

a tribunal, indicting and prosecuting Saddam Hussein. He is a war criminal. He is a murderer. Let there be an end to the pretense that installing cameras and finding biological weapons toxins will end our problems with Iraq.

We need to get the weapons, yes. We also need, one way or another, to get Saddam.

VISIT TO THE SENATE BY THE PRIME MINISTER OF THAILAND, CHUAN LEEKPAI

RECESS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes for the purpose of receiving the Prime Minister of Thailand.

There being no objection, the Senate, at 5:22 p.m., recessed until 5:27 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, on behalf of the majority leader, I ask unanimous consent that there now be a period of morning business.

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

ADMINISTRATION'S RECORD AL- LWS CHINA TO GET BY WITH WHOLESALE MURDER

Mr. HELMS. Mr. President, the Foreign Relations Committee recently received an alarming letter—which the State Department was required to send pursuant to Title IV of public law 105-118—explaining that the United Nations Population Fund (known as UNFPA) is renewing its highly controversial population control program in communist China.

Surely, the most inhumane human rights abuses in China occur in the name of reducing its birth rate. Under Red China's population control regime, women who already have one child are forced to abort their babies, and forced to undergo sterilization procedures. Nazi Germany could not have designed a system more brutally efficient than China's—which systematically kills all but firstborn babies. And from the beginning, UNFPA has worked hand-in-glove with communist Chinese authorities.

In fact, Presidents Reagan and Bush suspended funding for UNFPA precisely because of its activities in China, and it was not until President Clinton was sworn in (promising to keep abortions "safe, legal and rare") that UNFPA began receiving U.S. taxpayer funds again. President Clinton's support for UNFPA has never wavered, even though China never backed off its forced abortion policy.

So now you know, Mr. President, why the Administration occasionally gives lip service to the critics of China's bru-

tal population control program, and why it occasionally assures Congress that it really does not want UNFPA in China. In fact, the Administration went so far as to put this in writing.

I have at hand a letter from AID's Administrator, Brian Atwood, dated September 10, 1993, promising that, "... if there are not significant improvements in China's population program, the United States will not support continued UNFPA assistance to China beyond 1995 when the current program ends." The same promise was made to other members of Congress.

Mr. President, this promise is significant because decisions about UNFPA's programs are made by consensus by its Executive Board. In other words, as a leading contributor to UNFPA, and a member of its Executive Board, the United States had the opportunity and the wherewithal to veto a renewal of China's program. But the Clinton Administration refused to do so, despite promises made to Congress, and despite their own admission that China's population program has not made "significant improvements".

Consider the U.S. statement at UNFPA's Board meeting: "We believe that this program may have the potential to demonstrate clearly the efficacy and sustainability of volunteer, non-coercive family planning." Mr. President, this is cheerleading. It is an endorsement rather than opposition, as promised.

It is curious, Mr. President, that UNFPA's previous 15 year program in China failed to "demonstrate clearly the efficacy and sustainability of volunteer, non-coercive family planning". Clearly, communist China sees nothing wrong with its policy of forced abortion. UNFPA's Executive Director actually praised communist China for "achievements" in controlling its population growth. For the State Department to pretend that UNFPA now cares whether China's program is coercive or not is dishonest.

Mr. President, apparently the Administration cannot or will not keep its word when it comes to this issue. Therefore, I intend to make every effort to see that Congress cuts off funding for UNFPA once and for all. I therefore ask unanimous consent that the following letters be printed in the RECORD at the conclusion of my remarks: (1) a February 13, 1997, letter to me from Barbara Larkin, Assistant Secretary of State for Legislative Affairs; (2) a September 10, 1993, letter to me from AID Administrator Brian Atwood; and (3) a May 18, 1994, letter to Rep. SMITH from AID Administrator Brian Atwood.

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

U.S. DEPARTMENT OF STATE,
Washington, DC, February 13, 1998.

Hon. JESSE HELMS,
*Chairman, Committee on Foreign Relations,
U.S. Senate.*

DEAR MR. CHAIRMAN: Pursuant to Title IV (Multilateral Economic Assistance) of the

Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998, (H.R. 2159), as enacted by P.L. 105-118, we are writing to inform you that the United Nations Population Fund (UNFPA) will begin a new program in the People's Republic of China this year. UNFPA has budgeted \$5 million for the China program in 1998, out of a total four-year program budget of \$20 million. UNFPA's previous program in China ended in 1995. UNFPA reported to the Department of State, as we in turn reported to you, that no funds were spent in China in 1996 or 1997.

