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## Senate

The Senate met at 9:29 and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

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

Almighty God, ultimate Judge of us all, free us from the pejorative judgements that put others down when they do not agree with us. We develop a litmus test to judge others. Sometimes, when they don't measure up, we question their value and make condemnatory judgements of them. Most serious of all, we think our categorization justifies our lack of prayer for them. Often we self-righteously neglect in our prayers the very people who most need Your blessing.

Give us Samuel's heart to say, "Far be it from me that I should sin against the Lord in ceasing to pray for you."—I Samuel 12:23. Remind us that You alone have the power to change the minds and hearts of people if we will be faithful to pray for them. Make us intercessors for all those You have placed on our hearts—even those we previously have condemned with our judgements. We accept Your authority: "Judgement is mine, says the Lord." I pray this in the Name of Jesus who, with Moses and the prophets, taught us to do to others what we would wish they would do to us. Amen.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

### SCHEDULE

Mr. COATS. Mr. President, today the Senate will resume consideration of the defense authorization bill. Currently pending to that bill is a Hutchinson amendment relating to China. It

is expected that a tabling motion will be made on that amendment at approximately 10:15 a.m. this morning. Further votes could occur with respect to the defense bill prior to the 12:30 policy luncheon recess. Under a previous order, following the party lunches at 2:15, the Senate will proceed to a cloture vote on the defense bill. Members are reminded that under rule XXII they have until 12:30 p.m. today to file second-degree amendments to the defense bill.

The leader would like to remind all Members that there are only 4 days left before the Independence Day recess. There are still several important items to be considered this week, including appropriations bills, the conference reports accompanying the Coverdell education bill, the IRS reform bill, the Higher Education Act, and any other legislative or executive items that may be cleared for action also may be considered this week. Therefore, the cooperation of all Members will be needed to successfully complete the Senate's work this week.

I thank my colleagues for their attention.

Mr. President, I yield the floor.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2057, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2057) to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the

Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Feinstein amendment No. 2405, to express the sense of the Senate regarding the Indian nuclear tests.

Brownback amendment No. 2407 (to amendment No. 2405), to repeal a restriction on the provision of certain assistance and other transfers to Pakistan.

Warner motion to recommit the bill to the Committee on Armed Services with instructions to report back forthwith with all amendments agreed to in status quo and with a Warner amendment No. 2735 (to the instructions on the motion to recommit), condemning forced abortions in the People's Republic of China.

Warner amendment No. 2736 (to the instructions of the motion to recommit), of a perfecting nature.

Warner modified amendment No. 2737 (to amendment No. 2736), condemning human rights abuses in the People's Republic of China.

The PRESIDING OFFICER. The Senator from Arkansas.

### AMENDMENT NO. 2737, AS MODIFIED

Mr. HUTCHINSON. Mr. President, am I correct in my understanding, the Warner-Hutchinson amendment is the pending business?

The PRESIDING OFFICER. Amendment No. 2737 is pending.

Mr. HUTCHINSON. Mr. President, I would like to speak for a few minutes about that amendment which I authored and which I anticipate Senator WARNER will move, at 10:15, to table.

It has become evident to me that tabling motions in this institution at one time were far more meaningful; that in this case there will be an effort to vote against tabling, simply for the purpose of making that vote meaningless. There are those who simply do not want a straight up or down, clean vote

• 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 the substance of these amendments. What they want to do is cease embarrassing themselves by being seen voting against amendments that are supported broadly by the American people and are substantively what we ought to do: condemn forced abortion, deny visas to those who are performing them, condemn religious persecution, deny visas to those who are involved in it. Those are the kinds of things the American people support. But those who simply want to avoid having to cast that vote at this time are going to vote against tabling it and, by so doing, prevent any kind of clean up or down vote on the substance of these amendments.

There is no time agreement. We will have a cloture vote later today. So they seem to have found a means by which, on a parliamentary basis, they can avoid having to take a stand on what we need to be taking a stand about.

