably happy to see us play the self-righteous outsider and get

out? I cannot see how punishing United States firms by threatening to keep them out of Burma is an effective way to bring about change. United States presence, U.S. firms are the ones on the ground who can help spread American values.

Obviously, our global competitors and Burma's neighbors see opportunities arising in Burma. I fear they are more interested in monetary gain, in many instances, from such change and not the opportunity to bring about the political change that we in the United States are seeking. I can imagine that European and Asian trade competitors would be wildly supportive and happy to see total sanctions unilaterally imposed by the United States on its own companies.

Another possibility we must start considering is the security issue of continually isolating Burma. To do so could drive them into the arms of the Chinese. A strong security relationship between Burma and China is not, in my view, in the best interests of the United States. I fear to think what it would mean if such a relationship were to lead to a port in Southeast Asia for the Chinese Navy.

At this time the United States does not do much for Burma. We purchase a mere 7 percent of all Burma's exports and provide an insignificant 1 percent of its imports. We provide them no aid. We limit international financing by continuing to vote against loans to Burma through international financial institutions. Frankly, these votes are likely to be overridden by other voting countries who seek the opportunities that large-scale projects in Burma would provide. We have very little leverage even now with Burma. To isolate ourselves even further from that country would be to give up what little influence, what positive pressure for change we can bring.

The United States can either be at the table and foster meaningful dialog and negotiations, or we can walk out of the room. I believe that, recognizing the opportunity that SLORC is providing by opening Burma to foreign interests, staying and engaging the country's foreign leader is the best hope we have for fostering democratic change in Burma.

We all want to see change in Burma. We all feel that SLORC's actions are reprehensible and would like to see the legitimately elected government of Aung San Suu Kyi brought to power. I hope, while making efforts to bring about these results, we do not give up existing and future United States interests, not only in Burma but throughout Southeast Asia. I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. NICKLES. I compliment my colleague for an excellent statement. I echo his comments. I also compliment Senator COHEN for his amendment.

Senator JOHNSTON and I have been working on a comparable amendment. It is almost identical. We are not going to offer that. I think it is important for people to have one alternative to the language in the appropriations bill.

On page 188 in the bill, it says we are going to have sanctions against Burma. All of us want to change policies in Burma. Burma has been repressive. It has denied human rights. We need to make changes. So, how does the committee, or how does the language that we have before us in the bill, do that? First, it says, ''No national of the United States shall make any investment in Burma.''

Some people, some companies, some U.S. citizens have already made investments. We are going to say no more investments; no investments, period. That is a very stark punishment. I am not sure it is punishment so much on Burma and officials in Burma as it is on officials of the United States and people of the United States. The language continues. It goes on and says we will deny United States assistance to Burma.

The Cohen amendment does that as well, but it is a little more targeted. Under the language that we have in the bill, it says United States assistance to Burma is prohibited. Under the Cohen amendment it says assistance is prohibited except for humanitarian assistance. We are trying to help some people. There has been repression over there. It also says we could continue to have assistance in areas for counternarcotics. Right now there are a lot of narcotics coming from Burma. Should we not have United States assistance, some undercover, some open, used to investigate sources of heroin and other drugs that might be leaving Burma and ultimately end up in the United States? The language that is in the bill before us would deny any assistance, including counternarcotics efforts. I think that would be a serious mistake.

The idea of having a unilateral sanction, I think, is a mistake. I think, if we are going to have sanctions, they should be multilateral. If we are saying only the United States steps forward, no U.S. citizen shall invest, and no other country comes forward, there may not be any change whatsoever. Certainly, if we are going to have U.S. sanctions, I want my colleagues to consider—I will not be offering it at this time, but I was considering an amendment that we should at least have a report on the economic impact and whether or not it had any positive impact on achieving our goal.

If we have sanctions, certainly we want to know whether they are working or not working. We want to have the changes in Burma, but do we make those changes when we have unilateral sanctions affecting our very small investments? I doubt it. Certainly they can be offset by other countries.

Can you have changes when you have multilateral sanctions? Possibly. Sanctions are difficult in this day and age. When the Carter administration imposed a wheat embargo on Russia for some serious abuses, what happened is we lost markets to one of our weak competitors. In Russia, it was replaced by a lot of other countries—Australia, Argentina and other countries. They expanded their wheat base. They exported to Russia. Russia now does not buy as much from the United States. They buy from other countries. We just created another group of competitors in this particular one commodity. Did we change policy in Russia? I do not think so. I do not think that had, really, a triggering impact in making policy changes. I want to make the policy change.

Another important segment of the Cohen amendment is that it does give the President some discretion, some leverage, which will have influence on future decisions on Burma. Do we just want to punish them for past decisions, punish them or punish American citizens? I am afraid we will be punishing Americans more than we will be punishing the Burmese officials.

But more important, how do we change future behavior? I think the Cohen amendment does more toward changing future behavior because it says we are actually giving some discretion. If we do not see improvements, then some sanctions will come about, but the President and the diplomatic efforts can be using those for leverage. There is not a lot of leverage when it says no national of the United States can make any investment, the United States can give no assistance whatsoever. I am afraid that will not influence anything toward the positive.

Frankly, it will cost the United States. It will be taking investments away from American citizens, I think unquestionably, and I doubt it would have the economic impact desired by my colleague from Kentucky.

I respect greatly the efforts of the Senator from Kentucky. I know he believes very sincerely in trying to effect change in Burma. I happen to share the goal of my colleague from Kentucky. I just think the method toward best achieving that would be through the amendment offered by my colleague from Maine, Senator COHEN. I compliment him on that amendment, and I urge its adoption.

Mr. MCCONNELL. Mr. President, if I can say quickly to my friend from Oklahoma before he leaves, I appreciate his kind words about my work on this issue. If I heard him correctly—and I don't want to misstate his position—did I hear my friend from Oklahoma say that he thought assisting the regime there was a good idea? Maybe I misheard him.

Mr. NICKLES. Mr. President, no, I did not. I say to my colleague, I was referring to the section that says no assistance whatsoever. I would conclude that to prohibit U.S. contributions involved in any way dealing with, I think—we have exceptions for drug interdiction. Can we spend money in

Burma for drug interdiction, drug identification, undercover or otherwise? I think we should have an opportunity.

Mr. MCCONNELL. The current law forbids that. We just last year imposed a prohibition on dealing with SLORC. So this would, in effect, weaken existing law.

I wanted to make sure my friend from Oklahoma knew that. Existing law says no U.S. cooperation with SLORC on the drug issue, frankly because we don't trust them. So the Cohen amendment would actually weaken existing law in terms of the U.S. relationship with SLORC. I just wanted to make that clear.

Let me make a few observations about the argument that the approach we are recommending is inevitably going to be unilateral in nature and nobody will follow us.

Already there is action in the European Parliament. Let me point out to my colleagues what action has been taken this month in the European Parliament.

First, the European Parliament has condemned torture, arrests, detentions, and human rights abuses perpetrated by SLORC. Obviously, that is an easy thing to do.

It supports the suspension of concessional lending to SLORC, a little tougher step.

Third, the European Parliament has called upon members to suspend GSP for exports to Burma because of forced labor conditions.

And fourth, Mr. President, and most important, the European Union has called upon its members to suspend trade and investment with Burma.

The July 1996 European Union resolution restricts visas to SLORC officials and their families, something that is in the underlying bill and I hope we adopt.

The resolution restricts the movement of SLORC diplomatic personnel, suspends all high-level visits, demands full investigation and accountability for the death in custody of Denmark, Finland, Norway, and Switzerland's consul, Leo Nichols. Let me talk about Leo Nichols. Leo Nichols was Aung San Suu Kyi's best friend. He was the European consul who represented a number of European countries in Burma as a sort of local consulate official.

Leo Nichols was arrested a few months ago for the crime of possessing a fax machine, Mr. President. In Burma, if you are on the wrong side of this issue, you can be arrested for such things as possessing a fax machine. So Leo Nichols was arrested for possessing a fax machine and turned up dead. They had a hard time getting the body. He was denied medication.

All of a sudden, Europe discovered Burma, because a European citizen got treated the same way the Burmese citizens are treated on a daily basis—on a daily basis. All of a sudden, a European citizen got treated that way, and Europeans have all of a sudden gotten more interested in this issue.

So I raise this point to suggest that if America has the courage to take this step unilaterally, we will not be alone for very long. As a matter of fact, the rest of the world is getting interested in this issue. Secretary Christopher called me from Indonesia the day before yesterday to talk about this issue. Obviously, he supports the amendment of the Senator from Maine, and that is certainly OK.

Mr. COHEN. If the Senator will yield, I don't believe he does. He does not express support for this amendment.

Mr. MCCONNELL. I am sorry, I retract that. Let's put it this way. The Secretary of State would like a proposal, I think, that gives the administration wide latitude to manage this issue as they see best, and I hope it is not a misstatement of the Senator's amendment that it does give the administration a good deal of latitude.

Mr. COHEN. It gives the administration some flexibility. They would like more. Mine does not give them quite as much as they like.

Mr. MCCONNELL. I certainly would not want to misstate the position of the administration, but I am confident in saying the Secretary of State would prefer not to have unilateral sanctions. I think the Senator from Maine would agree with that.

I have been a little surprised the administration has not gotten interested in this issue, but I think they are getting more interested in the issue.

The point I was going to make before my friend from Maine stood up was what Secretary Christopher pointed out to me is it was discussed for an hour the other night at the ASEAN meeting. Previously, they acted like Burma was not there. Nobody talks about it. It is being forced on to the agenda, even in the part of the world that is least interested in doing anything about the regime, for all the obvious reasons. They have the biggest investment there.

So this is not going to go away, Mr. President. I don't know what is going to happen on the vote on the Cohen amendment, but it is not going to go away until SLORC goes away and until the results of the election in 1990 are honored.

I don't want to misrepresent at all the position of the administration on the Cohen proposal. All I can say is it is exactly what the administration and the National Security Council asked me to accept on Monday, but they will have to speak for themselves. This amendment, by the way, is not directed at the Clinton administration. The Bush administration was worse, from my point of view, on Burma than this administration has been. At least they discuss it occasionally.

So, Mr. President, let me just conclude this segment by saying I don't think we will be alone very long if we have the courage to take this step.

I yield the floor.

Mr. LEAHY addressed the Chair.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that John Lis, a Javits fellow currently working on Senator BIDEN's personal staff be extended the privilege of the floor for the debate.

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

Mr. LEAHY. Mr. President, I am perfectly willing to yield to whomever wants the floor. If no one is seeking the floor, I will suggest the absence of a quorum.

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. COHEN. 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. COHEN. Mr. President, I understand there are a number of Senators who would like to speak on this measure who cannot come to the floor at this time. So I am going to suggest the absence of a quorum in a moment, but then agree to lay aside this amendment so that other amendments that may be pending can be considered.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, there is going to be further debate on this amendment. But it is my plan, when Senator COHEN has completed, if there are no other speakers at this moment, to lay this amendment aside. I understand Senator SMITH is ready to offer an amendment that he will need a rollcall vote on. We will move to the Smith amendment.

Mr. COHEN. Could I just indicate for the record, during the course of the debate this morning the question of the administration's position was raised. I have since been apprised that the administration does lend its support to the Cohen amendment, which prior to the beginning of the discussion of this matter it did not. So perhaps they have been watching C–SPAN and have tuned in to see the better part of wisdom in supporting the Cohen amendment.

Mr. President, I ask unanimous consent that the letter, signed by Barbara Larkin, Assistant Secretary of State for Legislative Affairs be printed in the RECORD.

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

U.S. DEPARTMENT OF STATE,
Washington, DC.

Hon. WILLIAM COHEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR COHEN: The Administration welcomes and supports the amendment which you and others have offered to Section 569 (Limitation on Funds for Burma) of H.R. 3540, the Foreign Operations Appropriations bill. We believe the current and conditional sanctions which your language proposes are

consistent with Administration policy. As we have stated on several occasions in the past, we need to maintain our flexibility to respond to events in Burma and to consult with Congress on appropriate responses to ongoing and future development there.

We support a range of tough measures designed to bring pressure to bear upon the regime in Rangoon. We continue to urge international financial institutions not to provide support to Burma under current circumstances. We maintain a range of unilateral sanctions and do not promote U.S. commercial investment in or trade with Burma. We refrain from selling arms to Burma and have an informal agreement with our G–7 friends and allies to do the same.

On the international level, we have strongly supported efforts in the UN General Assembly and the International Labor Organization to condemn human and worker rights violations in Burma. At the UN Human Rights Commission this month, we led the effort against attempts to water down the Burma resolution. We have urged the UN to play an active role in promoting democratic reform through a political dialogue with Aung San Suu Kyi.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report. We note, however, that the working of two of the sanctions as currently drafted raises certain constitutional concerns. We look forward to working with you and the conferees to address this.

We hope this information is useful to you. Please do not hesitate to call if we can be of further assistance.

Sincerely,

BARBARA LARKIN,
Assistant Secretary,
Legislative Affairs.

Mr. COHEN. 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.

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

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

Mrs. FEINSTEIN. Mr. President, I rise to urge my colleagues to support the Cohen-Feinstein-Chafee-McCain amendment with respect to Burma.

Before I begin, I want to express my admiration for the distinguished manager of the bill, Senator MCCONNELL, who has almost singlehandedly brought this issue to the floor. He has been doggedly pursuing adjustments to our Burma policy for many months, and has focused the attention of the Senate and the administration on this issue in a way that would not have happened otherwise.

There is clearly no division, I think, at least, in this body, on the nature of the SLORC regime in Burma. It is an oppressive antidemocratic regime, and it has systematically deprived the people of Burma of the right to govern themselves. There is no disagreement on that point, I think, nor on the desirability of restoration of democracy in Burma.

The key question, though, we need to ask, is what is the most effective way to advance the goal? In order to answer that question, we need to have a clear understanding of what leverage we have, or lack of, on Burma. We also need to have a clear understanding of how other interests in the region will be affected. The key problem with the Burma provision, as I view it, in the bill before the Senate, is that it presumes we can unilaterally affect change on Burma.

I have come, as I have watched world events, to doubt that unilateral sanctions make much sense. It is absolutely essential that any pressure we seek to put on the Government of Burma be coordinated with the nations of ASEAN and our European and Asian allies. If we act unilaterally, we are more likely to have the opposite affect—alienating many of these allies, while having no real impact on the ground.

One of the key aspects of the amendment offered by the Senator from Maine is that it requires the President to work to develop, in coordination with members of ASEAN and other nations having major trading and investment interests in Burma, a comprehensive multilateral strategy to bring democracy and to improve human rights and the quality of life in Burma.

This strategy must include the promotion of dialog between the SLORC and democratic opposition groups in Burma. Only a multilateral approach is likely to be successful. Knowing that the ASEAN nations, who are moving now toward more engagement with Burma, not less, will not join us in sanctions at this time, it is clear that such a policy will not be effective. For example, on the Unocal pipeline, if we apply unilateral sanctions, the Unocal pipeline, which is now a joint venture between France and the United States company, will only be taken over by either Japanese interests—I am told Mitsui is interested—or South Korean interests. Therefore, what point do we really prove?

The Cohen-Feinstein amendment does recognize that there are steps we can and should take at this time. It does ban bilateral assistance to Burma, but it does so with three important exceptions. First, it allows humanitarian assistance, which is clearly a reasonable exception in the case of natural disaster or other humanitarian calamity. Second, it allows assistance that promotes human rights and democratic values, which clearly makes sense, since that is what we are trying to promote in Burma. Finally, it allows an exemption for counternarcotics assistance, if the Secretary of State can certify that the Government of Burma is fully cooperating with the United States counternarcotics effort, and that such assistance is consistent with United States human rights concerning Burma.

This last exemption goes to perhaps, I believe, our most important interest in Burma. Sixty percent of the heroin coming into the United States comes from Burma today, and it is a growing scourge on our cities. The Burmese Government is not cooperating with the United States counternarcotics interests and is benefiting from the drug trade. The President has decertified Burma on these grounds. But this exemption does recognize that if conditions change, it would be in our interest to be able to engage a cooperative Burmese Government in a counternarcotics policy. It is clearly in our interests to have this ability.

The Cohen-Feinstein amendment also directs the United States to oppose loans by international financial institutions to Burma, and it prohibits entry visas to Burmese Government officials, except as required by treaty obligations.

In addition, the amendment requires the President to report regularly to the Congress on progress toward democratization in Burma, improvement in human rights, including the use of forced labor, and progress toward developing a multilateral strategy with our allies.

The amendment gives us some leverage by making clear that the United States is prepared to act unilaterally if SLORC takes renewed action to rearrest, to harm, or to exile Aung San Suu Kyi, or otherwise engages in large-scale repression of the democratic opposition. The courage and dignity of Aung San Suu Kyi and her colleagues deserves respect and support from all of us. This provision may provide some measure of protection against increased oppression against them. We may be able to have the effect of nudging the SLORC toward an increased dialog with the democratic opposition. That is why we also allow the President to lift sanctions if he determines that Burma has made measurable and substantial progress toward improving human rights and implementing democratic government. We need to be able to have the flexibility to remove sanctions and provide support for Burma if it reaches a transition stage that is moving toward the restoration of democracy, which all of us support.

Mr. President, I thank my distinguished colleague from Maine for his leadership in crafting this amendment. He has worked closely with the administration, which supports his language. It represents the best policy, I believe, for us to play a role in moving Burma toward democracy. I urge my colleagues to support this amendment.

I yield the floor.

Mr. HELMS. Mr. President, with all due respect to the able Senator from Maine, whom I do respect, I have a problem with his amendment. His amendment is based on the premise that the United States should wait until a future time—nobody knows when—a future time to impose tougher sanctions against the illegal SLORC regime in Burma. The Cohen amendment for conditional sanctions provides for a ban on new investment only ''if the President [of the United States] determines and certifies to Congress that,

[at some future date,] the Government of Burma has physically harmed, rearrested for political acts, or exiled Daw Aung San Suu Kyi or has committed large-scale repression of or violence against the democratic opposition.''

Mr. President, the Government of Burma, the SLORC, S-L-O-R-C, as it is known, has already done enough to Ms. Suu Kyi, has already committed large-scale repression and violence, not only against the democratic opposition, but against the people of Burma.

We know there is forced labor in Burma. There is no question about that. We know that Burma is the source of more than 60 percent of the heroin finding its way into the United States, and we know that the SLORC regime is implicated in this trade. No question about it. However, we know that the people of Burma elected the National League for Democracy overwhelmingly in elections 6 years ago, and that it has been straight downhill ever since that time.

The Cohen amendment also provides a waiver to the administration. I have to ask the question—I do so with all respect—are we serious or are we not serious about Burma?

I support Chairman MCCONNELL and my other distinguished colleagues who have said, enough is enough. Let us stop allowing U.S. investment to prop up the SLORC regime's repression. I hope that colleagues will vote in that direction when the vote is taken. I thank the Chair and I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I want to thank the distinguished chairman of the Foreign Relations Committee for his support for the sanctions against Burma. We have been very patient. The chairman of the Foreign Relations Committee and I have been hoping since the Bush administration that some administration would take this matter seriously.

I do not know whether the chairman agrees with me, but it seems to me if there were a bunch of Burmese-Americans, we would have gotten interested in this a long time ago——

Mr. HELMS. That is right.

Mr. MCCONNELL. A long time ago because this is a country that ranks right up there with Libya, Iraq, Iran, and North Korea.

The proponents of the Cohen amendment will say they are no threat to their neighbors. I expect that is the case. But 400,000 of these highly armed, mean-as-a-snake troops, terrorizing their own citizens and locking up, as the Senator from North Carolina pointed out, the duly elected leader of this country in internationally supervised, Western-style real elections in 1990—they are a real pariah regime. Yet the crux of the Cohen amendment is, as the chairman of the Foreign Relations Committee pointed out, that it gives the President total discretion to keep on doing what he has been doing, which is nothing.

Mr. HELMS. That is right.

Mr. MCCONNELL. Nothing. So I thank the chairman for his support for this cause.

Mr. HELMS. I thank the distinguished Senator from Kentucky for the very great work he is doing. I thank the Chair.

BURMA SANCTIONS

Mr. MCCAIN. Mr. President, I am pleased to join Senator COHEN as an original cosponsor of his amendment to improve the language on Burma sanctions contained in the foreign operations bill. This amendment is constructive and a better approach to addressing the problem that Burma posses for American foreign policy.

All of us in this body want the people of Burma to enjoy their human rights. But we must avoid a policy that will only make us feel good, but that is unlikely to achieve the goals it is intended to serve. The approach advocated by the Appropriations Committee, while well-intentioned, is too precipitous. Imposing unilateral sanctions on Burma immediately and lifting them only at such time as the SLORC allows a democratically elected government to take power may even provoke a reaction from the Burmese regime which is the opposite of what the committee intends.