As you know, the U.S. has long opposed plans for a new China program. While we continue to have concerns regarding renewed UNFPA assistance to China, support for a new program has been strong among every other member country represented on the UNFPA Executive Board. Consequently, on January 19, 1998, the Executive Board approved a new program for China. This new four-year program is the result of more than two years of extensive negotiations between UNFPA and Chinese government officials. It involves activities in 32 counties designed to improve the delivery of voluntary family planning and related health services. The program is an attempt to demonstrate that couples, given the family planning and related health services they need, will freely and responsibly plan their families and help the Chinese fulfill their stated intention of eliminating incentives and disincentives from their nation's family planning program. A key element of this new program is a commitment by the Chinese to suspend or remove birth quotas and targets in project counties. As such, the program reflects the principles of voluntarism and non-coercion which we and the international community have been asking China to adopt and begins to address many of the concerns we have about China's family planning policy. We will be monitoring this new program closely.

As Title IV requires, the \$5 million that UNFPA plans to spend in China in 1998 will be deducted from the \$25 million appropriated in the law for the U.S. contribution to UNFPA.

If you would like further information on the UNFPA program in China, we would be pleased to arrange a briefing.

Sincerely,

BARBARA LARKIN,
*Assistant Secretary,
Legislative Affairs.*

THE ADMINISTRATOR, AGENCY FOR
INTERNATIONAL DEVELOPMENT,
Washington, DC, September 10, 1993.

Hon. JESSE HELMS,
*Committee on Foreign Relations, Washington,
DC.*

DEAR SENATOR HELMS: Thank you for your letter of August 16, 1993, requesting additional information about the Administration's decision to provide assistance to the United Nations Population Fund (UNFPA) and the Human Reproduction Program of the World Health Organization (WHO/HRP).

UNFPA POLICY DETERMINATION

Rapid population growth presents enormous problems for developing and developed countries in the immediate future. This Administration is acting to establish a role for the United States as a world leader to meet this challenge. President Clinton invited the Executive Director of UNFPA to a White House ceremony on January 22, 1993, when he ordered A.I.D. to stop implementing the Mexico City Policy; he has directed a reorganization of the State Department to reflect the greater priority placed on population as a global issue; and in May, State Department Counselor Wirth reconfirmed the Clinton Administration's intention to resume funding

for UNFPA during his remarks to the Second Preparatory Committee for the International Conference on Population and Development.

The United States strongly opposes coercion in family planning programs, and State Department representatives to the UNFPA Governing Council meeting in June expressed our dismay about reported continued abuses in China. In deciding to resume assistance for UNFPA, this Administration did not determine that China's population control program is not coercive, but rather that UNFPA does not support or participate in the management of a program of coercive abortion or involuntary sterilization.

This Administration does not believe it should attribute to UNFPA human rights violations in a government's population program unless there is clear evidence that UNFPA knowingly and intentionally provides direct funding or other support for those abuses. The Kemp-Kasten amendment is an ambiguous provision, and Congress did not indicate an intention to apply this restriction automatically and more broadly to an organization which provides assistance to a country that has a program of coercive abortion or involuntary sterilization. We also do not consider it appropriate to withhold funding when UNFPA is not directly involved with these abuses because the nation-members of the Governing Council, rather than UNFPA, decide whether UNFPA will assist a country that requests it.

During the June Governing Council meeting, the Executive Director of UNFPA likewise condemned coercion in family planning programs. She explained that UNFPA has had a constant dialogue with Chinese officials about reproductive freedom and monitors its projects carefully to ensure adherence to universally accepted standards of human rights. Several other country members of the Governing Council repeated their longstanding belief that UNFPA's presence in China is a moderating influence and a catalyst for change there. More recently, UNFPA reported that the Government of China has agreed to keep UNFPA informed about the action it takes to correct abuses identified in the China population program.

UNFPA also has ceased providing computer equipment for China. UNFPA's current program focuses primarily on improving the quality and safety of contraceptives and providing assistance for safe motherhood, infant care, nutrition, breastfeeding and family planning. It supports efforts to raise the status of women and enhance reproductive choice through improved literacy, skills training and income generation.

Nevertheless, we remain concerned about coercion in China, and UNFPA has agreed to the following conditions: United States funds must be kept in a separate, segregated account; No United States funds may be used in China; and UNFPA will report about where United States funds are used and provide adequate documentation to describe and support the stated expenditures.

The United States will ensure that UNFPA reviews, during each annual Governing Council meeting, progress made toward improving reproductive freedom in China. In addition, if there are not significant improvements in China's population program, the United States will not support continued UNFPA assistance to China beyond 1995 when the current program ends.

WHO/HRP LEGAL ANALYSIS

This letter describes the reasons for A.I.D.'s decision that Sections 104(f) (1) and (3) of the Foreign Assistance Act of 1961, as amended (the FAA), do not bar support for WHO/HRP. There is no separate legal memorandum on this subject.

These sections state: "(f) PROHIBITION ON USE OF FUNDS FOR ABORTIONS AND INVOLUNTARY STERILIZATIONS.—(1) None of the funds made available to carry out this part may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions."