They will argue this is the wrong time; we should not do this on the eve of the President's departure for China. I would simply say, this amendment, really four amendments that have been now wedded together, this amendment strengthens the hand of our President as he goes to China. It gives him greater voice and it gives him a greater tool as both the House and the Senate will then have been on record on the substance of these amendments. The President will be able to express to the Chinese people, with the full backing of Congress, his deep concern about these issues.

How important this is, and how much progress still needs to be made in China, was very evident today by the headline in the Washington Times. The headline in the Washington Times this morning is: "Beijing Pulls Visas of Three U.S. Reporters: Move Targets Radio Free Asia."

In a move that is absolutely astounding, it shows that China simply doesn't get it. In a move that reflects the fact that they simply don't understand what freedom and liberty and a free press is all about, they have denied visas to three reporters previously approved by this administration to travel to China and to cover the events of the President's visit.

I have learned to appreciate more and more Radio Free Asia and the outstanding work they do and the outstanding job they perform and the outstanding coverage that they provide. Now we find that these three reporters are going to be denied the opportunity to go. The Chinese Government has refused to give them permission to come because—why? Because, apparently, they are afraid that some of that coverage might put the Beijing government in a poor light.

As I mentioned yesterday, in my remarks on the floor, Newsweek magazine chose this edition, on the eve of the President's trip, to highlight the new China. In fact, the cover article is headlined, "The New China." I would only quote one portion of the article:

In large measure, the central question surrounding Clinton's trip is whether China has really changed since 1989.

Walking around the glittering shopping malls of Beijing, talking to the members of the newly affluent Chinese middle class, it is plain that China is not the country it was 9 years ago. Official language has changed; China's leaders no longer deny what happened in Tiananmen Square, but focus on what has happened since—an embrace of market economics and new political and legal rights. More important, on the streets and in the media, "unofficial" China is giving real shape to such rights.

I will repeat that last sentence, "Unofficial China is giving real shape to such rights," political and legal rights, that is.

The question before this Senate is what is official China doing? And it is obvious from the headline in the Washington Times today, the story that they broke, that Beijing pulled the visas of three U.S. reporters, indicates what official China is doing today is yet, still, very deplorable.

In the State Department report on China for 1997, the human rights report on China, they have section 2, dealing with respect for civil liberties. In particular, they address this issue of a free press and our State Department's report says:

There are 10,000 openly distributed publications in China, including 2,200 newspapers. During the year, the Central Propaganda Department instructed all provinces and municipalities to set up a special team to review publications.

Now listen:

All media employees are under explicit, public orders to follow [Chinese Communist Party] directives and "guide public opinion" as directed by political authorities. Both formal and informal guidelines continue to require reporters to avoid coverage of sensitive subjects and negative news. Journalists also must protect State secrets in accordance with State Security Law. These public orders, guidelines, and laws greatly restrict the freedom of broadcast journalists and newspapers to report the news and leads to a high degree of self-censorship. In October leading dailies in China carried a translation of a major policy speech by a foreign official; however, a lengthy section on human rights was dropped from the translation.

I believe our State Department report on human rights conditions in China once again reflects very clearly how far China has to go and how deplorable civil rights and human rights conditions in China really are. And in the particular area of freedom of speech and press, we find there is a very, very rigid censorship that controls the media in China.

Nowhere was that censorship more evident than in Beijing's decision to pull the visas of these U.S. reporters seeking to provide coverage on the President's trip. I urge all of my colleagues in the U.S. Senate to read in its entirety the China Country Report on Human Rights Practices for 1997. It is in fact, I believe, a great eye-opener and deals not only with the area of the press, but deals with the issues of forced abortions and religious persecution which the amendment that is

pending before this body deals with explicitly.

Mr. President, as we will be voting on this motion to table at 10:15 today, and we think about the issue of forced abortions, I have heard in recent days China apologists explain that really what is going on in China isn't all that bad. And the defense goes something like this: China's official family policy, family planning policy, forbids coercion; it forbids forced abortions or forced sterilizations. They will say that is the official position of the Chinese Government. The problem is, that has never been codified. It has never been written down.