Burma's regional and investment partners do not share the intensity of our concern for democracy and definitely do not agree with the committee imposition of sanctions.

The *New York Times* Monday reported the attitudes of nations attending the weekend meeting of the Association of South East Asian Nations [ASEAN]. The Indonesian Foreign Minister is quoted as saying, ''ASEAN has one cardinal rule, and that is not to interfere in the internal affairs of other countries.'' Far from agreeing with those in the United States pushing for sanctions, ASEAN took the first step in admitting Burma as a member, giving it official observer status.

ASEAN's reaction is important because these are the nations, along with the People's Republic of China and the other nations of Asia, whose views most concern the ruling authorities in Burma. The United States accounts for less than 10 percent of foreign direct investment in Burma. It receives only 7 percent of Burma's exports and United States imports account for only 1 percent of Burma's total imports. Both Thailand and Singapore are bigger investors in Burma than the United States, as are France and Britain. Given these circumstances, it is hardly surprising that United States opinion carries less weight in Burma than it does elsewhere in the world.

Proponents of immediate and sweeping sanctions on Burma have often invoked the example of South Africa. Indeed, Burma may actually exceed South Africa in its repression. After all, as repugnant as the system of apartheid was, South Africa did provide at least a minority of its people with democratic rights while Burma systematically denies these rights to all its citizens. Burma certainly deserves the condemnation of all freedom loving people.

However, Burma is unlike South Africa in a number of ways which make sanctions unlikely to yield the same result.

First, United States policy toward South Africa was coordinated with our allies and that nation's most important trading partners. It was multilateral. There was no serious prospect that when our companies pulled out of the South African economy others would readily take their place, thereby undermining the effect of sanctions and making their chief victim American companies. Second, South Africa was much richer than Burma is today. Per capita income in South Africa was $2,000 when we imposed sanctions. In Burma today it is $200, one of the lowest rates in the world. South Africa had a stake in the world economy. Burma has just begun to develop an interest in attracting foreign trade and investment. Third, Burma is an overwhelmingly rural economy, with manufacturing accounting for 9.4 percent of GDP and 8.2 percent of employment. Fourth, the South African regime and the elite that supported it had historical connections to the nations censuring it. It was not only affected materially by the sanctions imposed on it, but many in South Africa who treasured their ties to the West were dismayed by their international isolation.

Burma has a long history of self-imposed isolation. Beginning in 1962, the leaders of Burma believed that their interests were best served by rejecting the pressures of the outside world. Even today, after Burma began an economic opening to the world, that opening is decidedly modest. Tom Vallely of Harvard has pointed out that Vietnam, a nation struggling with its own market reforms, approved more investment in 6 months than Burma did in 6 years.

We are right to call for the institution of the democratically elected government of the National League for Democracy. In 1990, the people of Burma participated in a democratic election, and overwhelmingly supported the National League for Democracy. The Burmese military thwarted that victory and remains in place today as a standing insult to the proposition of democratic self-rule. They have since ruled the nation with an iron fist. But as despotic as they are, the generals who now control Burma constitutes the de-facto government.

The amendment offered by Senator COHEN is an attempt to recognize both the rights of the Burmese people and the realities of power and history. It attempts to narrow the focus of our legislative efforts, and give the President, who, whether Democrat or Republican, is charged with conducting

our Nation's foreign policy, some flexibility. This amendment has the explicit support of the administration.

It has a number of specific advantages beyond giving the administration more flexibility. Conditioning an investment sanction on a significant deterioration in the human rights situation in Burma, namely the arrest of Aung San Suu Kyi or a general crackdown on the democratic opposition, is a key element which commends the alternative. I know that the committee is greatly interested in the safety and welfare of Aung San Suu Kyi. However, I believe it may have erred in not including such a targeted sanction in his own bill. If the language in the bill were signed into law, a ban on U.S. investment would come into effect immediately. If the prospect of a United States investment sanction is restraining them at all, I see no reason why the Burmese authorities would not rearrest Suu Kyi once the sanction is imposed. What would they have to lose? What would they have to lose in once again rounding up prodemocracy activists by the hundreds? The Cohen approach preserves our options while at the same time making perfectly clear the action that the United States would take if the situation deteriorates.

In the meantime, the Cohen amendment imposes three out of the four McConnell sanctions: prohibition of foreign assistance except humanitarian and counternarcotics assistance, U.S. opposition to multilateral lending, and the denial of U.S. visas to members of the regime. While doubts remain about the efficacy of even these limited sanctions, they will at a minimum demonstrate American displeasure with the situation in Burma. More importantly, a Senate vote in favor of the administration-supported Cohen amendment will demonstrate the unity and resolve of American policy toward Burma.

The two exceptions made by Senator COHEN to the prohibition on foreign assistance are, I believe, very constructive.

Last year, Senator KERRY and I fought to permit counternarcotic assistance for Burma. Ultimately, we failed, but the Cohen substitute, if passed, will once again permit this vital assistance. As my colleagues know, the United States has not provided assistance of this type to Burma since 1988, despite the fact that Burma is the source of more than 60 percent of the heroin on United States streets. Burma is the largest opium producer in the world. If we are ever to get a handle on the heroin problem in our own country, in addition to addressing demand, we will have to work with the Burmese. Engaging in the battle and achieving some degree of success will result, at the very least, in driving down the supply of opium and driving up the price.

To address the concerns of those who point to the possibility that counternarcotics assistance in the hands of the SLORC might give them the means to subdue its ethnic minorities, Senator COHEN's amendment requires the Secretary of State to certify that any proposed counternarcotic program is consistent with United States human rights concerns.

The other exception to a ban on assistance in Senator COHEN'S amendment is humanitarian assistance. The committee amendment makes no allowance for humanitarian assistance. If the intent of the sanction on humanitarian assistance is to withhold legitimacy from the regime, I believe its limited value in this respect would be vastly outweighed by the practical ineffectiveness of unilateral sanctions. I am unconvinced that gutting funding for Feed the Children and World Vision is going to make Burma any more disposed toward democracy.

I know that many Senators would rather not impose any sanctions on Burma. But the committee has decided to weigh in on the formulation of United States-Burma policy. The SLORC's repression of the Burmese people's pursuit of their God-given rights have made congressionally imposed sanctions on Burma inevitable. Senator COHEN has formulated an approach which is constructive and respectful of the prerogatives of the President, and more likely to positively influence the situation in Burma than will the sanctions adopted by the committee. I commend him for his work on this issue and encourage my colleagues to vote for the COEHN amendment.

I ask unanimous consent that a letter from the State Department to Senator COHEN in support of his amendment be printed in the RECORD.

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

U.S. DEPARTMENT OF STATE,
Washington, DC.

Hon. WILLIAM COHEN,
U.S. Senate.

DEAR SENATOR COHEN: The Administration welcomes and supports the amendment which you and others have offered to Section 569 (Limitation on Funds for Burma) of H.R. 3540, the Foreign Operations Appropriations bill. We believe the current and conditional sanctions which your language proposes are consistent with Administration policy. As we have stated on several occasions in the past, we need to maintain our flexibility to respond to events to Burma and to consult with Congress on appropriate responses to ongoing and future developments there.

We support a range of tough measures designed to bring pressure to bear upon the regime in Rangoon. We continue to urge international financial institutions not to provide support to Burma under current circumstances. We maintain a range of unilateral sanctions and do not promote U.S. commercial investment in or trade with Burma. We refrain from selling arms to Burma and have an informal agreement with our G–7 friends and allies to do the same.

On the international level, we have strongly supported efforts in the UN General Assembly and the International Labor Organization to condemn human and worker rights violations in Burma. At the UN Human Rights Commission this month, we led the effort against attempts to water down the Burma resolution. We have urged the UN to play an active role in promoting democratic reform through a political dialogue with Aung San Suu Kyi.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report. We note, however, that the wording of two of the sanctions as currently drafted raises certain constitutional concerns. We look forward to working with you and the conferees to address this.

We hope this information is useful to you. Please do not hesitate to call if we can be of further assistance.

Sincerely,

BARBARA LARKIN,
Assistant Secretary,
Legislative Affairs.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. MOYNIHAN], is recognized.

Mr. MOYNIHAN. Mr. President, I would like to speak to the amendment offered by the Senator from Maine as a substitute to Section 569 of this bill regarding sanctions against the regime in Burma.

Section 569 is similar to a bill, S. 1511, offered by the distinguished Senator from Kentucky, which I have had the honor to cosponsor, and others have done as well. This is very simply a test of how we will respond to democracy denied.

For the longest while now, from the time, I would suppose, of Woodrow Wilson's ''Fourteen Points,'' the United States has actively encouraged the spread of democracy and democratic institutions in the world, rightfully thinking that the world would be a safer and better place. We have seen in the course of this century events that would not have been thought possible at the outset.

Here at the end of the century, we see events that would not have been thought possible. Russia has had two presidential elections, the first in Russian history. Mongolia has had free elections. The distinguished Senator from Virginia was on the floor speaking just the other day about his experience as an observer in Mongolia. Not only did Mongolia have a free election, but they had observers from around the world and, principally, the United States to attest to that fact.

The movement towards democracy is not universal. It has never taken strong hold on the continent of Africa, and yet it now appears in Eurasia and in South Asia. The Republic of India has just had its 11th, I believe, national election since independence, an unbroken sequence of democratic elections, with one interval of national emergency but it was for a relatively short period of time and ended with the constitution intact.

The Government of Bangladesh has just had a free election between two formidable women political leaders who are descendants, in one form or another, of leaders previously deposed and shot, events that are too common in post-colonial nations. But they have

had a free election and picked an impressive new Prime Minister to form a government.

British India, as it was called, extended down to the Bay of Bengal on the eastern side and included not only Bangladesh but what is now Myanmar, formerly Burma. The choice between the term Burma and Myanmar is a choice of languages, Myanmar is a Burman term. It is a multiethnic state, with eight major ethnic groups, as all those states are, each with many languages—though none at the level of India itself. Burma has four principal languages and historically has had very strong disagreements on the periphery with the governments at the center in what was Rangoon. The name has been changed, which is a perfectly legitimate thing to do, by the military regime whose initials form the unenviable acronym SLORC, as if ''SLORCing'' out of the black lagoon.

This is a regime which has not simply failed to move toward a democratic government, but has overthrown a democratic government, imprisoned the democratically elected leaders, a Nobel Prize-winning Prime Minister, sir.

Burma is largely a Buddhist nation. Tensions between the numerous ethnic groups resulted in a long and not happy post-colonial experience.

I was once our Ambassador to India, and I remember visiting Mandalay, where we had a one-man consulate. I was being driven around. I came to the area of the city where there were Chinese language signs. I asked the Burmese driver, ''Are there many Chinese here in Mandalay?'' He said, ''Well, not many now, but before independence, the Indians and the Chinese owned everything around here. And that's why we had to have socialism.'' It was simply a form of expelling persons, moving in the general melee of the 19th century colonial Asia.

After a series of decent enough governments, possibly too passive from one event to another, the army seized control. Twenty years of a hard dictatorship followed, with a military junta headed by a general playing golf in the shadow of a pagoda, while a nation, a potentially rich nation, all but starved.

It is an experience we have seen before, nothing new, but it was cruelly inappropriate to Burma. I visited it at that time. Clearly, a land capable of great agricultural product, an industrial-capable people, ruined by government. They stayed ruined a long time, until they rose and realized, no, and in 1990, a free election at long last was held in Burma. The National League for Democracy won 82 percent of the vote, but the military junta did not step down.

This was not the beginning. This did not just happen suddenly. There was a movement for a democratic government that has been out in the jungles for a generation. I think if I had one photograph that would say to me more than anything else about our century, it would be a jungle clearing, I expect it would be up in the Shan state, where some 60 or so young men, aged 18, 19, 20—and this is at a time, about 15 years ago, when Ne Win was still in power.

Senator KENNEDY and I had made efforts such as Senator MCCONNELL is leading today. There in perfect English, perfectly formed letters, a white sign with black letters, script that must have been 30 feet long—these young men were holding this sign which said, ''Thank you Senators KENNEDY and MOYNIHAN.'' They were out in the jungle and they knew, and it mattered that they knew. It kept them going. What we think matters so much in the world on these matters.

The military regime that overthrew the democratic government—having stepped aside, then a coup immediately followed. The results of the election have not yet been implemented. The Prime Minister elected, Aung San Suu Kyi, has been released from house arrest, but only just barely. She has, you might say, a patio and a bit of garden, a front yard.

The world is watching. We are going to hear today—and we will not hear wrong—that if we impose these sanctions, American firms will lose opportunities, and European firms or Asian firms will take advantage of them. And that may be true. But I wonder for how long, and I wonder in the end at what profit. If our firms are strong and competitive and international, it is because of the principles the United States has stood for in this century, and should continue to stand for.

It is one thing when we find we cannot move a nation closer to democracy. Not many external forces can do that. It comes when the time is ready, then so often not even then. But when a democratic regime has not emerged, overwhelmingly supported by an oppressed people who have resisted that oppression, who have understood it, who looked abroad for any signs of support and seen in the United States, in this Senate Chamber, such support, emboldened, encouraged, and have risen to claim their rights as a people, only to have it crushed by a military regime, SLORC? No, sir.

This is the time for the United States to stand for what is best in our Nation, in our national tradition, what is triumphant in the world. This is not a time to allow the overthrow of the democracy. This is no time to beat retreat. This is a time for the McConnell provision for sanctions on Burma.

And I thank the Chair for your courtesy. I yield the floor.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. MOYNIHAN. Yes.

Mr. JOHNSTON. Mr. President, there is no peer in the Senate, in fact, in the country, of the Senator from New York in his knowledge of history. Therefore, I wonder, what is the basis of this hope that other countries, particularly Asian countries, would join in a unilateral action started by the United States?

Can the Senator tell me, outside of maybe the South African situation, where we have had luck with having others joining us unilaterally? If we cannot get the Europeans to join us with Libya, an international terrorist organization, Iran, the same, and Cuba, how in the world are we going to get them to join with sanctions against Burma?

Mr. MOYNIHAN. I do not claim that this is something easily done or we would have done it long since. But I think that it is something which can be done. I think the Republic of South Korea is so little interested in how we feel about matters of Burma, there are ways to suggest to the Republic of South Korea that it might well reconsider its position. Not for nothing do we have the United States Army divisions in Korea. If they think that is not really in their interest, that can be arranged, too.

I do not dispute the Senator's point. I simply make the argument that a matter of principle is at stake here. If it is costly, so be it. Principles are precious.

Mr. JOHNSTON. If I may follow further on the example you mentioned, South Korea. If you turn the clock back to 1962, when General Ne Win took control, he had control for over a quarter of a century. At that time, Burma was a relatively prosperous country. South Korea was not prosperous and was——

Mr. MOYNIHAN. Was devastated.

Mr. JOHNSTON. A totally repressive regime. The same, I think, would be said for our friends, the Taiwanese.

Mr. MOYNIHAN. Yes.

Mr. JOHNSTON. The difference between our treatment of the three is that we isolated Burma, and General Ne Win isolated himself, whereas, because of the cold war, we embraced the Taiwanese, we embraced the South Koreans. Today, having been isolated for over a quarter of a century, Burma continues to be the same country it was, maybe only worse than 30-odd years ago, whereas South Korea and Taiwan have developed into thriving, prosperous democracies.

Now, does the Senator see any lesson to be learned from this difference in treatment?

Mr. MOYNIHAN. Yes. Both Taiwan and South Korea have now established freely elected governments. If they were suddenly to be overthrown by a military coup, our position would have to be, in my view, very different. But it is just such a situation in Burma.

I have a letter here from the Office of the Prime Minister of the National Coalition Government of the Union of Burma, which says:

Dear Senator MOYNIHAN: I have been closely following the Burma sanctions bill on the Senate floor and I am extremely alarmed about the proposal put forth by Senator COHEN. As you are no doubt aware, the Senate vote is crucial because it will send a signal to both the prodemocracy movement and the military junta about how people in the United States view the struggle for democracy in Burma.

Mr. President, I ask unanimous consent this letter be printed in the RECORD.

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

NATIONAL COALITION GOVERNMENT OF THE UNION OF BURMA, OFFICE OF THE PRIME MINISTER,

Washington, DC, July 25, 1996.

Senator DANIEL PATRICK MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: I have been closely following the Burma sanctions bill on the Senate floor and I am extremely alarmed about the proposal put forward by Senator Cohen. As you are no doubt aware, the Senate vote is crucial because it will send a signal to both the prodemocracy movement and the military junta about how people in the United States view the struggle for democracy in Burma. Given the reality in Burma, the National Coalition Government categorically opposes Senator Cohen's legislation. The Senate cannot afford to send a wrong signal and there is no other time than now to express its support for the democracy movement through the imposition of economic sanctions.

Let me be clear, investments will not bring about better living conditions and democracy to the people because in Burma investments pay for the soldiers, buy the guns and the supplies and ammunition that is used to violently suppress the Burmese people. Daw Aung San Suu Kyi has called for the imposition of economic sanctions because it will hurt the ruling military junta. She has categorically expressed her wish that investments in the country cease until a clear transition to democracy has been established. The National Coalition Government fully supports Daw Aung San Su Kyi's call for sanctions and that is why we support Section 569 of the Foreign Operations Appropriations Act, ''Limitation on Funds for Burma,'' as tabled by Senator Mitch McConnell and co-sponsored by you.

There can be no middle ground here. As it stands now, the Burmese people are not benefitting from any investment coming into the country. These funds are tightly controlled by the military junta and serves to strengthen the oppression of the Burmese people. No entrepreneur can start a business in Burma without enriching either the members of the military regime, their close associates or relatives. The common people do not benefit from investments. I look forward to welcoming U.S. businesses helping rebuild our country once a democratically elected 1990 Parliament is seated in Rangoon.

The National Coalition Government also opposes any funding to the military junta in connection with narcotics control. I cannot see a logical reason for the United States to fund a military regime that conspires with and provides a safe haven to the heroin kingpin Khun Sa. It well known that the Burmese Army are partners in transporting the heroin that is devastating the streets of America.

I place my trust in the United States Senate to do the right thing. Each vote for sanctions is a vote for the democracy movement in Burma and our people who are struggling to be so desperately free.

Sincerely,

SEIN WIN,
Prime Minister.

Mr. MOYNIHAN. I yield the floor.

Mr. MCCONNELL. Mr. President, I know my friend from New York is in a conference and needs to return to it. I just wanted to commend the Senator for his longstanding interest and support for what we are trying to achieve in the underlying bill and further elaborate on the observation of Senator JOHNSTON.

I do not think we will be going this alone very long. Both the European Parliament and the European Union, this month, July, have begun to get interested in this issue because of the arrest and subsequent apparent killing of a man named Leo Nichols, who was a consulate official for a number of European countries and also happened to be, as my friend from New York knows, one of Aung San Suu Kyi's—

Mr. MOYNIHAN. He was murdered because he was found in possession of a fax machine.

Mr. MCCONNELL. So the Europeans are interested. One of their own has been treated like the citizens of Burma have been treated for years.

There is an indication that the European Parliament this month, I say to my friend from New York, called upon members to suspend trade and investment with Burma. We will be the leader of the parade.

Mr. MOYNIHAN. When the United States leads, others will follow. I am proud to be associated in this regard.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Washington Post on this issue, ''Burma Beyond the Pale.''

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

[From the Washington Post, July 20, 1996]

BURMA BEYOND THE PALE

On JUNE 22, James ''Leo'' Nichols, 65, died in a Burmese prison. His crime—for which he had been jailed for six weeks, deprived of needed heart medication and perhaps tortured with sleep deprivation—was ownership of a fax machine. His true sin, in the eyes of the military dictators who are running the beautiful and resource-rich country of Burma into the ground, was friendship with Aung San Suu Kyi, the courageous woman who won an overwhelming victory in democratic elections six years ago but has been denied power ever since.

Mr. Nichols's story is not unusual in Burma. The regime has imprisoned hundreds of democracy activists and press-ganged thousands of children and adults into slave labor. It squanders huge sums on arms imported from China while leading the world in heroin exports. But because Mr. Nichols had served as consul for Switzerland and three Scandinavian countries, his death or murder attracted more attention in Europe. The European Parliament condemned the regime and called for its economic and diplomatic isolation, to include a cutoff of trade and investment. Two European breweries, Carlsberg and Heineken, have said they will pull out of Burma. And a leading Danish pension fund sold off its holdings in Total, a French company that with the U.S. firm Unocal is the biggest foreign investor.