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"(3) None of the funds made available to carry out this part may be used for any biomedical research which relates, in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning."

It is clear from the words of this statute that Congress intended to prevent the use of appropriated dollars to pay for the abortion activity described in these sections. The restriction does not make an organization ineligible for assistance, however, if it uses its own money, or funds from other sources, to finance abortions or research about abortion as a method of family planning as long as it agrees not to use United States funds for those purposes.

Since Sections 104(f) (1) and (3) were enacted in 1973 and 1981, respectively, A.I.D. has implemented these limitations by a provision in its population assistance agreements in which the recipient agrees not to use grant funds for the proscribed actions. As indicated in my letter of August 6, 1993, the arrangement with WHO/HRP goes further than is standard practice and requires WHO/HRP to maintain the A.I.D. contribution in a separate suballotment to ensure that no United States funds are used for the purposes prohibited by Sections 104(f) (1) and (3) of the FAA, including tests of RU-486. In addition WHO/HRP will report to A.I.D. about where United States funds are used and provide adequate documentation to describe and support the stated expenditures. Under these circumstances, Sections 104(f) (1) and (3) do not bar United States support for WHO/HRP.

I hope this information answers your questions about assistance for UNFPA and WHO/HRP.

Sincerely,

J. BRIAN ATWOOD.

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U.S. AGENCY FOR
INTERNATIONAL DEVELOPMENT,
Washington, DC, May 18, 1994.

Hon. CHRISTOPHER H. SMITH,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN SMITH: Thank you for your letter of April 26, 1994, concerning the United Nations Population Fund (UNFPA) and China's population program.

Among the issues raised in your letter are those related to the conclusion of UNFPA's current five-year program in China and the expenditure of funds pursuant to this program. The UNFPA has an agreement with China to provide \$57 million in assistance for voluntary family planning programs from 1990-1994. Our understanding is that UNFPA will not have completed \$57 million worth of projects before the end of 1994 and will, therefore, carry over unexpended funds into the 1995 calendar year. UNFPA has assured us that they will not spend more than \$10 million during 1994 and not more than \$57 million for the currently approved program in China. Of course, it will not be possible to confirm actual 1994 expenditures until the end of this year.

In my letter to Chairman Obey dated August 6, 1993, I stated that "... if there are not significant improvements in China's population program, the United States will not support continued UNFPA assistance to China beyond 1995 when the current program ends." Our position has not changed.

The United States, pursuant to law and Administration policy, insists that no U.S. funds be used by UNFPA in China and we have established mechanisms to ensure that UNFPA abides by its commitment not to use U.S. funds in China or to free up resources for use in that country.

Beyond the question of U.S. funds, as a member of UNFPA's Executive Board, the United States will not support a renewal of UNFPA's program in China unless there are significant improvements in reproductive freedom there. We take this position not because UNFPA condones or supports programs in China to which we object; UNFPA emphatically rejects such strategies and has stated its policy of not participating in such efforts. Our objection is with Chinese practices, and the U.S. will review conditions in China carefully if it requests another new UNFPA assistance program. It is important to note, however, that the ultimate decision about whether to renew UNFPA's program will be made by UNFPA's Executive Board, comprised of donors, of which the U.S. represents only one vote, albeit an important one.

Finally, with respect to the fiscal year 1995 budget request, the Executive Branch routinely has included funding for UNFPA in the foreign assistance budget every year, even during the period 1986-1992 when USAID did not make a contribution to UNFPA.

If I can provide you with further information, please let me know.

Sincerely,

J. BRIAN ATWOOD,
Administrator.

FIRST MEETING OF THE NATIONAL BIPARTISAN COMMISSION ON THE FUTURE OF MEDICARE

Mr. BREAU. Mr. President, last Friday, March 6, the newly appointed National Bipartisan Commission on the Future of Medicare held its first meeting. Chaired by myself and Congressman BILL THOMAS, Administrative Chairman, the commission was established by last year's balanced budget agreement to thoroughly study and assess the entire program—top to bottom—and make specific recommendations to Congress and the Administration for fundamental Medicare reform. Our target deadline for getting these bipartisan, consensus recommendations in your hands is March 1, 1999.

When I say consensus here, I mean that any recommendation we put forward will have received 11 votes—a super majority of the 17 commission members. I remain optimistic that our recommendations will receive an even higher level of support than that required under the statute. Every member of the commission recognizes how very important it is for us to succeed in coming up with something that can be passed by Congress and signed into law.

I think we got the commission's work off to a very good start. We are just beginning what promises to be an exciting year as we come together to protect and preserve a program that we all agree has served us well over the last 33 years. But we also have to face the reality that if Medicare is to be there for another 33 years and beyond,