So while the Beijing authorities will say, "Yes, we do not tolerate forced abortions or coercion in family planning practices," that has never been codified and put into the law of the land in China.

The Chinese Government will acknowledge that local officials, under great pressure to meet population targets, sometimes utilize these coercive practices. So while they will argue this is not the public policy of China to permit coerced abortions, they will acknowledge, because such targets are placed and such financial incentives are placed over local officials, that local officials sometimes go over the edge and will use these coercive practices in enforcing the one-child policy in China.

In defense of the fact that these practices are tolerated, China will explain that it is a very large country, and it is simply impossible for the central Government to maintain and punish those who break the official ban on coercive family planning practices. That is the rationale that is given. China apologists, of which there are many in this country, will say, "We have to be understanding. They don't officially permit this. It's local officials who get out of hand. And, after all, China is a big country. We can't expect they're going to be able to enforce this consistently."

When I hear that rationale, what I immediately think of is the fact that, according to our State Department report, every known dissident in China has been rounded up and incarcerated. Somehow the central Chinese Government manages to monitor and find those who might speak out for human rights or for democracy or for freedom in China today. The central Government has no problem in enforcing their very rigid control of the population. And yet they want to excuse themselves from any kind of enforcement in preventing coerced family planning practices in China.

If the one-child policy results in pressure for local officials to engage in force, then the central Government ought to change that central Government policy and simply remove the kinds of incentives that have resulted from local officials coercing women to have abortions when they do not want to. If, according to our State Department, all dissidents have been silenced,

then surely the central Government that can monitor democracy dissidents all over the vast country can surely monitor and control rogue officials who practice these very horrendous procedures on unwilling women in China.

The Chinese authorities, in 1979, instituted the policy of allowing one child per couple, providing monetary bonuses and other benefits as incentives for that one-child policy. In subsequent years, it has been widely reported that women with one living child, who become pregnant a second time, are subjected to rigorous pressure to end the pregnancies and undergo sterilization.

Forced abortions and sterilization, Mr. President, have not only been used in Communist China to regulate the number of children, but to eliminate those regarded as "defective" under China's very inhumane eugenics policy. They call their law the natal and health care law. What a misnomer. This law requires couples at risk of transmitting disabling congenital defects to their children to use birth control or undergo forced sterilization.

China currently has legislation that requires women to be sterilized after conceiving two children, and they even go so far as to demand sterilization of either the man or the woman if traces of a serious hereditary disease is found in an effort to eliminate the presence of children with handicaps, to eliminate the presence of children with illnesses or other characteristics they might consider to be "abnormal." That eugenics policy is abhorrent and it is morally reprehensible. It is the practice, it is the law of the land in China today.

The amendment that is before us would address this issue. It would put us on record in condemning this practice and be at least a symbolic step in denying visas to those for whom there is credible evidence are involved in the practice.

Chinese population control officials, working with employers and work unit officials, routinely monitor women's menstrual cycles, incredibly enough. They subject women who conceive without Government authorization—they do not have a certificate to conceive—to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and in some instances physical force.

It has been estimated that China commits about a half a million third-trimester abortions every year. Most of these babies are fully viable when they are killed. Virtually all of these abortions are performed against the mother's will.

Steven Mosher, the director of Asian studies at California's Claremont Institute, can personally account to seeing doctors carrying chokers. These chokers are similar to the little garbage ties that we use to tie up garbage bags. They are placed around the little

baby's neck during delivery. The baby then dies of a painful strangulation over a period of about 5 minutes.

To my colleagues, I say a government that would force women to undergo these kinds of grisly procedures has no conception of and no respect for human rights.

On June 10, my colleague in the House, CHRIS SMITH, the chairman of the Human Rights Subcommittee on International Relations, held a hearing on this ongoing practice in China. Gao Xiao Duan, the former head of China's Planned Birth Control Office from 1984 to 1988, provided powerful testimony about what she went through, what she was called upon to enforce, and her own nightmarish experience until she was unable and unwilling to live with a guilty conscience because of what she was doing. She resigned. She left. She got out of that grisly business.