These developments undercut those who have said the United States should not support democracy in Burma because it would be acting alone. In fact, strong U.S. action could resonate and spur greater solidarity in favor of Nobel peace laureate Aung San Suu Kyi and her rightful government. Already, the Burmese currency has been tumbling, reflecting nervousness about the regime's stability and the potential effects of a Western boycott.

The United States has banned aid and multilateral loans to the regime, but the junta still refuses to begin a dialogue with Aung San Suu Kyi. Now there is an opportunity to send a stronger message. The Senate next week is scheduled to consider a pro-sanctions bill introduced by Sens. Mitch McConnell (R-Ky.) and Daniel Patrick Moynihan (D-N.Y.). This would put Washington squarely on the side of the democrats. Secretary of State Warren Christopher, who will meet next week with counterparts from Burma's neighbors, should challenge them to take stronger measures, since their policy of ''constructive engagement'' has so clearly failed.

The most eloquent call for action came last week from Aung San Suu Kyi herself, unbowed despite years of house arrest and enforced separation from her husband and children. In a video smuggled out, she called for ''the kind of sanctions that will make it quite clear that economic change in Burma is not possible without political change.'' The world responded to similar calls from Nelson Mandela and Lech Walesa. In memory of Mr. Nichols and his many unnamed compatriots, it should do no less now.

Mr. JOHNSTON. Will my friend from Kentucky yield for a question?

Mr. MCCONNELL. I am happy to yield to the Senator.

Mr. JOHNSTON. In that same July meeting of the European Union, did they not reject sanctions against Burma?

Mr. MCCONNELL. I do not know whether that was on the agenda or not, but even if they did have it on the agenda, and if they did not approve it, that was July. We are just getting started here.

The point the Senator from New York and I are making is, if the United States leads, it is reasonable to believe others will follow.

Mr. JOHNSTON. Can the Senator name me some examples of where that has happened, other than South Africa?

Mr. MCCONNELL. Poland, South Africa.

Mr. JOHNSTON. I say other than South Africa.

Mr. MCCONNELL. Why rule South Africa out? I think South Africa is precisely the parallel.

Mr. JOHNSTON. But the whole world was united.

Mr. MCCONNELL. Mr. President, the United States led in South Africa, and others followed. That is what we suggest here. The United States ought to stand up for what it believes in, ought to put its principles first. There is every reason to believe that with American leadership, the rest of the world would follow. That is what this is about.

I yield the floor.

Mr. CRAIG. Mr. President, I want to discuss some concerns I have about section 569 of the Foreign Operations Appropriations bill, H.R. 3540—limiting funds for Burma. Before I begin outlining my concerns, I want to thank my colleague from Kentucky, Senator MCCONNELL, for pursuing this issue. While we may disagree on the details of the best policy to pursue with Burma, we wouldn't even be having this important discussion without his leadership

on this issue. In addition, I doubt that we would be pursuing a much needed comprehensive, multi-national policy toward Burma. Without such an effort, we could certainly find ourselves on the floor of the Senate in the future, reacting to some catastrophic event in Burma, having done nothing constructive in the interim.

Mr. President, Burma is a nation I have never visited or studied. I do not come to the floor today to debate this issue as an expert on Burma. However, I know more than a little about its poor record on human rights. What we need to debate here is the efficacy of mandatory unilateral sanctions in the case of Burma.

While we all hope for some small signs of change, I think we all share the concern that hope is not enough to live on—especially for the Burmese people. We recognize the problem there and want to develop a policy to address that problem.

Any change will be slow in coming. However, while patience and persistence will rule the day, we need to nurture an environment in which all Burmese people are respected and treated both humanely and fairly.

In short, we need to look at putting forward a policy that will encourage the changes we seek. In addition, that policy should not negatively impact U.S. nationals and business—without the benefit of establishing changes in Burma.

The United States represents a small percentage of foreign investment in Burma. It is my understanding that depending on the survey, the U.S. ranks anywhere from third to seventh. Regardless, the private investment presence there is not on a grand scale that would likely have any crippling effects on the operations of the current government in Burma, the State Law and Order Restoration Council—commonly referred to as the ''SLORC.''

In addition, indications from our trading partners in Europe and the region do not demonstrate movement toward the application of sanctions.

Cutting off this trade by prohibiting U.S. nationals' private investment will not affect the current governing regime in Burma. However, it will affect American companies and American jobs. Unilaterally forcing American companies out of Burma at this time will simply provide an economic opportunity for other nations, who will quickly step forward to assume the contracts and business opportunities of the departing American companies.

American companies have taken risks and borne all the startup costs for the contracts they hold in Burma. If their departure results in replacement by companies from our trading partners in Europe and the region, any influence we might have wielded in this foreign policy game is lost. All indications at this time lead me to believe that any gap left by U.S. companies in Burma will quickly be filled by others.

In addition to the loss of that private level of interaction between Americans and Burmese, the benefit of jobs for Burmese citizens with American companies is also lost.

Mr. President, in order for the United States to encourage Burma to move toward a free society, an American presence should be felt. This is best done by private investment in the local economy. Private investment and other nongovernmental cultural exchanges can provide an important link with the people of Burma.

Mr. President, let me be perfectly clear, I do not support oppressive actions such as those taken by the SLORC in its efforts to prevent the citizens of Burma from exercising their basic human and political rights. Likewise, I do not support abandoning the 43 million people who live in Burma by withdrawing all American presence. Many times, unilateral sanctions hurt only those at the bottom of the economic scale, when the intended targets are those at the top.

Mr. President, at the core of this debate is the efficacy of unilateral sanctions as a tool of foreign policy to encourage change. And, more specifically, the usefulness of unilateral sanctions in the case of Burma. I feel very strongly that mandatory, unilateral sanctions are not the most effective tool of foreign policy.

I do not support impacting private industry in this manner if the projected policy will not yield the intended response. We must all realize that while we seek change, Burma is not South Africa, nor is it Iran. We face a unique situation, and the effectiveness of mandatory unilateral sanctions must be judged independently.

Mr. President, it is very important, not only for the United States but for other nations as well, to evaluate the situation in Burma and what ways we can work both independently and together, that will encourage the improvements in human rights and will move Burma toward a free and democratic society.

I support amending section 569 of this bill to address the concerns I have outlined here today. We can encourage humanitarian relief, drug interdiction efforts, and promote democracy. I believe that these activities, in addition to denying multilateral assistance through international financial institutions, and the establishment of a multilateral strategy will provide the best roadmap to reach these goals.

Mr. MCCONNELL. Mr. President, I think that concludes—at least for this phase—the number of speakers we have on the Cohen amendment. Senator SMITH is here to offer an amendment.

Senator LEAHY and I would like to use this opportunity, before Senator SMITH lays down his amendment, to get approved amendments that have been cleared by both sides. There are eight amendments.

With the permission of the Senator from Maine, I ask unanimous consent that the Cohen amendment be temporarily laid aside.

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

AMENDMENTS NOS. 5020 THROUGH 5026, EN BLOC

Mr. MCCONNELL. Mr. President, I send amendments, en bloc, to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], proposes amendments, en bloc, numbered 5020 through 5026.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 5020

(Purpose: To allocate foreign assistance funds for Mongolia)

On page 119, strike lines 6 and 7 and insert in lieu thereof the following:

''(h)(1) Of the funds appropriated under title II of this Act, including funds appropriated under this heading, not less than $11,000,000 shall be available only for assistance for Mongolia, of which amount not less than $6,000,000 shall be available only for the Mongolian energy sector.

''(2) Funds made available for assistance for Mongolia shall be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.''.

AMENDMENT NO. 5021

(Purpose: To restrict the use of funds for any country that permits the practice of female genital mutilation)

At the appropriate place, insert the following:

FEMALE GENITAL MUTILATION

SEC. . (a) LIMITATION.—Beginning 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution to use the voice and vote of the United States to oppose any loan or other utilization of the funds of their respective institution, other than to address basic human needs, for the government of any country which the Secretary of the Treasury determines—

(1) has, as a cultural custom, a known history of the practice of female genital mutilation;

(2) has not made the practice of female genital mutilation illegal; and

(3) has not taken steps to implement educational programs designed to prevent the practice of female genital mutilation.

(b) DEFINITION.—For purposes of this section, the term ''international financial institution'' shall include the institutions identified in section 535(b) of this Act.

AMENDMENT NO. 5022

(Purpose: To earmark funds for support of the United States Telecommunications Training Institute)

On page 107, line 23, strike ''should be made available'' and insert ''shall be available only''.

AMENDMENT NO. 5023

(Purpose: To delete a section of the bill relating to a landmine use moratorium)

On page 184, line 6, delete the word ''MORATORIUM'' and everything that follows through the period on page 185, line 3.

Mr. LEAHY. Mr. President, this amendment deletes a section I included in the bill entitled ''Moratorium on Antipersonnel Landmines.'' This section simply reaffirmed current law. Having received the assurance of the Armed Services Committee that the House conferees on the fiscal year 1997 Defense Authorization bill will recede to the Senate on the certification requirement relating to the landmine use moratorium that is in the House version of that bill, I am striking this section in the fiscal year 1997 Foreign Operations bill. This assures that current law, which provides that beginning in 1999 the United States will observe a 1-year moratorium on the use of antipersonnel landmines except in certain limited circumstances, remains in effect as originally adopted by the Senate by a vote of 67 to 27 on August 4, 1995.

I appreciate the efforts by the chairman of the Armed Services Committee, Senator THURMOND, and his staff, who negotiated this agreement with the House conferees. I also want to thank the chairman of the House National Security Committee, Representative SPENCE, for his part.

AMENDMENT NO. 5024

(Purpose: To provide additional funds to support the International Development Association)

On page 177, line 24, after ''Jordan,'' insert the following:

''Tunisia,''

On page 178, line 2, after ''101–179'' insert the following:

'': *Provided*, That not later than May 1, 1997, the Secretary of State shall submit a report to the Committees on Appropriations describing actions by the Government of Tunisia during the previous six months to improve respect for civil liberties and promote the independence of the judiciary.

Mr. LEAHY. Mr. President, my amendment, which is cosponsored by Senator INOUYE, adds Tunisia to the list of countries that is eligible to receive excess defense equipment from the United States. I am offering this amendment because of Tunisia's support for the Middle East peace process, its geographical location between Libya and Algeria, and the fact that its armed forces do not have a history of engaging in violations of human rights.

Recently, Tunisia opened interests sections with Israel. This was a courageous step, and it is important that the United States affirm its support for Tunisia's positive role in the Middle East peace process. Additionally, Tunisia is located in an unstable and dangerous part of the world. Colonel Qaddaffi is unpredictable, and he has made no secret of his displeasure with Tunisia's actions vis a vis Israel. Algeria, on Tunisia's western border, is struggling with civil unrest stemming from clashes between the secular government and a fervent fundamentalist movement.

So while I am extremely concerned about the proliferation of conventional weapons in this volatile region, I understand the administration's purpose and I am prepared to support modest amounts of excess defense equipment to Tunisia.

However, this amendment also takes into account the serious human rights concerns that I and others have about Tunisia. According to the State Department and respected international human rights monitors, civil liberties are severely curtailed in Tunisia. Lawyers, journalists and human rights activists are frequently harassed, intimidated, jailed and otherwise mistreated for expressing their political opinions. Nejib Hosni, a well-known human rights lawyer, has been accused of various misdeeds and imprisoned, after an unfair trial. Mohammed Mouadda, leader of the largest opposition party in Parliament, has been similarly silenced. Dr. Moncef Marzouki, former president of the independent Tunisian Human Rights League, has been repeatedly harassed and his passport has been revoked. These are only three examples, but they illustrate a disturbing pattern.

In addition, the State Department reports that the Tunisian judiciary is ''not independent of the executive branch, and that judges are susceptible to pressure in politically sensitive cases.''

The Tunisian Government should recognize that it only hurts itself by acting this way. By attempting to silence its critics, especially individuals who do not advocate violence, it creates resentment and closes out alternative forms of expression, which can lead to violence. This is the antithesis of democracy.

This amendment requires the Secretary of State to report on actions taken by the Tunisian government to improve respect for civil liberties and to promote the independence of the judiciary. Our hope is that the Tunisian government will treat these concerns with the seriousness they deserve, and initiate a sincere effort to deal with these human rights problems on an urgent basis.

AMENDMENT NO. 5025

(Purpose: To provide additional funds to support the International Development Association)

On page 135, line 7, delete ''$626,000,000'' and insert in lieu thereof ''$700,000,000.''

Mr. LEAHY. Mr. President, the United States was instrumental in creating the International Development Association, which provides concessional loans to the poorest countries in the world. In this bill we have cut our contribution to IDA $308 million below what the President requested.

The request for fiscal year 1997 was $934 billion, and that only covers the arrears we already owe. The money in this bill for IDA is $74 million below the current level.

This amendment will bring our contribution to IDA up to the current level. That is still $234 million below the President's request, but it will at least show that we intend to do everything possible to prevent further erosion of support for IDA.

Some may think it does not matter if we maintain our leadership in IDA. They should talk to our economic competitors.

They know that IDA is a worthwhile investment, because of the contracts their companies get from IDA-financed projects and, even more importantly, the foreign markets IDA helps create. They know their ability to influence IDA policies is a direct function of their contributions. As we cut our contribution and our influence wanes, their influence grows.

It is influence many people here would miss, because with it the Congress has had a major role in making IDA lending procedures more open and subject to public scrutiny, and in eliminating wasteful policies. Money buys influence in these institutions, there is no two ways about it.

Mr. President, 40 percent of IDA lending goes to Africa, where the population is expected to more than double in the next 50 years. It would be unconscionable for the richest nation to cut its contribution to the largest source of funding for the poorest region in the world, which is potentially one of the largest emerging markets for American exports.

People need to realize that foreign assistance is not simply assistance for foreigners. It supports our own economic and political interests.

This is a critical year for IDA. When the United States indicated to the other IDA donors that we would not be able to contribute to IDA's replenishment this year and could only continue to pay off our arrears, the Europeans established an interim fund to get through this year without a U.S. contribution.

The administration supported that. But the Europeans made a miscalculation, by insisting that the U.S. would not be eligible for procurement for projects financed by the interim fund. While I can understand why they did that, since the interim fund consists entirely of their money, I believe it is misguided as a matter of policy to impose procurement restrictions on IDA-financed projects. I would say that if it were the United States or any other country that was being penalized, and whether it were IDA or any multilateral institution.

I would have liked to see us fully fund the President's request. That was not possible, since our budget is less this year than last. But I am hopeful that by maintaining our current level of funding, the Europeans will see that we are doing our best to eliminate our arrears, so we can go on to support IDA's replenishment. With the budget cuts we are facing there is only so much we can do in any single year.

I hope the Europeans will recognize the significance of what we are doing, and relent on the procurement restrictions. I think it is in everyone's interest that the United States remain a strong supporter of IDA, and that is not likely if these restrictions remain in effect.

Mr. President, there is one final aspect to this I want to mention. There has been a lot of talk about what percentage of IDA procurement American companies receive. Considering IDA alone, it is about 10 percent, largely because American companies have far less experience doing business in Africa than European companies. But when you consider World Bank and IDA contracts as a whole, U.S. procurement is about 20 percent, which is consistent with our share of contributions.

I thank the chairman of the subcommittee, Senator MCCONNELL, for accepting this amendment.

AMENDMENT NO. 5026

On page 148, line 10 through line 13, strike the following language, ''That comparable requirements of any similar provision in any other Act shall be applicable only to the extent that funds appropriated by this Act have been authorized: Provided further,''.

Mr. McCONNELL. Mr. President, in this group of amendments, there is a Bumpers amendment on Mongolia, a Reid amendment on female mutilation, an Inouye-Bennett amendment on USTTI, three Leahy amendments, and one McConnell-Leahy amendment on authorization restrictions.

Mr. LEAHY. Mr. President, we have no objection to those.

The PRESIDING OFFICER. Without objection, the amendments are agreed to, en bloc.

The amendments (Nos. 5020 through 5026) were agreed to.

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

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

The motion to lay on the table was agreed to.

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

AMENDMENT NO. 5027

(Purpose: To strike funds made available for the Socialist Republic of Vietnam)

Mr. SMITH. 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 New Hampshire [Mr. SMITH] proposes an amendment numbered 5027.

Mr. SMITH. 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 105, line 17, strike ''provided further,'' and all that follows through the colon on line 21.

Mr. SMITH. Mr. President, this is really a very simple amendment. I will not take too much of the Senate's time to discuss it. Oftentimes, little things that seem rather insignificant get tucked inside these bills that ought to be looked at more carefully, and they do cost the taxpayers a considerable amount of money. I think this is an example of one of them.

The amendment that I am offering removes a provision that now exists in the committee bill that provides up to $1.5 million in taxpayer assistance for the Communist Government of Vietnam for economic assistance. I want to point out to my colleagues that this is not humanitarian foreign aid. This is economic assistance that is above and beyond what we would call humanitarian aid.

Very specifically, the bill language states:

Funds appropriated for bilateral economic assistance shall be made available, notwithstanding any other provision of law, to assist Vietnam to reform its trade regime through, among other things, reform of its commercial and investment legal codes.

The committee report language, I say to my colleagues, is even more revealing. It is more specific. It says: ''The initiative seeks to assist the Government of Vietnam's efforts to develop trade relations with other nations through reforming its legal system and trade regime so as to provide the necessary framework for commercial transactions, foreign investments and trade.''

I might just say that, depending on your point of view, it may or may not be a worthwhile vote. The question is, should the taxpayers of the United States of America provide that help when, in fact, there are companies who will stand to gain substantially if this trade does take place? In other words, under the bill, the money from the American taxpayers will be spent for the cause of making a Communist nation more attractive to corporate America. A Communist nation—this does not go to the people of Vietnam. This goes to no humanitarian aid here; this goes to the Communist Government of Vietnam.

Mr. President, I believe this is wrong, pure and simple. That is why I am offering this amendment to strike this provision. We are in a very difficult time. A lot of cuts—we are trying to balance the Federal budget. When you talk about $1.5 million, that may not seem like a lot of money; it is a lot of money where I went to school, a lot of money in most families in America unless you hit the lottery—$1.5 million to the Communist Government of Vietnam. We do not provide that kind of dollars to Cuba or North Korea. Why are we doing it to Vietnam?

The majority of Americans have been very clear over and over again to this Congress in making their voices heard—reduce foreign aid spending. This is hardly the time to start a new foreign aid program for a Communist country. I know those who disagree with me will say the opposite, but the truth of the matter is, this is the camel's nose under the tent. This is the beginning of foreign aid to a Communist country; $1.5 million is so small when you look at some of the other line items in the foreign aid bill, but it is a substantial sum of money for many, many families in America today who, I am sure, would love to have just a very small part of that $1.5 million to help with their budgets, perhaps their fuel oil, or paying for the mortgage, or feeding their children.

Why are we providing this money? Why are we putting $1.5 million tucked in, hidden in the language of this bill, in the report language? Why are we doing this? Who stands to gain? What is the purpose of this? This is not a case—I want to make this very clear—this is not a Vietnam bashing situation. It has nothing to do with POW's and MIA's. It has nothing to do with MFN. It has nothing to do with how you feel about normalization, or opening up diplomatic relations with Vietnam. That is not the issue. We have already debated that. So let us not get into that corner. But Vietnam is not a struggling democracy out there like some of the Eastern European countries who are trying to come out now from under the cloak of communism.

Vietnam criticized the U.S. Government in its relationship with Cuba by applying the sanctions tighter to Cuba, criticized President Clinton and criticized Senator Helms and others for Helms-Burton. This is not a democracy that is getting this $1.5 million. It is a Communist government, not the people, the Communist Government of Vietnam. They just finished holding their Communist Party meetings in Hanoi last month. So they are still there. They are still repressive. They still have people in forced labor camps. There is still repression.

Why do we provide from the pockets of the American taxpayers $1.5 million to encourage the investment of corporations from America? Again, that debate has been lost. Corporations are investing in Vietnam. Let them pay their own money to invest in Vietnam. They will get a return for their money. The taxpayers do not need to help some of the largest corporations in America to the tune of $1.5 million.

Again, I want to point out that this is not humanitarian aid. This is not helping kids who have lost their limbs in the war. It is not helping people get an education, helping people who may have illnesses. That is not what this is about. We have done that before, and I have supported some of that because I believe that in war innocent people do suffer. Unfortunately, that is the case and in the case of Vietnam, that was the case. Innocent people sometimes suffer on both sides of the war, and I have supported humanitarian aid for some of those people. But the committee provision represents nonhumanitarian assistance for the Government of Vietnam. There is a big, big difference.

I want to again repeat it for emphasis because it is the essence of the argument: This is nonhumanitarian aid. This is helping the government, the Communist repressive regime of Hanoi, to do better business with American businesses.