Well, it is that kind of practice, along with what I have in the past elaborated on related to religious persecution that is ongoing in China today, on which this body needs to take a stand. The House of Representatives voted for these measures, and voted for them overwhelmingly. The forced abortion provision in the House of Representatives passed by a vote of 415-1. And it is time that the Senate quit stalling and quit dragging its feet, quit avoiding these issues.

It is time that we faced the abuses in China forthrightly and honestly. And I believe, far from embarrassing the President as he makes this trip to China, it is incumbent upon us to strengthen his ability to address human rights issues at Tiananmen Square and in dealing and meeting with Government officials throughout China, throughout his 8-day visit in China.

So I ask my colleagues to rethink the desire of many to avoid a clean up-and-down vote on the substance of these amendments, which, frankly, I have heard no one get up and argue that this is the wrong position to take or this should not be the public policy of our country. Instead, I have heard vague talk that we should not vote at this time with efforts to try to avoid taking a clear stand on this issue.

I commend the Washington Post on their editorial today of June 23. I ask unanimous consent that editorial, "The Case of Li Hai" be printed in the RECORD.

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

[From the Washington Post, June 23, 1998]

#### THE CASE OF LI HAI

Li Hai, 44, a former teacher at the Chinese Medical College, is serving a nine-year sentence in Beijing's Liangxiang Prison. His crime: assembling a list of people jailed for taking part in pro-democracy demonstrations in Tiananmen Square in 1989. From the Beijing area alone, he documented more than 700. Of those, 158—mostly workers, rather than students—received sentences of more than nine years and are presumed still held. Many were sentenced to life in prison,

from a 22-year-old named Sun Chuanheng to a 76-year-old named Wang Jiaxiang. Li Hai himself was convicted of "prying into and gathering . . . state secrets."

We thought of Mr. Li as we read President Clinton's explanation in Newsweek yesterday of "Why I'm Going to Beijing." Mr. Clinton wrote of the "real progress—though far from enough" that China has made in human rights during the past year. That progress, according to the president, consists of the release of "several prominent dissidents"; President Jiang Zemin's receiving a delegation of American religious leaders; and China's announcement of its "intention to sign" an important international treaty on human rights. That's a rather threadbare litany, even before you take account of the fact that two of the three releases for which the administration takes credit relate to dissidents who have been forced into exile, and that China has not said when it will ratify the human rights treaty, even if—as President Jiang stated in a separate Newsweek interview—it signs the document this fall.

How meager these accomplishments in human rights really are becomes clear when you stack them up against the administration's own decidedly modest goals back in 1996, when it already had downgraded the priority of human rights. According to reporting by The Post's Barton Gellman, the Clinton administration offered China a package deal in November of that year: It would no longer support a United Nations resolution calling attention to China's human rights abuses if China would release seven prominent dissidents, sign two international treaties on human rights, allow the International Committee of the Red Cross to visit Chinese prisons and establish a forum of U.S. and Chinese human rights groups. When China failed to fully meet any of the demands, and rebuffed the United States on two of them, Mr. Clinton said that was good enough. This again calls to mind what is disquieting about his China policy: not that he is pursuing a policy of engagement but that the engagement too often is on China's terms.

Tomorrow Mr. Clinton will leave for China, the first president to visit since the Tiananmen massacre. His aides promise that he will speak out on human rights while there, and there is a chance he will meet with the mother of a student killed in Tiananmen. The first could be valuable if his remarks are broadcast on Chinese television; the second, an important symbol, especially because many relatives of Tiananmen victims continue to be persecuted and harassed. But Mr. Clinton's remarks, above all, should be honest. For the sake of Li Hai, the 158 he documented and the many he did not find, Mr. Clinton should not trumpet "real progress" in a human rights record where no such progress exists.