I want to point out, Mr. President, that in the same bill that we are debating here on the floor, there is a provision which prohibits foreign aid to

countries like Vietnam that are in default. It says here—this is again the same bill, the exact same bill, Mr. President, under ''limitation on assistance to countries in default,'' section 512: ''No part of any appropriations contained in this act shall be used to furnish assistance to any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this act.''

Let me just say that this provision has been law for 20 years. Every year it is in the committee bill and every year it is passed and signed into law. I am sure it will again happen this year. Why is it in there? It is in there because we do not want to reward countries who owe us money that have not paid us back by giving us more. That is why it is there.

So I want to draw the attention of my colleagues to a report from the Agency for International Development dated July 3, 1996, which I have sent around to every Senator's office. I hope every Senator will look at it because it is important.

According to this report which I just cited, Vietnam has been in violation of this law, the law that I just referenced, since May 29, 1976, 1 year after the North invaded and conquered the South. When it toppled the South, we all remember the helicopters, the people falling off rooftops and falling off helicopters in that terrible tragedy, when the tanks from the North roared through Saigon, when it toppled the South, North Vietnam automatically incurred responsibility for over $150 million in economic loans owed to the United States by the Government of South Vietnam. Those dollars are still on the books, Mr. President. The country of Vietnam still owes that money. It is still unresolved.

I am told that negotiations to resolve this debt have been underway between the United States and Vietnam for sometime now, but no timetable for an agreement is in sight. So with $150 million of outstanding debt being held up, not being paid, we now slide quietly, ever so slightly, sleight-of-hand, tucked into this bill a little paragraph that says: ''Here is another $1.5 million. We are going to reward you. You owe us $150 million. You are still a repressive Communist regime. You repress your people. And now we are going to trade with you, and that is fine.'' That decision has been made. I don't agree with it. The decision has been made. But the question is, should those who decide to trade, some of the largest corporations in America, should they be given another $1.5 million of taxpayers' money to further their efforts in Vietnam to a country, A, that is Communist, B, that is repressive to its people, and, C, that has not paid its debt back to the United States of America? That is the basic question. I know that there are a lot of big issues out here on this bill and other bills that we face here in Congress, but these little issues, so-called, really are a lot bigger than they appear to be.

That was not easy. We had to read this bill to find this.

Let me just say there are other countries that are on this list of countries that owe us money, and they are in violation of the Brooke amendment. They are such countries as Syria, Afghanistan, Sudan, Somalia, and others.

So the question you have to ask yourself is, should we reward this country with another $1.5 million—just under the table: Here it is? Why should we be asked to make an exception for Vietnam in this bill for nonhumanitarian assistance? What is the reason? Why was this tucked in the bill without debate, without any information regarding the background of this surfacing? Why should we make an exception for Vietnam among other nations in the world that also owe us money? Why should we be asked to circumvent the intent of Congress?

My colleagues, that is what we are doing, because it is very clear in the legislation, very clear, as I said, under section 512, that ''no part of any appropriation contained in this act shall be used to furnish assistance to any country which is in default.''

So the language is placed in the bill ''notwithstanding any other provision of law,'' which basically wipes this off for the country of Vietnam—no explanation, no rationale, just tucked in the language. So why are we doing it in this manner?

In conclusion, Mr. President, we should not be authorizing a new foreign aid program on an appropriations bill for the first time in this clandestine, undebated, secretive manner. That is the issue. That is what we are doing.

This is neither the time nor the way to start a new development assistance program to promote trade with Vietnam regardless of the amount of money involved. These things tend to grow. We all know that once an economic aid program begins—the Senator from North Carolina, who is in the Chamber, knows full well once a bureaucracy is started, once an aid program is begun, it is pretty hard to keep it from getting an increase, let alone eliminated. It reminds me of the Market Access Program which the majority of my colleagues have voted to scale back.

So we should keep in mind this is not a case where the taxpayers have to fund this, No. 1. IMF, the International Monetary Fund, has helped Vietnam. United States dollars go into that. The World Bank, United States dollars go into that. They help Vietnam. The Asian Development Bank, they have already given Vietnam millions of dollars in loans to help their economy develop. These loans are supported by United States tax dollars in part.

You can make a case that we should not do that, but I am not making that case. I am saying those are already out there. That is another issue. So why provide another $1.5 million in bilateral economic assistance when we are already contributing through multilateral organizations?

There are also private foundations helping Vietnam, helping in the reform of its commercial code, such as the Ford Foundation and IRI.

I can certainly think of, as I said before, a lot better use of $1.5 million. I am simply asking that we delete it. My amendment simply deletes the dollars, and I do that because I think we can use it better. A, we can put it on the debt, which would be my first choice, or B, we might be able to use it for something else, for some other more needy cause. There are lots of causes out there that I think are deserving of dollars ahead of this if we want to put $1.5 million somewhere.

I think the American people would agree.

So, again, Mr. President, this is a small amount of dollars in a big bill and in a big budget. I agree with that. But it is not a small amount of dollars for the average family in America today struggling to make ends meet. The problem is there are a lot of these little $1.5 million tucked away through the 13 appropriations bills as they weave their way through Congress. They all add up, as Senator Dirksen used to say, to real money. A million there, a million there. Then it is $1 billion, $1 billion here and $1 billion there. Then it is $1 trillion. I do not even know what comes after $1 trillion. What is it, quadrillion? I do not know. But it adds up.

This is a small item. Granted, maybe it is not worth an hour of debate, somebody will say, but let me tell you something. If you take care of dollars, hundreds of dollars, thousands of dollars, and millions of dollars, you will take care of billions and trillions. They will take care of themselves.

This is a very important statement we are going to make here. If this amendment is defeated, if my amendment is defeated, what we have said is that providing additional taxpayer aid to the country of Vietnam, a Communist nation like Cuba, is more important than helping children, helping the sick, helping people with AIDS, helping people who need help with their education, their student loans or retiring, helping to retire the national debt.

Again, I cannot emphasize more strongly how I feel that it is wrong to put this in this legislation. So let me, at this point, Mr. President, before yielding the floor, ask for the yeas and nays on my amendment.

The PRESIDING OFFICER (Mr. ASHCROFT). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SMITH. I yield the floor.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President and Members of the Senate, on a bipartisan

basis, by big majorities, we have in recent years voted, first, to lift the sanctions against Vietnam, and then to open diplomatic relationships with Vietnam because we believe it is important to engage Vietnam not only in civilized discourse, but to bring them into the community of nations. We have had that debate, and this has been successfully completed as far as those of us who wish to engage Vietnam are concerned.

How do we complete the circle? How do we help Vietnam become the kind of nation we want it to be? Or to put it another way, what do we want Vietnam to do? I think if there is one thing we want Vietnam to do it is to follow the rule of law, to be a law-abiding country rather than to be a Communist country.

The two are at opposite ends. To be Communistic is not to be a rule-of-law country. To be a rule-of-law country is the opposite. So what we have done here is, working with the Vietnamese, to authorize AID to spend up to $1.5 million, not in aid to Vietnam but to give to the American Bar Association, the American Law Institute, and the U.S.-Vietnam Trade Council to help send experts to help Vietnam develop the rule of law. Not one cent of this goes to the country of Vietnam, Mr. President—not one cent. What we will do is what we did with Eastern Europe, and as a matter of fact this initiative, which was my initiative in the committee, is patterned after that which we had for Eastern Europe. After the fall of communism in Eastern Europe, they found that they had no legal system in Poland, in Czechoslovakia, et cetera. And the American Bar Association sent over lawyers and judges and others, many of them contributing their time, to help them develop a legal system, a commercial code, a bankruptcy code, a criminal code—all of the codes; and then to train the judges to help run the system. That is what we want to do for Vietnam. The Vietnamese have welcomed this. I spoke to the United States-Vietnam Trade Council. I said the thing you can do to best ensure investment in Vietnam, to ensure you will be brought into the community of nations, is to develop a legal system to follow the rule of law. They were willing and now are anxious to have this kind of aid.

Within the last 2 weeks, a group of legal scholars from Vietnam were here in Washington and I visited with them, including the head of the Vietnamese bar association as well as Vietnamese judges. They are eager and anxious to learn how to put together a legal system modeled on the American system. If there is anything we want for Vietnam, how can anyone in this body be against Vietnam adopting the rule of law? How can anybody in this body be against training Vietnamese judges to follow the law, Western-style law, propagated by the American Bar Association? I just do not understand.

The reasoning seems to be this. Vietnam is a repressive regime, says my friend, Senator SMITH. Therefore, do not give them aid in following the rule of law. That does not compute, to say you are repressive therefore we are not going to help you be less repressive; you are repressive, therefore we are not going to give you and your citizens legal protection. It does not compute.

Let me also say the whole predicate for this, which is the so-called Brooke amendment, which says you do not give foreign aid to a country that owes you money—in the first place this is usually waived. It has been waived for a broad number of countries: Colombia, Bolivia, Peru, Nicaragua, a host of African countries, Eastern European countries. Beyond that, the good news is on the $150 million that is owed by the Vietnamese—which, by the way, was incurred largely before this regime came in—we have come to closure and agreement, as I understand it, on all but about $8 million of that $150 million. And there has been a commitment to settle the whole thing.

The Vietnamese are trying to do what they can. They have agreed to resolve and most has been resolved. And even when it is not resolved, with other countries it is waived. But besides that, it is not foreign aid. The question is will it help Vietnam? You bet it will help Vietnam. It will help make Vietnam a law-abiding rule-of-law country. And that should make it easier for companies to invest there.

What is wrong with that? Do we want this Communist country to stay Communist? Or do we want them to have a legal code? It is as simple as that. For the life of me, I do not understand the reasoning that says it is wrong to help Vietnam follow the rule of law. I think that is a non sequitur and I hope the Senate will roundly reject the Smith amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I ask unanimous consent to add Senator THOMAS as a cosponsor to my amendment.

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

Mr. SMITH. Let me just briefly respond. The Senator from Louisiana is correct in terms of waivers being applied in the past for countries. I think he mentioned Colombia and Peru. That is true. And in most cases where such waivers were granted, it was related to narcotics, in the sense that we wanted to try to help them to stop the flow of narcotics into this country. I think if any Senator wanted to look up the background on that, they would find out that is the reason for the waiver. I think in most cases they were voted on, these waivers, in the Senate, and not tucked into a foreign operations bill.

Let me also say I am all for Vietnam coming around to the rule of law. I hope it happens before the end of my speech. But is it happening? If they supported the rule of law they would have free elections. The last time I looked I do not think there are free elections in Vietnam. If they supported the rule of law they would not be imprisoning people throughout their country without charging them with anything.

So, to say we are going to put $1.5 million of taxpayers' money into this trade council to get into Vietnam to encourage them to live by the rule of law, we could make the same argument with Cuba. How about North Korea or Libya? Why do we not pump a few million dollars in there and see if we can get them to abide by the rule of law?

Let me also respond to the position regarding assistance. For Eastern Europe, true, we do provide that kind of assistance. But Eastern Europe is not Vietnam. Eastern Europe broke out from under the yoke of communism. They are struggling democracies. They have gotten out from under this Communist tyranny. It is true and I support it. It is true we should provide and I support providing moneys to help those countries to set up a rule of law and to set up a viable free enterprise, free market system, and to continue to grow out from under the yoke of communism which they are doing so well right now. That is a different situation.

They first must make the decision that they want the rule of law. When they make the decision that they want the rule of law, then they deserve help. And they made that decision when they threw the Soviet Union out, when they broke up the Soviet Union and threw out the Communist tyranny. Vietnam has not made that decision, unfortunately. Not only have they not made it, they have criticized us pretty openly in recent times, criticized the President of the United States, criticized this Senator, Senator HELMS, and criticized others in the so-called Helms-Burton amendment here regarding our treatment of Cuba.

Mr. JOHNSTON. Will the Senator yield on that point?

Mr. SMITH. Certainly.

Mr. JOHNSTON. The Senator is aware that Vietnam is anxious to have aid from the American Bar Association in helping them develop the rule of law. We have not had that kind of request from Libya and Cuba and others. They are anxious to develop the rule of law. They want the American Bar Association in there to help them do that. That is what this is all about. Is that not true?

Mr. SMITH. I do not know that you can say emphatically and without any doubt that Vietnam is ready to embrace the rule of law. I think, if I understand this amendment and I understand the debate here, it is more likely that we are trying to encourage them through these dollars to embrace the rule of law and to make it easier for companies who do business there to do so under some legal system. That would be my interpretation of it. I do not think Vietnam has embraced the rule of law and said we will embrace the rule of law if you provide us this $1.5 million.

My point is, I say to my friend, the issue here is really: Have they made the decision and is it fair for us to put $1.5 million in aid in there when we have this money that is already owed us? Why make an exception? That is the issue.

Mr. JOHNSTON. If my friend will yield, what Vietnam has said is that they are anxious to have this aid. I mean this legal help from the ABA and the International Law Institute. They are anxious to have this aid because they want to develop this system.

They are in the process of developing a commercial code, a civil code, training their judges in criminal codes. Part of it is helping them draft the laws, and part of it is in training the lawyers and the judges, and they want this. They were in my office just 2 weeks ago. What is wrong with that?

Mr. SMITH. Let me tell you what I think is wrong with it. You are hoping that this works, and it may. No one can answer that question today. But it didn't work in Europe until after communism fell. I don't think that you can bifurcate law saying what is here on one side, business law, is good and not abiding by the rule of law in terms of its treatment of its own people, in terms of imprisoning people without having them charged. I don't think you can bifurcate those things and say this is OK and we will just overlook this.

Mr. JOHNSTON. Is my friend saying he will not give aid to help them change the legal system until the legal system is already changed?

Mr. SMITH. No.

Mr. JOHNSTON. At that point, they don't need any help.

Mr. SMITH. What I am saying is I think the right approach is to say to Vietnam, ''You owe us $150 million. Let's work out a payment schedule instead of avoiding it and ducking it. Let's work out a payment schedule to return the $150 million that you owe us,'' and once that schedule is set up and we begin to see payments coming back for that, then we can work with them to try to help them set up a legal code that not only applies to helping big business or business do business in Vietnam, but also helps the people of Vietnam who are suffering at the hands of a system that does not really have a rule of law.

Mr. JOHNSTON. On that point, how would my friend say that we should give that aid? What would be the method of helping them set up that legal system?

Mr. SMITH. I think we would say to the Vietnamese Government, ''We want you to repay.''

Mr. JOHNSTON. I understand. But after they made that decision and you say it is right then to help them set up a legal system, would you not use the American Bar Association and the International Law Institute, the United States-Vietnam Trade——

Mr. SMITH. The American Bar Association, I say to my friend, certainly has the financial capability to send lawyers to Vietnam to sit down and discuss with them how they might set up a legal system without having $1.5 million of the American taxpayers' money. The American Bar Association donates tens of millions of dollars to political campaigns, frankly in my friend's party more than my own. I think they certainly have the capability of $1.5 million to go over there, if that is important to them, to set up this business structure.

But it would help also that instead of just setting up a business structure to see to it that profits can be made, I hope they also will work on helping these poor, unfortunate souls who sit in prisons for years and years and years without even having charges brought against them because there is no legal system. That is my point.

This is not a situation where we go back and replay the normalization argument or the MFN argument or diplomatic relations argument. That is over. But I do think we need to make a statement that this country is still a hard-line Communist regime.

I have been there. I love the Vietnamese people. I have traveled all over Vietnam. I have friends there, people I have met. I like the Vietnamese people. I think they would benefit from a good legal system in that country. I don't think just providing $1.5 million in aid is the way to get it. That is the issue.

The issue is very simple, you either support $1.5 million in foreign aid to a country that still owes us $150 million that is a hard-line Communist regime or you don't. If you feel that is justified, then you vote against my amendment.

I yield the floor, Mr. President.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I came to the floor to address another amendment, which, as I understand, has been laid aside so this amendment could be considered.

I have listened with interest to both sides, and I almost have no dog in this fight, but I have to agree with the distinguished Senator from New Hampshire. The American Bar Association, if it is so interested in this program, could raise $1.5 million, or whatever it is, before they go to lunch today, get on the telephone.

The point I think that Senator SMITH is making is that every time somebody gets an idea, let's do this or let's do that, they ask the taxpayers to pay for it. They don't raise the money themselves privately when they could. Some of the fattest cats in this country think up ideas to be financed by the American taxpayers.

As the result of all this, this Government is in debt well over $5 trillion. I went in the cloakroom one day a couple of months ago in connection with a report I have been making daily since 1992, stipulating and reporting the exact Federal debt as of close of business the day before. We were approaching $5 trillion at that time. I think we met it a day or two after that. I stepped in and some Senators were sitting there. I said, ''How many of you know how many million are in a trillion?'' These are the people who ran up this debt for the young people of this country to pay. Not one was certain about the answer. There are 1 million million in a trillion, Mr. President, as the distinguished occupant of the Chair knows.

We have run up this debt by saying, ''This is a good thing to do, let's let the taxpayers pay for it.'' ''This is a good thing to do, let's let the taxpayers pay for it.'' ''This is a good thing to do; oh, this is going to pay for itself.''

How many times have I heard that? Senator SMITH said these ''temporary programs.'' I bet you 75 percent of the programs that are started by the Federal Government and approved by the Congress are identified as ''temporary Federal programs.''

For example, the Agency for International Development, when it was approved by Congress back in the fifties, was a temporary Federal program. So was ACDA. So is this one and that one, and so forth. All of them are ''temporary programs'' still going strong with thousands of employees being paid for by the taxpayers.

I think that is the point that Senator SMITH is making. Ronald Reagan said one time, ''There's nothing so near eternal life as a temporary Federal program.'' I think that is the point of it.

I suggest you two fellows get together. Call the American Bar Association and ask them if they will not raise this million and a half, or whatever it is, before 1 o'clock.

Mr. SMITH. I ask unanimous consent to have printed in the RECORD a letter of support for the amendment from the American Legion.

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

THE AMERICAN LEGION,
Washington, DC, July 25, 1996.

Hon. ROBERT C. SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: The American Legion supports your amendment to H.R. 3540, the Foreign Operations bill, which deletes $1.5 million in bilateral economic assistance to the Socialist Republic of Vietnam. We have steadfastly opposed any additional favorable actions toward Vietnam until they make honest and complete efforts to achieve the fullest possible accounting for our POW/MIAs.

It is clear that Vietnam can take unilateral actions today in the areas of remains and records that could account for many missing Americans. Moreover, our support for your amendment is further strengthened by the default status of prior U.S. loans prohibited under the so-called Brooke Amendment.

An appropriation of $1.5 million to Vietnam at the time to assist in reforming its trade regime would only encourage their continuing intransigence and discourage meaningful unilateral cooperation by them

in providing the fullest possible accounting. We strongly support your amendment to H.R. 3540. We appreciate your continuing leadership on issues of importance to veterans.

Sincerely,

JOHN F. SOMMER. Jr.,
Executive Director.

Mr. SMITH. Mr. President, other than that, I have no further comments.

Mr. HELMS. If the Senator will yield, if he has no objection, I wish he would make me a cosponsor of his amendment.

Mr. SMITH. Mr. President, I ask unanimous consent to add Senator HELMS as a cosponsor.

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

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I wish to speak against the Smith amendment which would prohibit funding for economic assistance to Vietnam. I just visited Vietnam 2 months ago and I believe that this amendment would move us in exactly the wrong direction as we attempt to encourage economic and political change in Vietnam.

There is a tremendous entrepreneurial spirit pervading the streets of Hanoi. All along the narrow, winding streets you will find small stores crammed in next to each other, selling every thing under the Sun—books, postcards, clothes, car parts. The people of Vietnam very clearly want to have their own businesses. They want to trade. They clearly want a market economy, but they need help to develop it. The foreign operations bill provides funding for us to provide assistance to teach them economic and legal reforms. This type of assistance will only encourage the country to move farther away from socialism and closer to a Western-style market system.

Moreover, this is just the type of reform that United States business leaders in Hanoi told me they need to see in Vietnam. It is very much in American commercial interests to have investment and especially legal reforms in Vietnam. U.S. businesses are losing money now, but they continue to do business there because they believe change is coming to both the country and the region as a whole and that change will be profitable for them. The type of assistance this bill provides for will encourage that change to come sooner, rather than later.

By prohibiting economic assistance to Vietnam, the amendment we are discussing would needlessly stifle budding, indigenous market reforms and hurt United States companies at the same time.