Mr. HUTCHINSON. I will quote a portion of that editorial today from the Washington Post:

Li Hai, 44, a former teacher at the Chinese Medical College, is serving a nine-year sentence in Beijing's Liangxiang Prison. His crime: assembling a list of people jailed for taking part in pro-democracy demonstrations in Tiananmen Square in 1989. From the Beijing area alone, he documented more than 700. Of those, 158—mostly workers, rather than students—received sentences of more than nine years and are presumed still held. Many were sentenced to life in prison, from a 22-year-old named Sun Chuanheng to a 76-year-old named Wang Jiaxiang. Li Hai himself was convicted of "prying into and gathering . . . state secrets."

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Mr. President, exactly so. We should not create progress where it does not exist. We should not pretend that there is progress where it has not been demonstrated. The exile of high-profile dissidents, their exile to the United States, people who are then told, you are free so long as you never return to your homeland, your fatherland—this is what is hailed as human rights progress? I, for one, will say no, that is not true.

The abuses are great. It is time that the U.S. Senate took its stand. It is time that the U.S. Senate quit avoiding our responsibility, as the elected representatives, to the people of this country and that we be willing to simply cast our own convictions on these amendments, that we not, through parliamentary tactics, through what is now called "throwing a vote," try to make a vote meaningless by everyone voting contrary to their own beliefs so as to avoid a clear up-or-down vote on which the American people can make a judgment.

Let there be no mistake. Let's all understand what we are doing when we vote at 10:15 today. For those who are opposed to these amendments, to vote against tabling is a vote of deception to the American people. It may, in the minds of many, make this vote meaningless. Let us be sure in this country in which freedom reigns, in which the American people, I think, are quite discerning—they will be able to see through the charade of simply circumventing a vote on substance. They will be able to see the pretense of voting one way when you believe another, so that you can avoid voting on the substance and say this is a bad thing, for us to condemn forced abortions, we shouldn't do that; it is a bad thing for us to deny visas for those involved in it; it is a bad thing for the U.S. Government to condemn religious persecution, the persecution of minorities in China, Tibet. No one says that, and yet the efforts were made to avoid a substantive vote on these amendments today.

I mentioned just a moment ago the high-profile dissidents who have been exiled from their homeland, none of those more prominent than Wei Jingsheng. It has been my privilege and honor to get to know some of those dissidents, who have been exiled, who

now in this country advocate for democracy in their homeland. The story of Wei Jingsheng is one of the most intriguing and most inspiring.

I am quoting now from Orville Schell's "Mandate of Heaven":

Wei Jingsheng, a young electrician working at the Beijing zoo, and editor of a publication called "Explorations," became one of the most trenchant critics of the Chinese Government. On December 5, 1978, he posted a critique of Deng's Modernization Program that insisted that modernizing agriculture, industry, science and technology and national defense without also embracing a fifth modernization, namely, democracy, was futile. That was his crime. He dared to critique his leaders' philosophy by saying, "We may modernize agriculture, industry, science, technology, and defense, but unless we have structural change in the area of democracy, it will be futile."

That was his crime.

Then Wei Jingsheng asked this:

"What is true democracy?" his wall poster asked. It means the right of people to choose their own representatives, who will work according to their will and in their interests. Only this can be called democracy. Furthermore, the people must have power to replace their representatives any time so that these representatives cannot go on deceiving others in the name of the people. We hold that people should not give any political leader unconditional trust. Does Deng want democracy? No, he does not, asserted Wei. Then as if he were engaged in an actual face-to-face with Deng, Wei Jingsheng added, we cannot help asking, what do you think democracy means if the people do not have a right to express their ideas freely? How can one speak of democracy? If refusing to allow other people to criticize those in power is your idea of democracy, then what is the difference between this and what is euphemistically called the dictatorship of the proletariat?

Wei was soon arrested. Wei was sentenced to 15 years in prison on charges of having sold state secrets to a foreigner. In jail, he became a troublesome reminder of the party's arbitrary power to suppress political opposition, until he was finally released in the fall of 1993 in an effort by the Chinese government to enhance its chances of bringing the 2000 Olympic games to Beijing.

Mr. KERRY. Will the Senator yield for a point of inquiry?

Mr. HUTCHINSON. I am happy to yield.

Mr. KERRY. We have a vote at 10:15, and there are a couple folks who hope to make a comments. Could the Senator perhaps indicate to the Senate when he might be concluding?

Mr. HUTCHINSON. I was on the verge of concluding my remarks.

Mr. KERRY. I thank my colleague. I apologize.

Mr. HUTCHINSON. I was quoting from Orville Schell's "Mandate of Heaven," the background and inspiring story of Wei Jingsheng, who went to prison, spent many years in prison, because he dared to say democracy isn't democracy until there is freedom to criticize your elected officials.

The headline today in the Washington Time says it all: "Beijing Government Denies Visas to Three Reporters."

They do not understand freedom. We need to take a stand in this body to say

that the practices and the human rights abuses that continue in China are wrong. If they will say that, we will do what is within our power to truly engage the Chinese, the Chinese government, by confronting them where they are wrong, encouraging them where they are making progress.

This administration has done too little. This amendment today can be a step in the right direction. It can be a step in which we take a forthright stand for human rights and convey a message as our President goes, convey a message to the Chinese Government, that human rights are taken seriously in this country, that human rights will not take a back seat to trade.

I yield the floor.

Mr. LEVIN. Mr. President, the amendment before the Senate raises very, very serious issues that I think all of us have some strong feelings about, hopefully on the same side of the issue. I can't imagine there is a Member of this body who would support religious repression, forced sterilization, forced abortion, or the other activities which too often occur in this world, including in China.

It is because this amendment raises such serious issues that it seems to me there are going to be many people who, understandably, are going to want to pursue what those issues are and to see whether we should not, indeed, address those activities, not just for China but for wherever they occur.

One of the questions which this amendment raises is religious repression—intolerable, anywhere. Intolerable, whether it occurs in China or in Saudi Arabia or any other country.

This amendment is aimed exclusively at China. The issues that it raises are incredibly serious; the activities that are described are incredibly reprehensible and deplorable, wherever they occur. The question is whether or not this country should adopt a policy of denying visas and, if so, whether or not it is a policy which is manageable; can we determine which of the hundred of thousands of visa applicants—for instance, which were issued to Chinese nationals—probably millions in other countries—can be investigated. If so, by whom and under what circumstances? Is it a practical policy?

On the Armed Services Committee, we have not held hearings on this. This is not something that comes within our jurisdiction. This is a Foreign Relations Committee issue, which they, hopefully, have either looked at or will look at. This has to do with the State Department and Justice Department, not the Defense Department.

So we are sitting here with a defense bill, being presented with a very serious issue that should be dealt with, I believe, generically, wherever the activity occurs, and it should be aimed at any country—not just at one, but all countries where these activities occur—and it should be a policy that can be implemented.

Does this amendment meet that test? I think there are people who feel that,

no, it doesn't. But it raises such serious issues that we ought to find a way to deal with these issues. I am one of those people. I am second to none in terms of my opposition to religious repression. My family has felt enough of that through our generation. I am second to none in terms of what I believe is the reprehensible character of a forced abortion or a sterilization policy. We don't have to take second seats to each other in terms of our abhorrence of those kinds of activities. But I would hope that, as a body that tries to deliberate on a policy and apply it wherever it should be applied, we would take enough time to ask ourselves if forced abortion is reprehensible, and do we want anybody who perpetrates it to have a visa. If so, apply it uniformly; if not, apply it uniformly.

We have an amendment which says the top leaders of the country—the policymakers—are exempt from the denial of a visa. The Cabinet officers in China, presumably, who make policy, can get visas; but any 200,000 nationals of China are supposed to be investigated to see whether or not they implemented a reprehensible policy. You let the Cabinet officers off the hook, but the 200,000 nationals beneath the Cabinet officers are the ones whose visa applications presumably are supposed to be investigated. Why are we letting the policymakers off the hook? Why do they get visas to come in here, but people who may or may not have been implementing the policy are the ones whose visa applications will be investigated?