It was truly an amazing sight to see the people in Vietnam in the streets, Vietnamese and American businessmen working and chatting together in a friendly way. That would have been impossible to imagine 20 years ago. I hope this amendment is not accepted and that we do what we can to encourage Vietnam's development. I yield floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, various Senators have been coming over and bringing up amendments and speaking to them. I encourage others, if they have them, to do that. I know that we are trying to accommodate the committees that are meeting, hearings that are going on, and so forth, and trying to stack votes when we can. But I know the chairman and I wish to finish the bill at a relatively expeditious time. I mention this for what it is worth. 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. LEAHY. 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. LEAHY. Mr. President, I am happy to give another stirring speech if it would help, as I know I will have the unrestrained attention of the distinguished Presiding Officer who otherwise may find it difficult keeping both eyes open, but I would rather other Senators present their amendments so we could, as much as I know everyone prefers staying and working on this amendment, so we could get out of here on this thing. I understand the cloakroom is looking for other amendments.

I must say, in seriousness, we end up making policy sometimes directly and sometimes indirectly on this bill. We do affect the authorization as well as the appropriation on this bill because we do not have a piece of authorizing legislation to work from.

I urge Senators to understand what has happened as we have allowed ourselves to be captured by our rhetoric. The irony is that during the Reagan administration, I recall Senators still in this body who would say they strongly applaud President Reagan's efforts to curtail foreign aid. And yet, of course, President Reagan supported nearly $25 billion in foreign aid. Now that same rhetoric, they say, ''We have to do something; now that the Clinton administration is here the foreign aid has risen.'' Well it is now down around $10 or $11 billion under the current administration. At some point, we should stop the rhetoric and face the reality.

The fact of the matter is we have interests worldwide. If we want to have a fortress America, we should make that decision. But I am afraid that is a fortress that would find its walls quickly crumbling. Much of what keeps our economy growing is our export market. What keeps America strong is the fact we are recognized as a global power with far-reaching responsibilities and far-reaching benefits.

When we pat ourselves on the back and praise ourselves for the cuts that we have done in international organizations, in international efforts, we ought to ask, why is it that some of our strongest economic competitors like Japan and others are so happy to see us withdraw, so they can step in. The fact is very simple, Mr. President, they are creating jobs.

Many countries spend a great deal more than we do as part of their budget on so-called foreign aid and development. The reason they do it, of course, is not out of any sense of moral responsibility or altruism. They do it because it creates jobs. It creates an export market for their products. It creates a presence in these countries as they develop their own economic powers. It helps stability so they do not have to get involved in regional battles. But it creates jobs.

They see the United States withdrawing and withdrawing and refusing to get involved in international efforts of economic development in these countries and they see U.S. jobs being lost. Our companies that export, our companies that have the ability to do so, are just laying off people left and right as we withdraw.

It is strange to me, Mr. President, how some of the same Members of this body who brag about how they will try to stop any efforts for economic development or democracy building in other parts of the world, will stand here and bemoan the fact that other countries in the Pacific basin or Europe or elsewhere are taking away our export jobs. They fail to see the connection. Of course, there is a connection.

As I said this morning, there is also a moral imperative here. In parts of sub-Saharan Africa we help out with aid, maybe 20 to 50 cents per capita or less. We have spent more for the costs of the CONGRESSIONAL RECORD debating this bill so far today than the per capita income of many of these countries, of whole families, in many of these countries. We will spend 25 to 50 cents there, yet we will use 50 percent or more of the world's resources with 5 percent of the world's population.

We have a moral responsibility. No matter how one looks at it, we can argue we have a responsibility to help out with other parts of the world. There is our moral responsibility, but also it makes economic good sense.

I see the distinguished Senator from Massachusetts on the floor, so I yield to him.

Mr. KERRY. Mr. President, what is the pending amendment?

The PRESIDING OFFICER (Mr. CAMPBELL). The pending business is amendment No. 5027, offered by the Senator from New Hampshire, Mr. SMITH.

Mr. KERRY. I will take a few minutes to speak to that amendment. I will not spend a lot of time on it.

I strongly oppose the amendment of the Senator from New Hampshire but respect his concern about it. I commend to my colleagues that I think the concern expressed by the Senator from New Hampshire is misplaced in this particular instance, and that the real

interests of the United States are to continue forward in helping to build a legal code and trade code in Vietnam that is based on our notions and precepts about both the legal systems and trade.

Mr. President, the Senator from New Hampshire argues that we should not go forward with this legal program—legal reform program in Vietnam, which is what it is—because he says Vietnam is in violation of the Brooke amendment. The Brooke amendment is an amendment that limits U.S. aid to countries that are in default to the United States on money owed. The default that he is referring to is a default that goes back to the question of debt emanating from the war, back in the 1960's.

Indeed, the United States and Vietnam have already had a number of rounds of negotiations on this debt. The debt does exist. I am not suggesting it does not. However, Vietnam has agreed in principle to pay the debt. It is a debt that has been owed to us from the time that certain property was expropriated during the war. The debt is about $150 million in total. As I say, they have agreed to pay that debt, with the exception of about an $8 million amount that remains in discussion over the question of USDA loans.

So, Mr. President, we have really resolved the major part of the issues with respect to this total debt. In addition to that, we have, in the past, on a number of different occasions, waived the Brooke amendment when it has been in the national interest to do so. We waived the Brooke amendment with respect to narcotics assistance in Colombia, with respect to Peru and Bolivia, for development assistance for Tanzania, for other African countries, and also for Nicaragua.

Mr. President, the Brooke amendment is not really what is at issue here. The issue is, Do we or do we not want to move forward with improving our ability to have a legal system in Vietnam that is based on our notions and precepts of what the law is and means, and do we want to have a trade regimen that meets the needs of our companies and the rest of the world in trying to do business with Vietnam which moves toward Western values and goals?

Mr. President, a number of years ago, I created the Fulbright Exchange Program for Vietnam. We are now in the fifth year of that program, and it has been an enormous success. We brought Vietnamese academics, officials, and others to the United States. We have trained them in some of the best schools, some of our best economic institutions, as well as some of our legal institutions. I think we are now at a point where we are seeing many American professors in law and trade and economics going to Vietnam and teaching in Vietnam.

So to suddenly take out of this bill a very small amount of money that is geared to trying to increase the ability to reform the legal system and economic structure of Vietnam would literally be to turn our backs on 30-plus years of aspirations with respect to that country. We are trying to do now, peacefully, what we invested 58,000-plus American lives to do during a 10-year war. It just does not make sense to turn away from the legal reform program that would be created by this bill, which is the logical, needed follow-on to the Fulbright program.

Vietnam wants our help in developing its legal code. What an extraordinary thing. What a great opportunity. For us now to suggest that is not a more peaceful and sensible way of approaching the process of changing a system of values and cultural—I do not know what is better than that. It seems to me that, recognizing that the full debt has been accepted in principle, the only contentious issue within the debt is $8 million of USDA money, it would simply be wrong to turn our backs on these 5 years of progress.

I hope my colleagues will join in opposing this amendment and in affirming that it is in our interest to continue to invest in the legal and economic reform of Vietnam and to bring Vietnam into the world community with respect to trade laws and regulations, property laws and rights, and all of the means of accountability for those companies that are or will be doing business in Southeast Asia.

I yield the floor.

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. 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, may I ask what is the pending business?

The PRESIDING OFFICER. The pending business is the Smith amendment No. 5027 to the foreign operations appropriations bill.

Mr. HELMS. As I understand it, at least one or maybe two other amendments have been set aside for that to be the pending business.

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Mr. President, I ask unanimous consent that all necessary amendments be set aside so that I may call up an amendment.

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

The Senator from North Carolina is recognized.

AMENDMENT NO. 5028

(Purpose: To prohibit United States voluntary contributions to the United Nations and its specialized agencies if the United Nations attempts to implement or impose taxation on United States persons to raise revenue for the United Nations)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. LOTT, and Mr. GREGG, proposes an amendment numbered 5028.

Mr. HELMS. 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 198, between lines 17 and 18, insert the following:

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. . (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated or otherwise made available by this Act may be made available to pay any voluntary contribution of the United States to the United Nations or any of its specialized agencies (including the United Nations Development Program) if the United Nations attempts to implement or impose by taxation or fee on any United States persons or borrows funds from any international financial institution.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated or otherwise made available under this Act may be made available to pay any voluntary contribution of the United States to the United Nations or any of its specialized agencies (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations or such agency, as the case may be, is not engaged in, and has not been engaged in during the previous fiscal year, any effort to develop, advocate, promote, or publize any proposal concerning taxation or fees on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section:

(1) The term ''international financial institution'' includes the African Development Bank, the African Development Fund, the Asian Development Bank, the European Bank for Reconstruction and Development, the Inter-American Development Bank, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the International Monetary Fund, and the Multilateral Insurance Guaranty Agency; and

(2) The term ''United States person'' refers to—

(A) a natural person who is a citizen or national of the United States; or

(B) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

Mr. HELMS. Mr. President, this amendment is cosponsored by the distinguished majority leader and the distinguished Senator from New Hampshire, Senator GREGG.

Mr. President, on January 15 of this year, the Secretary General of the United Nations, Boutros Boutros-Ghali, while speaking at Oxford University over in England, of course, outlined a series of revenue-raising options to pay for the United Nations' day-to-day activities. Mr. Boutros Boutros-Ghali then went on the British Broadcasting Corporation suggesting

that the United Nations should be allowed to collect taxes directly from American citizens and citizens of all other sovereign nations so that the United Nations ''would not be under the daily financial will of member states.'' There was quite a tempest about that idea, and it was not in a teapot.

Let me say at the outset that I know Mr. Boutros Boutros-Ghali, not well, but Dot Helms and I went to New York and had dinner with him and his wife and another friend of ours and his wife, and we had a very enjoyable evening. Mr. Boutros Boutros-Ghali has his own ideas about things, and I have been known to have my own ideas about a few things. It is in that context that I want to comment a little bit about the Secretary General's proposed scheme.

Absurd as it is, it is not an isolated one. James Tobin, an international economist, back in 1976 proposed a U.N. tax on currency transfers, and Gustave Speth, present Director of the United Nations Development Program—and all through the bureaucracy, here and there, we always use initials, and that is UNDP—the U.N. Development Program has called for a ''global human security fund'' financed from global fees such as the Tobin tax on speculative movements of international funds and international tax on the consumption of nonrenewable energy and a tax on arms trade. I am not making that comment just idly. That is an exact quote of what Mr. Speth proposed.

It is no coincidence that 1 week after Mr. Boutros Boutros-Ghali made his chilling announcement about the need and desire for giving the United Nations power of taxation, the former distinguished majority leader of the Senate, Bob Dole, and Senators KERRY, SHELBY, and I introduced what was then S. 1519, which was a bill to forbid any U.S. payments to the United Nations if the United Nations attempts in any way to levy taxes on the American people. All right.

So, Mr. President, the pending amendment—by the way, what is the number of the amendment?

The PRESIDING OFFICER. The number is 5028.

Mr. HELMS. I thank the Chair. The pending amendment is based on S. 1519, to which I have just referred, and it, like S. 1519, prohibits all U.S. voluntary contributions to the United Nations if the United Nations should make an attempt to levy a direct tax on the American people.

Furthermore, the amendment requires the President of the United States to certify to Congress that no United Nations agencies, including the UNDP, are concocting any sort of scheme for a direct tax on the American people. I am very pleased and honored that the present majority leader of the Senate, Mr. LOTT, and the chairman of the Commerce, State and Justice Appropriations Subcommittee, Senator GREGG, have joined in offering this amendment.

If I could ask whoever is in charge of focusing the television cameras, I hope that they will focus on the chart at my side. You will see the bureaucracy of the United Nations. You will also see how we have entitled it. We call it ''The United Nations: One Big Mess.'' That is precisely what it is.

The United Nations is an enormous and unwieldy maze of independent fiefdoms whose bureaucracies are proliferating almost by the hour and whose costs are spiraling into the stratosphere and whose missions are constantly expanding far beyond their mandate. Worse, with its unyielding growth—just look at this bureaucracy, if you will—worse, with its unyielding growth and its misguided ideology, the United Nations is rapidly transforming itself from an institution of sovereign nations into a quasi-sovereign entity itself. This unchecked transformation and the Clinton administration's unwise over-reliance on the United Nations, obviously represents a threat to American national interests. That is the reason I am standing here on this floor with this chart right beside me.

Mr. President, the 53,000—count them—53,000 international bureaucrats at the United Nations would find it worthwhile if they would spend just a few minutes reading the Constitution of the United States of America. Despite what these bureaucrats may hope and desire, the United Nations, not being a sovereign entity itself, cannot—cannot—levy taxes. We could be grateful that it is not a world government.

You see, the United Nations exists to serve its members, of which the United States is one. The United States is also the most generous member of the United Nations—not the other way around.

Yet, when you look at this chart—I wish that the thousands of people looking at this chart on television at this moment could have a chance to examine it line-by-line. But judging from it, this insatiable U.N. bureaucracy has for 50 years now been impervious to any kind of real reform. It has grown and mushroomed ''like Topsy.''

That is why, from the standpoint of the U.N. bureaucracy, new taxes on the American people by way of international airline tickets, financial transactions, postcards sent from overseas—all of these and others—would provide a seemingly endless stream of resources from which, Heaven forbid, an ever-increasing number of new U.N. programs and new personnel and new bureaucrats could be undertaken.

Mr. President, if the Secretary General and his allies at the United Nations develop a program, and should they make the mistake of persisting in this U.N. tax scheme, there could very well be the 1996 version of the Boston Tea Party. This time it would be, I guess, in New York Harbor—because working Americans are already overtaxed beyond belief.

Today, the visible—the taxes that we can see—the visible tax burden for the average working family is a whopping 34.6 percent of their total income. Tax Independence Day, the day upon which American citizens stop working for the Internal Revenue Service and begin working to feed and clothe their families, is now May 7, a full week later than when Mr. Clinton took office.

In addition to this tax burden, every man, woman and child in the United States now owes an average of $19,494.49 as their share of the $5,173,226,283,802.71 debt. It should be no surprise, therefore, that the watchdog group known as the Americans for Tax Reform—a good group of people—and 14 Governors around the country, all Republicans, I might add, support the pending amendment.

The prohibition on U.N. taxation upon which this amendment is based speaks for itself. Yet the Secretary General and U.N. bureaucrats continue to raise the specter of more and more taxes on the American people.

So I guess it might be said that I am here today to try to help the American people make clear that even the consideration of U.N. tax authority is totally unacceptable. I do not want to hear any more about it, and I made that clear to Boutros Boutros-Ghali as nicely as possible. Passage of this amendment would send a clear message to Mr. Boutros Boutros-Ghali and the entrenched bureaucracy at the United Nations that what is necessary at the United Nations is real reform, not the taxation of the American citizens.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair. I yield the floor.

Mr. GREGG addressed the Chair.

Mr. LEAHY. Mr. President, I wonder if the Senator will just answer a question. I realize he has yielded the floor.

I wonder if I might ask the Senator from North Carolina a question. I was just glancing over his amendment.

Mr. President, would the Senator tell me, in section (a), the first section, it speaks of the ''United States persons or borrows funds from any international financial institution.'' Does that mean that no money could go to them if they were to borrow money from, say, the New York City Bank or other international financial institution just to pay their payroll? If they borrow from an American bank that has international affiliates to pay whatever housekeeping bills, would that preclude us?

Mr. HELMS. Of course not. If the Senator had read the amendment, he would know the answer to his own question.

''(c) Definitions. As used in this section.''

Mr. LEAHY. Would this require in any way cutting money to UNICEF?

Mr. HELMS. I did not understand the Senator. Look at me so I can read your lips.

Mr. LEAHY. I am sorry. Unlike others, I was trying to follow the rules by addressing, Mr. President, the question through the Chair. But does this require cutting of any funds to UNICEF?

Mr. HELMS. There is no intention, expressed or implicit.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. LEAHY. My last question. If it was found that they had borrowed money from international financial institutions as defined here, would we then have to withhold any contributions to UNICEF?

If it was found that they were borrowing funds from one of the international financial institutions as defined—

Mr. HELMS. The answer to that is no.

Mr. LEAHY. In the amendment, would we then be precluded from contributions to them?

Mr. HELMS. The answer is no.

Mr. LEAHY. What would we be precluded under those circumstances from making contributions to? Because we have voluntary contributions to a specialized agency such as UNICEF. If we are not precluded from giving to UNICEF, what are we precluded from giving to?

Mr. HELMS. Is the Senator really concerned about UNICEF?

Mr. LEAHY. Mr. President, the Senator has had——

Mr. HELMS. If so, I will be glad to exclude it.

Mr. LEAHY. Mr. President, this Senator has spent years supporting UNICEF. As I read this, we are unable to give money to UNICEF.

Let us be clear. There are a lot of other things in here. Whatever agency provides funds for river blindness, we would be precluded from that. We would be precluded from others.

The Senator has an absolute right to have such an intention, but I just want to make sure we understand precisely what we are doing. If they borrow funds from any of these international financial institutions, I would assume this would then preclude our dollars to UNDP, UN Environmental Program, the World Food Program, International Atomic Energy Agency, UNICEF, and others. Am I correct?

Mr. HELMS. The answer is no.

Mr. LEAHY. What does it preclude us from giving?

Mr. HELMS. If the Senator wants to read the amendment——

Mr. LEAHY. I have.

Mr. HELMS. I ask the clerk to read the amendment. Apparently the Senator has not read it.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

Amendment No. 5028. On page 198, between lines 17 and 18, insert the following:

Mr. LEAHY. Mr. President, parliamentary inquiry. Has the amendment not already been reported?

The PRESIDING OFFICER. The amendment has been reported.

Mr. LEAHY. Mr. President, so let me read then what we have here. It says, ''None of the funds appropriated or otherwise made available by this act may be made available to pay any voluntary contribution of the United States to the United Nations or any of its specialized agencies (including United Nations Development Program),'' and on and on. ''If''—and what triggers this, among other things—''if the United Nations * * * borrows funds from any international financial institution,'' which would include the African Development Bank, the African Development Fund, the Asian Development Bank, the European Bank for Reconstruction and Development, and others as listed, the International Monetary Fund, and so on.

Under that, unless some waiver is given, we would be precluded from contributions to UNICEF, International Atomic Energy Agency, World Food Program, and any of these others. I do not know how one could read it otherwise.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I will say, Mr. President, in response to the Senator, I think he is on a fishing expedition and he is not going to catch any fish. But UNICEF cannot now borrow money, according to my understanding. Is that correct? So that question is moot. I do not know what the Senator from Vermont is talking about. If he wants to exclude UNICEF for some personal reason, I will be glad to exclude it.

Mr. LEAHY. Mr. President, we have a whole lot of things, but it does not speak of if UNICEF borrows. ''If the United Nations * * * borrows funds from any international financial institution.'' I am not on a fishing expedition. I just want to make sure we have a clear record. I do not favor the United Nations or anybody outside of the United States or my own State of Vermont raising taxes. But we are talking about if the United Nations borrows, all of these others will then be precluded from contributions from us.

I am not trying to get the distinguished Senator from North Carolina to change his amendment. I just want to make sure we understand what it does, that is all. He has a perfect right.

Mr. HELMS. I say to the Senator from Vermont, what we are doing, you read to me from the amendment what gives you a problem and I will answer a question about that. I do not want you characterizing any provision of the amendment. I want you to quote from the amendment itself, and then ask me any question you want to.

Mr. LEAHY. Mr. President, on page 2 of the amendment, where it speaks——

Mr. HELMS. What line?

Mr. LEAHY. I am citing line 3: ''* * * if the United Nations attempts to implement or impose any taxation or fee on any United States persons or borrows funds from any international financial institution.'' And then, on line 21, we have the definition of those institutions. And on line 8, it says, ''None of the funds appropriated or otherwise made available under this Act may be made available to pay any voluntary contribution of the United States to the United Nations or any of its specialized agencies * * *.''

That prohibition follows, as I read this, ''* * * if the United Nations * * * borrows funds from any international financial institution,'' as defined in here. I am not arguing that point. I just want to make sure we understand what we are doing.

Mr. HELMS. You did not finish reading, Senator. If you had gone ahead and finished what you were reading, you would have discovered that this whole thing is based on Boutros Boutros-Ghali's and others' recommendation that the United Nations be given sovereignty to tax the American people and other sovereign countries. That is what this whole section is.

Mr. LEAHY. Mr. President, the idea that anybody is trying to give the Secretary General, whoever he might be, of the United Nations, the ability to impose taxes on the United States is about in the league of all these black helicopters that appear in the middle of the night, bringing U.N. troops around to take over whatever parts of the United States they are about to do. That is not about to happen.

I just want to make sure we understand, in voting for this, we could be cutting off our ability, if the United Nations has borrowed from any of these international organizations, our ability to make payments to the U.N. Environment Program, the World Food Program, International Atomic Energy Agency, UNICEF, the International Fund for the Advancement of Women, the International Fund Against Torture, the U.N. Environmental Program, and on and on.