We have a 1,500-page book, "State Department Analysis of Human Rights Violations Around the World." It is a very useful book. Just open to a page just about anywhere—on page 1,561 it relates to Saudi Arabia: "The Government does not permit public non-Moslem religious activities. Non-Moslem worshipers risk arrest, lashing and deportation for engaging in religious activities that attract official attention."

Now, the policy of denying visas may or may not be workable, but we surely ought to apply it uniformly where the activity is as reprehensible in one country as it is in another. But the amendment before us doesn't do that. It singles out a single country; it singles out 10 pages of those 1,500 pages and says that this is where we are going to apply the visa denial policy. Is that what we want to do as a Senate? Should we take the time to decide whether or not we want to do it that way? I think we ought to. Is a policy of religious persecution or forced abortion as reprehensible if it occurs there, as well as if it occurs elsewhere? I think it is.

So what we have before us is a very, very sincere effort to address a real human rights problem—more than one—pages and pages of human rights problems in China. I said 10, but I wasn't sure; it could be 50 for all I know. These are huge human rights

violations in China—huge. The Senator from Arkansas is correct in pointing them out, in my book. I give him credit for pointing them out. But there are issues that are raised, which must be addressed by a Senate that is serious about addressing these issues uniformly, generically, wherever they exist. In my book, that is what we should try to find a way to do.

Can we do this on a defense authorization bill? I do not believe that we are going to be able to resolve these issues here. Should we acknowledge that the issues are indeed real ones? I think we should find a way to do that.

So there is going to be some real reluctance, in my judgment—honest reluctance, may I say to my friend from Arkansas—to table an amendment from those who nonetheless have questions as to whether or not this amendment should apply to people who engage in activities wherever they engage in them, not just in China, and should apply to top level officials, not just to the 200,000 nationals beneath them who applied for visas. So however people vote on the motion—and I hope everybody is troubled by the activity equally and with the same commitment and passion as our friend from Arkansas—I believe that will reflect, in their judgment, a decision as to whether or not the issue is an important issue, as I believe and I think all of us believe it is, but also how do we deal with it on a defense authorization bill. That is an honest dilemma that people feel.

So the suggestion that people who will vote against tabling may disagree with the Senator from Arkansas, I don't believe is a fair accusation about many of us who will vote against tabling. Many of us who will vote against tabling have a lot of issues that we feel should be resolved relative to the issue that has been raised by the Senator from Arkansas—honest, legitimate improvements that could be made or considerations that could be made on the points he has raised, including the few that I have just enumerated here. Do we want to apply this to top officials? If so, why are they given exemption? Do we want to apply it wherever the activities occur, not just in China? If so, why is this limited to China? Is this a workable process when you have millions of visa applications—200,000 from China alone? We don't know on the Armed Services Committee. We have surely not had an opportunity to have a hearing into this subject, which I think would have been highly useful prior to this amendment coming to the floor.

Mr. President, there will be an effort, I know, to table this, or a motion that Senator WARNER hopes to make around 10:15. I know there is at least one other speaker who wants to be heard.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, there is no more important role that the U.S. Senate plays than its role to advise and

consent on treaties, as well as its larger role on foreign policy. In the 14 years that I have had the privilege of serving in the U.S. Senate, I have watched the Senate choose carefully, usually, how it exercises that authority.

We have had some great debates here in the Senate at appropriate times over issues of enormous consequence to our country. And our efforts have usually been—I can remember some of these debates very well, whether it was over the Contras, or over the appointment of nuclear weapons in Europe, or over relationships with China previously—that where Presidents have been executing their constitutional authority on behalf of our country to engage in direct diplomacy, the Senate has tried normally to exercise both restraint and good judgment about what we choose to take up, when, and how as it might affect those policies.