That may be wise policy. My suggestion would be that perhaps, as such policy, it should be debated and included in an authorization bill which would originate in the committee of the distinguished Senator from North Carolina, the committee he chairs. Should he wish to do that in such an authorization bill, he ought to, rather than try to attach it onto this appropriations bill. But he is, of course free, as any Senator is, to bring up anything he wants.

I just want to make sure we know exactly what it is we are voting for. I just wanted the RECORD to be clear so Senators, those who have positions in favor of some of these independent agencies like the International Fund Against Torture or the World Heritage Agency or the International Fund for the Advancement of Women or UNICEF, or any of those, probably many others I do not have off the top of my head, they must know that, for whatever it is worth.

Mr. HELMS. Maybe the Senator would read my lips, as the statement goes. Nothing in here kicks in unless the United Nations engages in, during

the fiscal year, ''* * * any effort to develop, advocate, promote or publicize any proposal concerning taxation or fees on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.'' Nothing kicks in. I believe the Senator understands that. I say, again, if he wants us to eliminate UNICEF, I will be glad to do that. It would be a meaningless gesture, but——

Mr. LEAHY. Mr. President, I appreciate the suggestion of the distinguished Senator from South Carolina to read his lips.

Mr. HELMS. North Carolina, I say to the Senator.

Mr. LEAHY. I know Presidential candidates said that, and said they would not raise taxes: ''Read my lips, there will be no new taxes.'' But because I know what happened when we followed that, I would rather just read the words. And the words said, ''None of the funds appropriated or otherwise made available under this act may be made available to pay any voluntary contribution of the United States to the United Nations or any of its specialized agencies,'' which include the ones I have mentioned, if the United Nations borrows funds from any international financial institution.

If the U.N. borrows money to make its payments from these international institutions because the U.S. and others are in arrears in their dues, then we are not allowed to give money to the World Heritage Agency, the International Fund for the Advancement of Women, the International Fund Against Torture, the U.N. Environment Program, UNICEF, and Lord knows how many others. That is all I am saying. I am not reading anybody's lips. I am just reading the words of the amendment.

Mr. HELMS. The Senator is not reading all of it. This amendment will not, of course, kick in unless there is some effort for the United Nations to tax American citizens. That is all it is. I think it says that.

Furthermore, I think, if the Senator will recall, the United Nations tried to get borrowing authority from these lending institutions last year, I believe it was, to pay some debts, and that was denied. So that is a moot question.

The PRESIDING OFFICER. Is there further debate?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. GREGG] is recognized.

Mr. GREGG. Mr. President, I rise in support of this amendment. As has been mentioned, I believe last year, the U.N. Secretary did state he intended to pursue the option of imposing a tax on airline tickets, currency exchanges, postage, energy sources and other programs in order to raise additional funds for the United Nations. Mr. Boutros Boutros-Ghali stated: ''It will be the role of the Secretary General''—and he, of course, is the Secretary General—''to bring this project to successful fruition in the 21st century.''

So we have an unequivocal statement of policy coming from the leader of the U.N. that it is the intention of the United Nations' leadership to pass a tax on, I guess, citizens of the world, but especially citizens of the United States.

I join with my colleague from North Carolina and congratulate him on bringing forward this amendment to make it unalterably clear that we object strongly, and will resist in all ways available to us, the concept of the United Nations assessing a tax on any American citizen. The United Nations is an organization which has been mismanaged in the most grotesque ways. The chart that the Senator from North Carolina sets forth is only one example of the massive patronage and financial disarray that represents the United Nations.

Just a few examples, so folks listening to this do not have to take me at my word. The average United Nations salary for a mid-level accountant is $84,500. The average salary for comparable non-United Nations individual would be $41,000, or half of it.

The average U.N. computer analyst, that individual receives approximately $111,000. That is compared with a counterpart in the private sector in the New York area of $56,000.

The Assistant Secretary General receives $190,000—this is the Assistant Secretary General—receives $190,000. That is compared with the pay for the mayor of New York City, which is $130,000.

On top of all this, U.N. salaries are not subject to tax. What an irony. You have this Secretary General of the United Nations saying that he wants to assess a tax against American citizens when he doesn't pay taxes, nor do the people who work for him, even though they are stationed in the United States. In fact, U.S. citizens working at the U.N. don't pay taxes. It is, to say the minimum, ironic.

We now, finally, have an inspector general to take a look at the money that is being spent there. In the first report, the inspector general found about $16 million was wasted. The inspector general only got to look at a small slice of the U.N. activity.

We, for example, know that they put turnstiles in at the U.N. for security reasons, I guess, but they had to pull the turnstiles out because the staff of the U.N. protested because the turnstiles were keeping track of when they came and went. It became very clear fairly quickly that most of them were coming very late and leaving very early, so they took the turnstiles out.

The U.N. for years has been a dumping ground of political patronage for people around the world. If you have a nation where the president or leadership of that nation wants to pay off a few political cronies, they send them to the U.N., put them on a U.N. salary and the United States taxpayer picks up 25 percent of that cost.

Yes, we have significant arrearages at the U.N., but we are, as a matter of policy, at least in the Congress, stating that we are not going to pay down those arrearages until the U.N. has gotten its house in order, and it does not have its house in order.

We addressed a letter, myself and Senator Dole and Senator HELMS, to the General Accounting Office to determine just what rights the Secretary General has to assess taxes against American citizens. We asked specifically:

> Are there any circumstances under which the U.N. revenue-raising proposal could be binding on U.S. citizens without an act of Congress?
>
> What is the process for approval of revenue-raising proposals by the U.N., including the role of the Security Council and the General Assembly?
>
> Are there any circumstances under which a U.N. tax proposal could be adopted over U.S. opposition?
>
> What is the status under U.S. domestic law and relevant international law of each of the U.N. revenue-raising proposals?
>
> What funding sources are available to the U.N. organization apart from contributions from member states?
>
> What authority does the U.N. have for each of these sources?

We have not yet gotten an answer to this request, but that answer is, of course, critical to the determination of just what rights American citizens have given away in chartering the U.N. relative to the issue of taxation and the policies of the U.N. and the ability of the U.N. to assess a tax.

Thus, I think it is important that we adopt this amendment so that we make it clear that as a matter of law, the Congress has spoken, that it does not intend to tolerate attacks against American citizens assessed by the U.N.

Therefore, I rise in strong support of the amendment of the Senator from North Carolina. I appreciate his leadership on this matter, and I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that the Burma debate be set aside while I offer an amendment.

Mr. McCONNELL. The amendment of the Senator from Alaska is one that I believe is going to be accepted, and I therefore ask unanimous consent that the pending amendment be laid aside so Senator MURKOWSKI can send his amendment to the desk.

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

Mr. LEAHY. Madam President, I wonder, once we have disposed of the amendment of the Senator from Alaska, if we could have some idea of the order of business.

Mr. McCONNELL. I say to my friend from Vermont, as soon as Senator MURKOWSKI's amendment is disposed of, we could set votes on the Smith amendment and the Helms amendment.

I ask unanimous consent the Senate proceed to two rollcall votes, the Helms amendment and the Smith

amendment, with no second-degree amendments in order, at the conclusion of the disposition of the Murkowski amendment.

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

AMENDMENT NO. 5029

(Purpose: To express the sense of the Congress regarding implementation of United States-Japan Insurance Agreement)

Mr. MURKOWSKI. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Ms. SNOWE). The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for himself, Mr. D'AMATO, and Mr. BOND, proposes an amendment numbered 5029.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that the reading of the amendment be dispensed.

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

The amendment is as follows:

On page 198, between lines 17 an 18, insert the following:

SENSE OF CONGRESS REGARDING THE UNITED STATES-JAPAN INSURANCE AGREEMENT

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

(1) The United States and Japan share a long and important bilateral relationship which serves as an anchor of peace and stability in the Asia Pacific region, an alliance which was reaffirmed at the recent summit meeting between President Clinton and Prime Minister Hashimoto in Tokyo.

(2) The Japanese economy has experienced difficulty over the past few years, demonstrating that it is no longer possible for Japan, the world's second largest economy, to use exports as the sole engine of economic growth, but that the Government of Japan must promote deregulation of its domestic economy in order to increase economic growth.

(3) Japan is the second largest insurance market in the world and the largest life insurance market in the world.

(4) The share of foreign insurance in Japan is less than 3 percent, and large Japanese life and non-life insurers dominate the market.

(5) The Government of Japan has had as its stated policy for several years the deregulation and liberalization of the Japan insurance market, and has developed and adopted a new insurance business law as a means of achieving this publicly stated objective of liberalization and deregulation.

(6) The Governments of Japan and the United States concluded in October of 1994 the United States-Japan Insurance Agreement, following more than one and one-half years of negotiations, in which Agreement the Government of Japan reiterated its intent to deregulate and liberalize its market.

(7) The Government of Japan in June of 1995 undertook additional obligations to provide greater foreign access and liberalization to its market through its schedule of insurance obligations during the financial services negotiations of the World Trade Organization (WTO).

(8) The United States insurance industry is the most competitive in the world, operates successfully throughout the world, and thus could be expected to achieve higher levels of market access and profitability under a more open, deregulated and liberalized Japanese market.

(9) Despite more than one and one-half years since the conclusion of the United States-Japan Insurance Agreement, despite more than one year since Japan undertook new commitments under the WTO, despite the entry into force on April 1, 1996, of the new Insurance Business Law, the Japanese market remains closed and highly regulated and thus continues to deny fair and open treatment for foreign insurers, including competitive United States insurers.

(10) The non-implementation of the United States-Japan Insurance Agreement is a matter of grave importance of the United States Government.

(11) Dozens of meetings between the United States Trade Representative and the Ministry of Finance have taken place during the past year.

(12) President Clinton, Vice President Gore, Secretary Rubin, Secretary Christopher, Secretary Kantor, Ambassador Barshefsky have all indicated to their counterparts in the Government of Japan the importance of this matter to the United States.

(13) The United States Senate has written repeatedly to the Minister of finance and the Ambassador of Japan.

(14) Despite all of these efforts and indications of importance, the Ministry of finance has failed to implement the United States-Japan Insurance Agreement.

(15) Several deadlines have already passed for resolution of this issue with the latest deadline set for July 31, 1996.

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

(1) the Ministry of Finance of the Government of Japan should immediately and without further delay completely and fully comply with all provisions of the United States-Japan Insurance Agreement, including most especially those which require the Ministry of Finance to deregulate and liberalize the primary sectors of the Japanese market, and those which insure that the current position of foreign insurers in Japan will not be jeopardized until primary sector deregulation has been achieved, and a three-year period has elapsed; and

(2) failing satisfactory resolution of this matter on or before July 31, 1996, the United States Government should use any and all resources at its disposal to bring about full and complete compliance with the Agreement.

Mr. MURKOWSKI. Madam President, I rise to offer an amendment to the foreign operations appropriation bill. I think it is timely that we have an expression of the Congress toward Japan's failure to follow the letter and the spirit of the United States-Japan Insurance Agreement.

For many years, Madam President, I have been an advocate of encouraging the Japanese to open up their markets, as we have opened our markets to Japanese firms, to ensure that we maintain our competitiveness by having an open-market concept.

It has been very difficult over the years for United States firms to do business in Japan. One of our more successful U.S. international markets has been through the competitiveness of the U.S. insurance industry. The industry has proven its ability to compete in numerous countries throughout the world, providing a degree of service and coverage at competitive costs. We seem to have a significant exception in our ability to do business in Japan.

It is interesting to note that Japan has the second largest insurance market in the world. However, most of Japan's market is shared by Japanese companies. Foreign and U.S. competition share less than 3 percent of the Japanese market. In comparison, Japanese and other foreign insurers have over 10 percent of the United States insurance market.

What we are talking about, Madam President, is addressing equity. The United States and Japan negotiated over a year and a half, beginning October 19, 1994, and the United States-Japan Insurance Agreement was signed in June 1995. Japan committed to a further liberalization under the World Trade Organization. In April 1996 Japan passed new insurance business laws.

Despite these commitments over this extended period of time, no progress has been made. The United States and Japan spent several months negotiating over the meaning of an agreement that they signed 19 months ago. This is traditional in many of the business customs in Japan. You negotiate extensively, you negotiate with a committee, and time marches on. As the Japanese have observed, time and time again, many such firms simply give up, go off and do something else, because they simply cannot afford to spend that much time trying to open the market.

During this timeframe, Japan threatened to relax rules in the one small sector where foreign companies have some market share, yet they continue to protect the larger sectors where Japanese firms are dominant.

It is the same old story. We have an agreement, then that yields no results. We have seen it in the construction business analogy, and there has been this reference, ''Well, to come into the Japanese market you really need to have experience. You need experience to get a license.'' How do you get a license? You have to have experience. You cannot get a license without experience. It is like ping-pong, going back and forth. You cannot have one without the other. You soon come to the conclusion you cannot get there from here.

We signed 74 agreements with Japan. I have the utmost respect for the Japanese negotiators, the Japanese tradition and the Japanese way of business. I have had an extensive career in business with the Japanese. They are hard negotiators. They are fair negotiators. They will take advantage of a person who is not on his toes. But, by the same token, with regard to access into their markets, for the most part, they simply stonewall us. This is not something that we have seen much relief on over the years. The agreements have not translated into market access. Our trade deficit with Japan was about $60 billion in 1995—the largest with any country.

The insurance issue is important. It has been raised at the highest level, with our President meeting with Prime Minister Hashimoto. The last time the meeting was in Japan. We have had dozens of meetings between the USTR

and the Ministry of Finance. I have raised it time and time again in many forums, business discussions, and in interactions with the Japanese side. Last month, I sent a letter, with the chairman of the Finance Committee, Chairman ROTH and Chairman D'AMATO to President Clinton to express our legitimate concerns about the lack of action. We noted that ''Congress has a responsibility to ensure that trade agreements are honored, and to act when they are not.'' It is time to act, because they are not.

Madam President, this amendment and the resolution I am offering today would call on the Minister of Finance to fully comply with the provisions of the agreement. This is the voice of the Congress speaking. If the matter is not resolved by July 31 of this year, that would be the deadline that would direct the U.S. Government to use all of its resources to bring about compliance.

I also call on my colleagues and Chairman ROTH to join me in pushing for the resolution, to hold hearings in the Senate Finance Committee if the issue is not resolved on the Japanese side. I urge my colleagues to support this resolution. I understand the floor managers will accept this.

Mr. ROTH. Madam President, the Senate's unanimous vote in favor of the Murkowski amendment demonstrates once again the serious concerns Members of this body have about the lack of action by the Japanese Ministry of Finance to implement its obligations under the United States-Japan Insurance Agreement.

The Senate fully expects Japan to live up to its agreements. The Ministry of Finance's behavior on this issue is particularly unfortunate because it undermines the credibility of the Government of Japan.

Congress has a responsibility to ensure trade agreements are honored, and to act when they are not.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 5029 offered by the Senator from Alaska.

The amendment (No. 5029) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Madam President, under a unanimous-consent agreement we entered into, we are about to have two rollcall votes. But Senator LEAHY and I have cleared five amendments. We would like to dispose of those first, which means we will have completed action on 15 amendments. There will be approximately 20 remaining. But the good news is only about four of those are going to require rollcall votes.

AMENDMENTS NOS. 5030 THROUGH 5034

Mr. MCCONNELL. Madam President, I send five amendments to the desk, en bloc, and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendment numbered 5030 through 5034.

Mr. MCCONNELL. Madam President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 5030

(Purpose: To express the sense of Congress regarding the conflict in Chechnya)

On page 198, between lines 17 and 18, insert the following:

SENSE OF CONGRESS REGARDING THE CONFLICT IN CHECHNYA

SEC. . (a) CONGRESSIONAL DECLARATION.—The Congress declares that the continuation of the conflict in Chechnya, the continued killing of innocent civilians, and the ongoing violation of human rights in that region are unacceptable.

(b) SENSE OF CONGRESS.—The Congress hereby—

(1) condemns Russia's infringement of the cease-fire agreements in Chechnya;

(2) calls upon the Government of the Russian Federation to bring an immediate halt to offensive military actions in Chechnya and requests President Yeltsin to honor his decree of June 25, 1996 concerning the withdrawal of Russian armed forces from Chechnya;

(3) encourages the two warring parties to resume negotiations without delay so as to find a peaceful political solution to the Chechen problem; and

(4) supports the Organization for Security and Cooperation in Europe and its representatives in Chechnya in its efforts to mediate in Chechnya.

Mr. HELMS. Madam President, my purpose in offering this amendment is to focus the attention of the United States once again on the terrible tragedy unfolding in Russia. The text of the amendment parallels the language of a resolution approved last week by the European Parliament condemning the violence in Chechnya and supports the sentiment of legislation passed by the Russian State Duma this week criticizing the actions of the Russian Government.

As I speak, Russian war planes and heavy artillery continue to devastate civilian areas of Chechnya. While the attention of the Western news media has faded, the violence in Chechnya continues to worsen. Based upon pictures of the devastation, I accept estimates of up to 30,000 civilian casualties—primarily innocent men, women and children.

Madam President, by breaking the cease fire in Chechnya, the Russian military has unleashed yet another terrible cycle of abuses on both sides of this conflict. A recent Russian news report tells of Russian soldiers cutting the ears off of dead Chechens as trophies. In an unprovoked act of hatred Russian troops in Chechnya this week opened fire on three cars of civilians, killing most and finishing off the survivors with bayonets. The Russian people have endured acts of terrorism possibly inspired by the fighting in Chechnya, and the Russian military suffered its own tragedy with the discovery of several tortured and executed prisoners of war.

Compounding the tragedy in Chechnya is the fact that President Clinton has failed to voice criticism or complaint of the Russian actions. He even found occasion at a United States-Russian summit in May to speak in defense of the Russian actions by comparing them favorably to our own Civil War. I understand Russia's interest in maintaining its territorial integrity, but the current action is inexcusable.

If President Clinton will not speak for the Nation's conscience then we in the Senate must. The Russian actions in Chechnya must stop. The massacre of innocents is unacceptable and will negatively affect relations between our countries.

Madam President, the military action in Chechnya has been conducted—and continues—with a degree of brutality and reckless regard for civilian life that no democratic government can sustain. It is my great concern that, in addition to the killing of countless innocent victims, this violence in Chechnya is bringing to an end the short journey Russia has made toward the development of a democratic government.

AMENDMENT NO. 5031

(Purpose: To allocate funds for demining operations in Afghanistan)

On page 125, line 2, before the period insert the following: ''*: Provided*, That, of the funds appropriated under this heading, $2,000,000 shall be available only for demining operations in Afghanistan''.

AMENDMENT NO. 5032

(Purpose: To require the United Nations vote report to include information about American foreign assistance)

At the appropriate place, insert the following new section:

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. . (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in that fiscal year.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term ''United States assistance'' has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

Mr. FAIRCLOTH. Madam President, current law requires the Secretary of State to publish an annual report that tells the Congress how often foreign countries voted with the United States at the Union Nations. Unfortunately, this report leaves out a key statistic, and that is how much foreign aid we are giving to the countries that vote against us.

This amendment requires the Secretary to include the amount of foreign

aid that these nations receive and a side-by-side comparison of voting records and foreign aid appropriations.

This amendment will assemble this important information in a convenient and easily accessed resource. It will assist those in the Congress and in the public in their assessments of the merits of American foreign aid programs.

I believe that there is good reason to scrutinize these two statistics. The American taxpayers work hard for the money that flows to foreign countries through the Treasury. The American taxpayers are told that foreign aid encourages support for American aims and diplomatic initiatives.

Analysis of the United Nations votes of foreign aid recipients, however, reveals the fallacy of this rationale; 64 percent of American foreign aid recipients voted against the United States more often than not in the 1995 session of the United Nations.

India, for example, received $156 million in foreign aid in 1996. India, however, declined to support American diplomatic initiatives as a gesture of appreciation and voted against the United States in 83 percent of its U.N. votes. India thus offered less support to the United States than Iran and Cuba.

The ten countries that voted against the United States most often at the United Nations will nonetheless collect $212 million from the American taxpayers.

The United Nations sent troops to Haiti to restore President Aristede and also sent $123 million in aid. Nonetheless, Mr. President, Haiti voted against the United States 60 percent of the time.

President Clinton engineered a $40 billion bailout for Mexico, and, yet, Mexico voted against us in 58 percent of its U.N. votes.

Mr. President, the countries that voted against us more than 50 percent of the time at the United Nations collected about $3.1 billion in American foreign aid in 1996. The American taxpayers worked millions of hours in fields and factories to earn that money.

Clearly, however, gratitude is not a popular response to a generous flow of funds from the pockets of the American people.

The American people deserve to know the effects of large streams of foreign aid. The taxpayers deserve to know that a limited number of foreign aid recipients did, in fact, thank the American people with their votes. Israel voted with us 97 percent of the time. Latvia voted with us 87 percent of the time. Hungary voted with us 83 percent of the time. This amendment will collect these statistics in a single and easily accessed source.

This amendment thus adds an informative sunshine provision to the Foreign Relations Authorization Act. An informed Congress is best able to make intelligent decisions. I thus believe that it is important to bring this information together in a single report and hope that my colleagues will join me in support of this amendment.

AMENDMENT NO. 5033

(Purpose: To require a GAO study and report on the grants provided to foreign governments, foreign entities, and international organizations by United States agencies)

On page 198, between lines 17 and 18, insert the following new section:

REPORT ON DOMESTIC FEDERAL AGENCIES FURNISHING UNITED STATES ASSISTANCE

SEC. . (a) IN GENERAL.—Not later than June 1, 1997, the Comptroller General of the United States shall study and report to the Congress on all assistance furnished directly or indirectly to foreign countries, foreign entities, and international organizations by domestic Federal agencies and Federal agencies.

(b) DEFINITIONS.—As used in this section:

(1) DOMESTIC FEDERAL AGENCY.—The term ''domestic Federal agency'' means a Federal agency the primary mission of which is to carry out functions other than foreign affairs, defense, or national security functions.

(2) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term in section 551(1) of title 5, United States Code.

(3) INTERNATIONAL ORGANIZATION.—The term ''international organization'' has the meaning given the term in section 1 of the International Organization Immunities Act (22 U.S.C. 288).

(4) UNITED STATES ASSISTANCE.—The term ''United States assistance'' has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

Mr. FAIRCLOTH. Madam President, many people in this Chamber believe that all the foreign aid that we send to other countries is included in this one spending bill. But this is not the case. I have discovered that domestic agencies are also in the foreign aid business.

This amendment will require the General Accounting Office to complete a report about grants to foreign entities by Federal Government agencies. This study will be limited to domestic agencies—those not engaged in foreign affairs or national security matters—and it will track the amount of aid to foreign countries that flows outside the Foreign Operations budget.

I took to the floor of this Chamber last week to illustrate the stream of taxpayer dollars that flows to foreign nations through domestic Federal agencies.

I pointed out that the Environmental Protection Agency spent $28 million on 106 grants to foreign countries from 1993 to 1995.

I revealed that the EPA sent $20,000 to the Chinese Ministry of Public Security. The Ministry of Public Security is a national police force that issued shoot-to-kill orders during the pro-democracy rallies in 1989.

The purpose of this EPA grant to the Ministry of Public Security was fire extinguisher maintenance. I hope that my colleagues will agree that a nation that developed nuclear technologies—which it sells to countries like Iran and Pakistan—can maintain fire extinguishers without the American taxpayers' money.

The EPA spent another $20,000 to look into methane emissions from livestock in Nepal. The EPA claims that the Congress is crippling its ability to protect our environment, and, yet, their budget can manage $2,000 for fringe benefits and $5,000 for travel expenses for researchers in Nepal.

The EPA sent $65,000 to Poland to survey local environmental issues. The taxpayers will be delighted to learn about the uses of their hard-earned tax dollars: $16,000 for fringe benefits, $18,000 for travel expenses, and $6,000 for equipment costs.

The EPA sent $300,000 to Bolivia, one of the largest drug-producers in South America, for an emissions inventory. The EPA approved $23,000 in travel expenses and, while these scientists are on their international trips, EPA provided a generous $200 per diem.

This chart illustrates that these are not isolated case: $319,000 to Mexico for a satellite landscape survey; $300,000 grant to Estonia to collect, analyze and disseminate environmental information for effective environmental decisionmaking; $50,000 to Sweden for a database and global distribution of a newsletter about energy-efficient lighting; $134,000 to Mongolia and $194,000 to Botswana to study greenhouse gasses.

If this Congress intends to balance the Federal budget—and I believe that many of us do—we most certainly need to take a good look at the wasteful spending that benefits foreign countries.

EPA complains that cuts in its budget will devastate their efforts to protect the environment. The EPA argues that it cuts money for inspection and enforcement actions. However, the EPA still found $28 million for foreign countries.

I was elected to the Senate in 1992 on a pledge to bring common sense to Washington.

Clearly, Mr. President, these grants defy common sense.

The Congress debates and passes a foreign aid budget—we sent over $12 billion abroad last year—that reflects our decisions about foreign aid. It is not the business of domestic agencies—agencies that complain that their budgets are too small—to send the taxpayers' money to foreign countries.

These grants are representative of a culture of waste that pervades the Federal Government. In fact, not only does the EPA send millions of taxpayers' dollars abroad every year, but oversight of these grants is nonexistent.

The EPA Inspector General reported last year that these grant officers essentially funnel the money overseas and close their eyes.

Domestic agencies need to attend to domestic matters.

Their budgets are separate from the foreign aid budget for good reason. Their responsibilities are in the United States, not in China or Mexico.

This amendment calls for a GAO report to examine the depth and scope of these problems.

I believe that this is the least that the taxpayers deserve and thus hope that my colleagues will join me in support of this amendment.

AMENDMENT NO. 5034

(Purpose: To clarify the use of certain development funds for Africa)

On page 105, beginning on line 12, strike ''amount'' and all that follows through ''should'' on line 13 and insert ''amount made available to carry out chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa) shall''.

Mr. JEFFORDS. Madam President, first, let me thank my colleague from Kentucky, the chairman of the subcommittee, for the excellent job he has done in structuring a good and fair bill in the face of severe constraints. While it is not everything that any of us would like, he has been very attentive to the concerns of his colleagues and I appreciate his efforts.

I rise in support of the amendment offered by the senior Senator from Illinois. The Senator has been an effective, outspoken, and persistent defender of assistance to Africa throughout his congressional career. He, together with the senior Senator from Kansas, have been true friends of Africa, wielding a stick when appropriate and assuring that the United States follows through with humanitarian and development assistance where appropriate. Africa has made dramatic strides over the last two decades, thanks in some part to the constant efforts of these two Senators. They will be sorely missed both in this body and around the world.

The amendment before us is a modest one. It does not change the funding levels laid out in the bill. It does not earmark a specific dollar amount, but ties funding for the Development Fund for Africa to the overall level of funding in the development assistance account. This amendment does not stake out a bigger pot for Africa, it merely ensures that Africa will receive the funding that both this committee and the administration agree it should receive.

I appreciate the efforts that have been made by the chairman to restructure the foreign aid accounts and reduce earmarks. What this amendment seeks to do, however, is to ensure that aid to Africa, the world's most needy continent, is sustained. Traditionally, funding for Africa has fallen victim to sudden needs elsewhere in the world. This amendment would protect Africa from suffering a disproportionate share of future cuts.

Our assistance to Africa is designed to help various nations achieve important goals over the long term. These goals cannot be reached if our financial support fluctuates wildly. The problems we are combating on the continent are entrenched, and will only be rectified if we have staying power. Unlike other areas of the world, we cannot hope to achieve our goals in Africa simply by doing short demonstration projects and assuming that the example will spark comprehensive reform. Reform in Africa takes significantly more work. But the rewards should be significantly greater as well. It has tremendous potential for political evolution, economic development, and growth of markets. In addition to reducing human suffering and bringing greater stability to a large area of the world, success in Africa will prove to be very important to us and our economy in the future.

I appreciate the efforts that the chairman already has made to make assistance to Africa a priority. But I hope that he will agree to accept this amendment as a modest way to ensure this does not change.

Mr. SIMON. Madam President, I appreciate the efforts of Chairman MCCONNELL and Senator LEAHY for working to include the amendment I offered along with Senators KASSEBAUM, FEINGOLD, MOSELEY-BRAUN, JEFFORDS, FEINSTEIN, and MIKULSKI on the Development Fund for Africa. We all share the conviction that aid to Africa should be a priority.

Africa has two unfortunate distinctions—it is both the poorest and the most ignored continent. That is why, 8 years ago, Congress established the Development Fund for Africa to ensure aid for sub-Saharan Africa was given a high priority within our foreign aid budget. Unfortunately, aid to Africa was considered expendable when resources were sought for other purposes. We realized, however, that the United States has an interest and a duty to help out the impoverished in that region, and that the Development Fund for Africa was a good way to help meet our commitment. It would be senseless now, with the measure of hope that we see in Africa, even while it still suffers from poverty, pollution, and the scourge of AIDS, to abandon our support for sub-Saharan Africa.

Our amendment does not add new money. It maintains the language, worked out by Senators MCCONNELL and LEAHY, that protects aid to sub-Saharan Africa from being cut disproportionately in a development assistance account that is getting smaller. I commend the chairman and ranking member of the subcommittee for their support for Africa, and I think this amendment can strengthen their efforts to see that aid to this region is maintained as an important priority. I look forward to working with my colleagues to see that aid to sub-Saharan Africa is protected in the conference report.

Mr. MCCONNELL. These amendments include a Helms amendment on Chechnya, a Brown amendment on demining Afghanistan, two Faircloth amendments on foreign aid and domestic agencies, and a Simon amendment on Africa.

The PRESIDING OFFICER. Without objection, the amendments are agreed to, en bloc.

The amendments (Nos. 5030 through 5034) were agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Madam President, I have a request from Senator MCCAIN to speak for 5 minutes before the vote that we are about to have.

Mr. LEAHY. Madam President, I am certainly not going to preclude the Senator from doing that. I think we are going to be in a position soon where we are going to have a series of votes.

I ask unanimous consent that prior to each of the votes we will be having on this legislation there be 4 minutes equally divided under the control of the distinguished Senator from Kentucky and myself, so that the proponent and opponent would have 2 minutes prior to each vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, my assumption is that the Senator from Arizona is on the way as we speak. I ask unanimous consent that the Senator from Arizona, Senator MCCAIN, be allowed to speak for 5 minutes before the votes that we are about to enter into.

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

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Might I inquire of the Senator from Kentucky, would the order of business following the two votes that are going to be taken soon be that when those votes are completed, Senator HATFIELD and I will be recognized to offer an amendment?

Mr. MCCONNELL. Madam President, it is my understanding that the Senator from North Dakota is willing to enter into a time agreement of 40 minutes on that amendment, and it would be my intention to lay aside the pending amendments and go to the Dorgan amendment as soon as we dispose of these rollcall votes.

Mr. DORGAN. The Senator from Oregon, Senator HATFIELD, and I are willing to enter into a time agreement. We simply ask that we be allotted 40 minutes to present our amendment. So any time agreement that is consistent with that requirement is satisfactory with us. We would be prepared to offer the amendment following the second vote.

Mr. MCCONNELL. Madam President, I am told on this side that an hour total time would be acceptable on this side. So I gather that would give my friend from North Dakota and his supporters 40 minutes and the opponents 20 minutes.

Mr. DORGAN. That would be satisfactory.

Mr. MCCONNELL. Madam President, I, therefore, ask unanimous consent that when we turn to the Dorgan amendment, the time be limited to 1 hour, with 40 minutes to be controlled by the Senator from North Dakota and his supporters and the balance of the time by the opponents of the amendment.

Mr. LEAHY. Will the Senator from Kentucky further request that there be

no second-degree amendments to the amendment by the Senator from North Dakota?

Mr. MCCONNELL. And that there be no second-degree amendments to the Dorgan amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who yields time?

Mr. MCCONNELL. Madam 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. Madam 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. Madam President, since the Senator from Arizona, Senator MCCAIN, had asked for 5 minutes before the vote, now Senator SMITH understandably would like to have 5 minutes as well. So I would like to announce to my colleagues that it looks as if we are at least 10 minutes away from a vote on the Smith amendment and a vote on the Helms amendment.

Therefore, I ask unanimous consent that Senator SMITH be allowed to proceed for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Will the Senator from Kentucky add to that so that people can know that we are going to vote at 2:30? The Senator from Arizona is here now.

Mr. MCCONNELL. I would object to any further efforts to delay the votes. So I think Senators can be assured that 10 minutes from now, there will be two votes: a vote on the Smith amendment, and a vote on the Helms amendment. Both Senator SMITH and Senator MCCAIN have 5 minutes each. The manager of the bill cares not who goes first.

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

Under the previous order, the question now occurs on the amendment No. 5028 offered by the Senator from North Carolina, Senator HELMS.

Mr. MCCONNELL. Madam President, I thought the unanimous-consent agreement allowed the Senator from Arizona, Senator MCCAIN, and the Senator from New Hampshire, Senator SMITH, to proceed for 5 minutes each, I gather, in relation to the Smith amendment.

The PRESIDING OFFICER. The Senator is correct.

Who seeks recognition?

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 5027

Mr. SMITH. Madam President, I hope that we are not going to make this amendment something that it is not in the debate here in the closing moments.

This amendment is very simple. It simply strikes $1.5 million out of the bill, saves the money, which is, in essence, $1.5 million in foreign aid to the country of Vietnam. Vietnam is a Communist country. It has nothing to do with diplomatic relations. It has nothing to do with any of the other issues—normalization, or other issues that we have had some differences here on in the past.

This is a question, and I think it is the ultimate question, of $1.5 million going to North Vietnam, or the country of Vietnam. These are dollars that allegedly, by opposition—by the discussion from the Senator from Louisiana, Senator JOHNSTON—are going to be used by the American Bar Association to somehow make Vietnam suddenly a system that is going to be falling in line with our legal system here in America, or at least that is the ultimate goal.

The point is the American Bar Association donates tens of millions of dollars to candidates, mostly candidates on the other side of the aisle. They have plenty of money. There is no need to take $1.5 million of the taxpayers' money to do this. The country of Vietnam, I say to my colleague, is $150 million in arrears.

The law which is in this very bill says very clearly under bilateral economic assistance that this is precluded; this is forbidden. Now they have made an exception in this provision, in this bill. That is what is wrong.

So the issue here is, Do you believe that North Vietnam, a country that denies basic human rights to its people, should get $1.5 million that the American Bar Association can certainly spend on their own, if they want to promote a legal system in Vietnam that may or may not be patterned after the United States of America?

We have no guarantee this is going to happen. There are no guarantees whatsoever that if the American taxpayers spend $1.5 million that somehow, miraculously, Vietnam is going to adopt our legal system. It is absolutely outrageous. It is the most outrageous argument I have heard since I have been in the Senate. It is crazy.

Not only that, if we are really concerned about having a legal system in Vietnam that is like America, what about a legal system that would protect these poor unfortunate souls who are imprisoned all over Vietnam with no charges against them, who have been held in reeducation camps for years and years with no charges—just held there, no system, no trial, no nothing? That is what this is issue is about.

If the people in the trade council want to trade with Vietnam, we have had that debate. Senator MCCAIN and I have had that debate. This is not that debate. That is fine. The issue is not that. The issue is whether or not, in the interest of producing a legal system that somehow is going to reflect ourselves, our own legal system, that we should spend $1.5 million of the taxpayers' money.

This is a new foreign aid program. It is the camel's nose under the tent. It is $1.5 million of foreign aid to a Communist country that owes us $150 million in debts. They have not paid them. They have not tried to pay them. There has been no restructuring, or anything else, any attempt whatsoever.

That is the issue. It is not the responsibility of the American taxpayers to pay for this just because there is a group —if you look at the corporations, these are big corporations, not to mention the ABA. There is plenty of private money. We have the world banks and other international organizations that have helped Vietnam. We donate to those. We provide dollars. We give dollars to these international organizations. Why now have another $1.5 million of taxpayers' dollars in new foreign aid go to this country? It is wrong. It is absolutely wrong.

No matter how you feel about the issue of trade with Vietnam, that is not the issue here. The issue is, do we give Vietnam another $1.5 million in foreign aid in the hopes that somehow they are miraculously going to adopt our legal system and have trial by jury and have this nice legal system patterned after the United States of America? It is absolute nonsense. Maybe they will or maybe they will not, but they will not use $1.5 million of the taxpayers' money to do that. How about reforming Vietnam's election laws, to become a democracy? This is not what this is all about.

The argument about the nations of Eastern Europe who have come out from under the yoke of communism, that is the point. They came out from under the yoke of communism, and when they did, then we could help them as we have done. This is not the case here.

What is next? Maybe we ought to help the North Koreans. Maybe we ought to give them a couple of million bucks, and maybe they will—maybe they will—pattern their legal system after ours. How about Cuba? Maybe they will pattern it if we give them a couple million, too.

This is absolutely wrong. I am absolutely shocked that there would be a lot of opposition to an amendment to take $1.5 million out of this foreign operations bill for something like this.

So, in conclusion, the point is very simple. If you want to give $1.5 million of new foreign aid to North Vietnam in the hopes that they are going to pattern their legal system after the United States of America, vote against the amendment.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, thank you very much.

It is important that the legal system in Vietnam be more aligned to Western business and Western investment and Western practices and democracy. I believe that the Vietnamese have agreed in principle to repay their debt. In fact,

they have assumed the debt that South Vietnam had incurred in some respects.

I am also informed by the administration that the only major dispute is over about $8 million of the $150 million debt. I think it is important. The language of the bill says that the committee urges AID to provide up to $1.5 million for the Vietnam legal reform initiative, and then it goes on to say that the committee is aware of the particular expertise of the American Bar Association, the International Law Institute, and the United States-Vietnam Trade Council, which strongly recommends that AID consider implementing the initiative through these organizations. So it is my understanding that the money would not go directly to the Vietnamese Government but to these organizations.

I believe that the distinguished managers of the bill can help me out. I believe that is the reason the language was included as it was, so that there would be development of trade relations and also assistance to provide the necessary framework for commercial transactions for foreign investment and trade.

So, as you know, there are many American corporations doing business over in Vietnam today. I am told that some are doing very well. Some are not doing very well. One of the reasons some are not doing very well is because of the lack of a legal framework. I am convinced that it may be in our national interest to see that happen.

Mr. SMITH. Madam President, is there any time remaining at all?

The PRESIDING OFFICER. There is 2 minutes on each side under the previous unanimous consent.

Mr. SMITH. I just would like to respond briefly to the last point that Senator MCCAIN made.

In the committee bill in question here, the language that my amendment strikes is under the heading ''Title II,'' which is ''Bilateral Economic Assistance, Agency for International Development, Development Assistance.'' This is to furnish assistance to any country.

Now, here we have a situation where this is under economic assistance, so it is going directly to Vietnam because that is exactly what the language says. The actual committee language reads: ''Funds appropriated under this heading shall be made available to assist Vietnam,'' et cetera. That is what the language says. So that is what is happening. Maybe the intent is different. I do not question anybody's intent here, but the language says that this money is to assist Vietnam. And that is what I object to.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I would like to yield 1 minute to the distinguished manager of the bill in the hopes that maybe he might clear this up. Could I ask the Senator from Kentucky if he can help us out. I am not trying to get him into a problem here.

Mr. McCONNELL. I say to my friend I am not sure I can.

Mr. McCAIN. On page 27 of the report accompanying the bill that I am looking at——

Mr. McCONNELL. I really think Senator JOHNSTON, who is the author, ought to respond.

Mr. McCAIN. The way I read it, it says the committee ''strongly recommends that AID consider implementing the initiative through those organizations.'' I ask the Senator from Louisiana, is that the correct interpretation of the language in the bill?

Mr. JOHNSTON. Mr. President, I say to my friend from Arizona that is precisely what is contemplated. That is precisely what the report language says.

The bill language says this would aid Vietnam, and, indeed, it does by aiding Vietnam to set up a legal system. But as the report language says, the committee is aware of the particular expertise of the American Bar Association, et cetera, and recommends that AID consider implementing the initiative through these organizations. So it explicitly calls for implementing the help to Vietnam's legal system through the American Bar Association, the International bar——

Mr. McCAIN. International Law Institute and the trade council.

Mr. JOHNSTON. International Law Institute, yes, and the trade council. So this does not go to Vietnam. It goes to these organizations which would help Vietnam set up the rule of law.

The PRESIDING OFFICER. All time has expired.

The question now is on agreeing to amendment No. 5027 offered by the Senator from New Hampshire, Mr. SMITH. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. LAUTENBERG] is necessarily absent.

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—43

Abraham	Feingold	Moseley-Braun
Ashcroft	Frahm	Nickles
Baucus	Frist	Pressler
Brown	Gramm	Reid
Burns	Grassley	Santorum
Byrd	Gregg	Smith
Campbell	Hatch	Snowe
Coats	Helms	Thomas
Conrad	Hutchison	Thompson
Coverdell	Inhofe	Thurmond
Craig	Kempthorne	Warner
D'Amato	Kohl	Wellstone
Domenici	Kyl	Wyden
Dorgan	Lott	
Faircloth	McConnell	

NAYS—56

Akaka	Cochran	Grams
Bennett	Cohen	Harkin
Biden	Daschle	Hatfield
Bingaman	DeWine	Heflin
Bond	Dodd	Hollings
Boxer	Exon	Inouye
Bradley	Feinstein	Jeffords
Breaux	Ford	Johnston
Bryan	Glenn	Kassebaum
Bumpers	Gorton	Kennedy
Chafee	Graham	Kerrey
Kerry	Moynihan	Roth
Leahy	Murkowski	Sarbanes
Levin	Murray	Shelby
Lieberman	Nunn	Simon
Lugar	Pell	Simpson
Mack	Pryor	Specter
McCain	Robb	Stevens
Mikulski	Rockefeller	

NOT VOTING—1

Lautenberg

The amendment (No. 5027) was rejected.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 5028

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 5028 offered by the Senator from North Carolina [Mr. HELMS].

There are 4 minutes equally divided. Who seeks recognition?

Mr. LEAHY. Madam President, the Senate is not in order.

Mr. FORD. There must be respect for the Chair.

The PRESIDING OFFICER. We will not proceed without order in the Chamber.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. It is my understanding there are 2 minutes on each side in relation to the amendment.

The PRESIDING OFFICER. That is correct.

Mr. McCONNELL. I yield the 2 minutes to the majority leader.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senate majority leader.

Mr. LOTT. Madam President, I will just be very brief before we go to the vote on this amendment sponsored by the Senator from North Carolina and the Senator from New Hampshire.

I urge my colleagues to vote for this amendment. The amendment will shut down any possible U.N. ambitions to tax American citizens. The amendment, as I understand it, would prohibit U.S. contributions to the U.N. or U.N. agencies if they develop, advocate or publicize U.N. tax proposals. I think it is a necessary and important precaution to include this in the Foreign Operations bill. I urge the adoption of the amendment.

Mr. LEAHY. Madam President, I yield the 2 minutes under my control to the Senator from Rhode Island.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I thank my friend from Vermont.

Madam President, I wish to speak to the amendment regarding the United Nations offered by our distinguished colleague and my successor as the chairman of the Foreign Relations Committee, Senator HELMS.

I have the utmost respect for Senator HELMS, but I have deep concerns about the amendment he proposes.

As one who participated in the San Francisco conference which drew up the U.N. charter, I have tried over the years since both to support and improve the organization any way I could.

And the United Nations, I would argue, has accumulated a solid record of achievement. It has not lived up to all of its potential, but for every example that critics give of the U.N.'s failures, there are numerous countervailing examples of success—in brokering peaceful settlements to violent conflicts worldwide; in halting the proliferation of nuclear weapons; in protecting the international environment; and in immunizing the world's children and preventing the spread of disease.

The U.N.'s record is lofty, not only for its thought, but it has made the world a truly better place. The United Nations has enabled the United States to avoid unilateral responsibility for costly and entangling activities in regions of critical importance, even as it yields to the United States a position of tremendous authority.

U.S. leadership at the United Nations is threatened by our inability to pay our dues and meet our obligations. Amendments such as these only endanger our position further. I urge my colleagues to vote against it.

Mr. LEAHY. Is there time left?

The PRESIDING OFFICER. There are 30 seconds.

Mr. LEAHY. Madam President, this amendment says that if the United Nations could borrow money from an international lending organization, as defined in here, we would not be able to make our contributions to independent agencies. That means we could not make our contributions to UNICEF, to the various environmental organizations, the protection of women, or other such organizations.

The PRESIDING OFFICER. All time has expired on the Senator's side.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina. The Senator has 1½ minutes remaining.

Mr. HELMS. Madam President, what the distinguished Senator from Vermont has said is not applicable at all. He knows—anybody who has read the amendment knows that nothing happens until the United Nations begins to talk about taxing the American people. That is clear in the amendment. It does not need any obfuscation from the Senator from Vermont.

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to amendment No. 5028 offered by the Senator from North Carolina, [Mr. HELMS]. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX] and the Senator from New Jersey [Mr. LAUTENBERG] are necessarily absent.

The result was announced—yeas 70, nays 28, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—70

Abraham	Faircloth	Lugar
Ashcroft	Feingold	Mack
Baucus	Frahm	McCain
Bennett	Frist	McConnell
Biden	Gorton	Murkowski
Bond	Graham	Nickles
Brown	Gramm	Nunn
Bumpers	Grams	Pressler
Burns	Grassley	Pryor
Byrd	Gregg	Robb
Campbell	Harkin	Roth
Chafee	Hatch	Santorum
Coats	Heflin	Shelby
Cochran	Helms	Simpson
Cohen	Hollings	Smith
Conrad	Hutchison	Snowe
Coverdell	Inhofe	Stevens
Craig	Kassebaum	Thomas
D'Amato	Kempthorne	Thompson
DeWine	Kerry	Thurmond
Dodd	Kohl	Warner
Domenici	Kyl	Wyden
Dorgan	Levin	
Exon	Lott	

NAYS—28

Akaka	Inouye	Murray
Bingaman	Jeffords	Pell
Boxer	Johnston	Reid
Bradley	Kennedy	Rockefeller
Bryan	Kerrey	Sarbanes
Daschle	Leahy	Simon
Feinstein	Lieberman	Specter
Ford	Mikulski	Wellstone
Glenn	Moseley-Braun	
Hatfield	Moynihan	

NOT VOTING—2

Breaux	Lautenberg

The amendment (No. 5028) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, there are several more amendments that have been cleared on both sides that Senator LEAHY and I would like to dispose of at this point before we go to the amendment to be laid down by the Senator from North Dakota, which is under a time agreement.

AMENDMENTS NOS. 5039 THRU 5044, EN BLOC

Mr. MCCONNELL. Mr. President, I send some amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments numbered 5039 through 5044, en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 5039

(Purpose: To require certain reports on the situation in Burma)

On page 188, between lines 22 and 23, insert the following new section:

REPORTS ON THE SITUATION IN BURMA

SEC. ____. (a) LABOR PRACTICES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of State, shall submit a report to the appropriate congressional committees on—

(1) Burma's compliance with international labor standards including, but not limited to, the use of forced labor, slave labor, and involuntary prison labor by the junta;

(2) the degree to which foreign investment in Burma contributes to violations of fundamental worker rights;

(3) labor practices in support of Burma's foreign tourist industry; and

(4) efforts by the United States to end violations of fundamental labor rights in Burma.

(b) DEFINITION.—As used in this section, the term ''appropriate congressional committees'' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(c) FUNDING.—(1) There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1997, for expenses necessary to carry out the provisions of this section, $30,000 to the Department of Labor.

(2) The amount appropriated by this Act under the heading ''DEPARTMENT OF STATE, INTERNATIONAL NARCOTICS CONTROL'' shall be reduced by $30,000.

AMENDMENT NO. 5040

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

SEC. . HAITI.

The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the civilian-led Haitian National Police and Coast Guard, except as otherwise stated in law; *Provided,* That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

AMENDMENT NO. 5041

(Purpose: To express the sense of the Congress that the United States should take steps to improve economic relations between the United States and the countries of Eastern and Central Europe)

At the appropriate place, insert the following new section:

SEC. . TRADE RELATIONS WITH EASTERN AND CENTRAL EUROPE.

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

(1) The countries of Central and Eastern Europe, including Poland, Hungary, the Czech Republic, Slovakia, Romania, Slovenia, Lithuania, Latvia, Estonia, and Bulgaria, are important to the long-term stability and economic success of a future Europe freed from the shackles of communism.

(c) The Central and Eastern European countries, particularly Hungary, Poland, the Czech Republic, Romania, Slovakia, Slovenia, Latvia, Lithuania, and Estonia, are in the midst of dramatic reforms to transform their centrally planned economies into free market economies and to join the Western community.

(3) It is in the long-term interest of the United States to encourage and assist the transformation of Central and Eastern Europe into a free market economy, which is the solid foundation of democracy, and will contribute to regional stability and greatly increased opportunities for commerce with the United States.

(4) Trade with the countries of Central and Eastern Europe accounts for less than one percent of total United States trade.

(5) The presence of a market with more than 140,000,000 people, with a growing appetite for consumer goods and services and

badly in need of modern technology and management, should be an important market for United States exports and investments.

(6) The United States has concluded agreements granting most-favored-nation status to most of the countries of Central and Eastern Europe.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should take steps to promote more open, fair, and free trade between the United States and the countries of Central and Eastern Europe, including Poland, Hungary, the Czech Republic, Slovakia, Lithuania, Latvia, Estonia, Romania, and Slovenia, including—

(1) developing closer commercial contacts;

(2) the mutual elimination of tariff and nontariff discriminatory barriers in trade with these countries;

(3) exploring the possibility of framework agreements that would lead to a free trade agreement;

(4) negotiating bilateral investment treaties;

(5) stimulating increased United States exports and investments to the region;

(6) obtaining further liberalization of investment regulations and protection against nationalization in these foreign countries; and

(7) establishing fair and expeditious dispute settlement procedures.

AMENDMENT NO. 5042

(Purpose: To permit certain claims against foreign states to be heard in United States courts where no extradition treaty with the state existed at the time the claim arose and where no other adequate and available remedies)

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

SEC. __. LIMITATION ON FOREIGN SOVEREIGN IMMUNITY.

(a) IN GENERAL.—Section 1605(a)(7) of title 28, United States Code, is amended to read as follows:

''(7) in which money damages are sought against a foreign state for personal injury or death caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act, if—

''(A) such act or provision of material support was engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency;

''(B) the foreign state against whom the claim was brought—

''(i) was designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) at the time the act occurred or was later so designated as a result of such act; or

''(ii) had no treaty of extradition with the United States at the time the act occurred and no adequate and available remedies exist either in such state or in the place in which the act occurred;

''(C) the claimant has afforded the foreign state a reasonable opportunity to arbitrate the claim in accordance with accepted international rules of arbitration; and

''(D) the claimant or victim was a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act) when the act upon which the claim is based occurred.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to actions brought in United States courts on or after the date of enactment of this Act.

AMENDMENT NO. 5043

(Purpose: To express the Sense of the Congress regarding Croatia)

At the appropriate place, add the following new section:

SECTION . SENSE OF CONGRESS REGARDING CROATIA.

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

(2) Croatia has politically and financially contributed to the NATO peacekeeping operations in Bosnia;

(2) The economic stability and security of Croatia is important to the stability of South Central Europe; and

(3) Croatia is in the process of joining the Partnership for Peace.

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

(1) Croatia should be recognized and commended for its contributions to NATO and the various peacekeeping efforts in Bosnia;

(2) the United States should support the active participation of Croatia in activities appropriate for qualifying for NATO membership, provided Croatia continues to adhere fully to the Dayton Peace Accords and continues to make progress toward establishing democratic institutions, a free market, and the rule of law.

AMENDMENT NO. 5044

(Purpose: To express the Sense of the Congress that Romania is making significant progress toward admission to NATO)

At the appropriate place, add the following new section:

SECTION . ROMANIA'S PROGRESS TOWARD NATO MEMBERSHIP.

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

(1) Romania emerged from years of brutal Communist dictatorship in 1989 and approved a new Constitution and elected a Parliament by 1991, laying the foundation for a modern parliamentary democracy charged with guaranteeing fundamental human rights, freedom of expression, and respect for private property;

(2) Local elections, parliamentary elections, and presidential elections have been held in Romania, with 1996 marking the second nationwide presidential elections under the new Constitution;

(3) Romania was the first former Eastern bloc country to join NATO's Partnership for Peace program and has hosted Partnership for Peace military exercises on its soil;

(4) Romania is the second largest country in terms of size and population in Central Europe and as such is strategically significant;

(5) Romania formally applied for NATO membership in April of 1996 and has begun an individualized dialogue with NATO on its membership application; and

(6) Romania has contributed to the peace and reconstruction efforts in Bosnia by participating in the Implementation Force (IFOR).

(b) SENSE OF THE CONGRESS.—Therefore, it is the sense of the Congress that:

(1) Romania is making significant progress toward establishing democratic institutions, a free market economy, civilian control of the armed forces and the rule of law;

(2) Romania is making important progress toward meeting the criteria for accession into NATO;

(3) Romania deserves commendation for its clear desire to stand with the West in NATO, as evidenced by its early entry into the Partnership for Peace, its formal application for NATO membership, and its participation in IFOR;

(4) Romania should be evaluated for membership in the NATO Participation Act's transition assistance program at the earliest opportunity; and

(5) The United States should work closely with Romania and other countries working toward NATO membership to ensure that every opportunity is provided.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 5039 through 5044), en bloc, were agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. McCONNELL. If I may give a status report on behalf of Senator LEAHY and myself.

We have disposed of 24 amendments. There are two that have been laid aside that will be dealt with later. Senator LEAHY and I are aware of only 12 left, of which 3 may need rollcalls. One of the three has a time agreement, and that is, of course, the amendment of the Senator from North Dakota, Senator DORGAN, which I believe is triggered under a previous unanimous-consent agreement at this point.

The PRESIDING OFFICER. The Senator is correct. Under the previous agreement, the Senator from North Dakota is to be recognized to offer an amendment. One hour of debate has been established, with 40 minutes under the control of the proponents and 20 minutes for the opponents.

The Senator from North Dakota.

Mr. DORGAN. Under the unanimous-consent agreement, there are to be no second-degree amendments. The Senator from Massachusetts had, prior to that point, asked to offer a second-degree amendment that is acceptable to myself and Senator HATFIELD.

I ask that the unanimous-consent agreement be modified to allow the Senator from Massachusetts to offer a second-degree amendment when appropriate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DORGAN. Mr. President, the unanimous consent request provides that I now offer the amendment on behalf of myself and Senator HATFIELD and others and that we have 40 minutes on our side in the 1-hour time agreement. The Senator from Delaware and the Senator from Texas have asked if they could intervene with an amendment that they intend to offer that will take 5 minutes on each side. I have no objection, by unanimous consent, to allowing them to go 5 minutes each. I understand their amendment would be agreed to. Following the 10 minutes, I ask that we then have the 1 hour, 40 minutes allotted to us to offer the amendment on foreign arms sales.

So, Mr. President, I make that unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, I say to my friend, I believe it is a freestanding bill, not an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Texas is recognized.

PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT OF 1996

Mr. GRAMM. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1675, and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 1675) to provide for the nationwide tracking of convicted sexual predators, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5038

(Purpose: To protect the public safety by establishing a nationwide system to track convicted sexual predators)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM], for himself, Mr. BIDEN, Mr. HATCH, and Mrs. HUTCHISON, proposes an amendment numbered 5038.

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

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

The amendment is as follows:

Strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pam Lychner Sexual Offender Tracking and Identification Act of 1996''.

SEC. 2. OFFENDER REGISTRATION.

(a) ESTABLISHMENT OF FBI DATABASE.—Subtitle A of Title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by adding at the end the following new section:

''SEC. 170102. FBI DATABASE.

''(a) DEFINITIONS.—For purposes of this section—

''(1) the term 'FBI' means the Federal Bureau of Investigation;

''(2) the terms 'criminal offense against a victim who is a minor', 'sexually violent offense', 'sexually violent predator', 'mental abnormality', and 'predatory' have the same meanings as in section 170101(a)(3); and

''(3) the term 'minimally sufficient sexual offender registration program' means any State sexual offender registration program that—

''(A) requires the registration of each offender who is convicted of an offense described in subparagraph (A) or (B) or section 170101(a)(1);

''(B) requires that all information gathered under such program be transmitted to the FBI in accordance with subsection (g) of this section;

''(C) meets the requirements for verification under section 170101(b)(3); and

''(D) requires that each person who is required to register under subparagraph (A) shall do so for a period of not less than 10 years beginning on the date that such person was released from prison or placed on parole, supervised release, or probation.

''(b) ESTABLISHMENT.—The Attorney General shall establish a national database at the Federal Bureau of Investigation to track the whereabouts and movement of—

''(1) each person who has been convicted of a criminal offense against a victim who is a minor;

''(2) each person who has been convicted of a sexually violent offense; and

''(3) each person who is a sexually violent predator.

''(c) REGISTRATION REQUIREMENT.—Each person described in subsection (b) who resides in a State that has not established a minimally sufficient sexual offender registration program shall register a current address, fingerprints of that person, and a current photograph of that person with the FBI for inclusion in the database established under subsection (b) for the time period specified under subsection (d).

''(d) LENGTH OF REGISTRATION.—A person described in subsection (b) who is required to register under subsection (c) shall, except during ensuing periods of incarceration, continue to comply with this section—

''(1) until 10 years after the date on which the person was released from prison or placed on parole, supervised release, or probation; or

''(2) for the life of the person, if that person—

''(A) has 2 or more convictions for an offense described in subsection (b);

''(B) has been convicted of aggravated sexual abuse, as defined in section 2241 of title 18, United States Code, or in a comparable provision of State law; or

''(C) has been determined to be a sexually violent predator.

''(e) VERIFICATION.—

''(1) PERSONS CONVICTED OF AN OFFENSE AGAINST A MINOR OR A SEXUALLY VIOLENT OFFENSE.—In the case of a person required to register under subsection (c), the FBI shall, during the period in which the person is required to register under subsection (d), verify the person's address in accordance with guidelines that shall be promulgated by the Attorney General. Such guidelines shall ensure that address verification is accomplished with respect to these individuals and shall require the submission of fingerprints and photographs of the individual.

''(2) SEXUALLY VIOLENT PREDATORS.—Paragraph (1) shall apply to a person described in subsection (b)(3), except that such person must verify the registration once every 90 days after the date of the initial release or commencement of parole of that person.

''(f) COMMUNITY NOTIFICATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the FBI may release relevant information concerning a person required to register under subsection (c) that is necessary to protect the public.

''(2) IDENTITY OF VICTIM.—In no case shall the FBI release the identity of any victim of an offense that requires registration by the offender with the FBI.

''(g) NOTIFICATION OF FBI OF CHANGES IN RESIDENCE.—

''(1) ESTABLISHMENT OF NEW RESIDENCE.—For purposes of this section, a person shall be deemed to have established a new residence during any period in which that person resides for not less than 10 days.

''(2) PERSONS REQUIRED TO REGISTER WITH THE FBI.—Each establishment of a new residence, including the initial establishment of a residence immediately following release from prison, or placement on parole, supervised release, or probation, by a person required to register under subsection (c) shall be reported to the FBI not later than 10 days after that person establishes a new residence.

''(3) INDIVIDUAL REGISTRATION REQUIREMENT.—A person required to register under subsection (c) or under a minimally sufficient offender registration program, including a program established under section 170101, who changes address to a State other than the State in which the person resided at the time of the immediately preceding registration shall, not later than 10 days after that person establishes a new residence, register a current address, fingerprints, and a photograph of that person, for inclusion in the appropriate database, with—

''(A) the FBI; and

''(B) the State in which the new residence is established.

''(4) STATE REGISTRATION REQUIREMENT.—Any time any State agency in a State with a minimally sufficient sexual offender registration program, including a program established under section 170101, is notified of a change of address by a person required to register under such program within or outside of such State, the State shall notify—

''(A) the law enforcement officials of the jurisdiction to which, and the jurisdiction from which, the person has relocated; and

''(B) the FBI.

''(5) VERIFICATION.—

''(A) NOTIFICATION OF LOCAL LAW ENFORCEMENT OFFICIALS.—The FBI shall ensure that State and local law enforcement officials of the jurisdiction to which, and the State and local law enforcement officials of the jurisdiction to which, a person required to register under subsection (c) relocates are notified of the new residence of such person.

''(B) NOTIFICATION OF FBI.—A State agency receiving notification under this subsection shall notify the FBI of the new residence of the offender.

''(C) VERIFICATION.—

''(I) STATE AGENCIES.—If a State agency cannot verify the address of or locate a person required to register with a minimally sufficient sexual offender registration program, including a program established under section 170101, the State shall immediately notify the FBI.

''(ii) FBI.—If the FBI cannot verify the address of or locate a person required to register under subsection (c) or if the FBI receives notification from a State under clause (I), the FBI shall ensure that, either the State or the FBI shall—

''(I) classify the person as being in violation of the registration requirements of the national database; and

''(II) add the name of the person to the National Crime Information Center Wanted Person File and create a wanted persons record, provided that an arrest warrant which meets the requirements for entry into the file is issued in connection with the violation.

''(h) FINGERPRINTS.—

''(1) IN GENERAL.—

''(A) FBI REGISTRATION.—For each person required to register under subsection (c), fingerprints shall be obtained and verified by the FBI or a local law enforcement official pursuant to regulations issued by the Attorney General.