I know that there has always been a conscious effort in the Senate to try to be judicious about respecting the ability of the President of the United States to speak for the country. I know from personal history here that there were times when President Reagan, or President Bush may have been poised to travel to another country and engage in direct diplomacy, and we were beseeched by our colleagues not to raise X, Y or Z issue in a particular way, not to raise it but in a particular way that might do mischief to the larger interests of the country.

I simply am confounded and disturbed and troubled by what is happening here.

One might ask the question: What has happened to the U.S. Senate? What has happened to the disparate issues within this body where we try to reach across the aisle in the interests of our country and put politics aside just for a few days and a few hours?

There isn't anybody in the U.S. Senate who doesn't understand how horrendous the policies of China are with respect to human rights. And there are 365 days a year where we can choose to make that clear in any number of ways, and we do, whether in hearings, or in press conferences, or even in legislation. But to be coming to the floor of the U.S. Senate the day before the President of the United States leaves to speak for our country—not for a party, for our country—and diminish the capacity of that President to go to China carrying the full measure of support of the Nation is nothing less than mischievous and partisan.

I think it is entirely appropriate for any Senator to give any speech he or she wants whenever he or she wants. Any Senator can come to the floor at any time and raise an issue. That is appropriate. Any Senator can have a series of press conferences. Any Senator can introduce legislation. But what are we doing amending the Foreign Relations Authorization Act on the Defense Act without even having hearings within the Foreign Relations Committee? And why is it that we are suddenly

discussing satellite technology when everybody knows that about every committee in the U.S. Senate has an investigation going on and none of them have reported back? None of them they have reported back. Yet, here we are with legislation on satellite technology which has no purpose other than to try to play a partisan political hand.

What is horrendous about this is that it isn't just transparent. It isn't just partisan. It isn't just obvious. It is dangerous. It is damaging.

It diminishes the ability of the President to go with a sense that he has sort of a clear playing field, if you will, an ability to be able to play out what has been a carefully thought-out, several-month strategy of how to engage in this particular summitry.

It has already been made difficult enough by another set of issues. India and Pakistan have altered 50 years of understanding with respect to nuclear weaponry. We have huge issues about Tibet, enormous issues about the Asian flu. Holding China to its promise to maintain the valuation on its currency, not to devalue; enormous issues with respect to Burma, Cambodia where they are trying to hold elections and restore what was a huge U.N. investment in democracy; enormous interests with respect to the South China Sea; relationship with the Spratly Islands; China and its aggressiveness within that region; a whole set of any issues with respect to North Korea as a consequence of what has happened with respect to India and Pakistan and North Korea's statements that they now want to move to abrogate the agreements that we reached with respect to nuclear weaponry and nuclear power.

Those are substantive, significant, enormous issues that go so far beyond day-to-day partisanship and concerns of party. It is mind-boggling.

So what excuse is there for turning the defense authorization bill into a bonanza for political gamesmanship with respect to China on the eve of the President leaving? I think it is inexcusable, notwithstanding the merits of the amendment. No one is going to argue the merits of the amendment. What American is going to stand up and say, "Oh, I am for forced abortion?" I mean is this really the issue that we ought to be dealing with in the context of DOD right now? No. It certainly is an issue worthy of dealing with at any time. And I am confident that the President of the United States could raise that and a whole host of issues with the Chinese.

This morning we had a breakfast with the Secretary of State talking about her trip to China. I didn't notice the Senators of concern here with these amendments at that breakfast working on what she might be raising. I didn't notice them at a number of briefings recently with Sandy Berger or other people working on the precursor effort to lay down what might hap-

pen there. There is a world of difference between trying to achieve these things, and in a realistic way, and playing out the politics on the floor of the U.S. Senate.

Mr. President, I cannot say enough. This institution has a great tradition. And some of that tradition is a great part of history. Senator Vandenberg made a name that stays in history based on a willingness to reach across the aisle. Traditionally, every time we have ever seen a President go, I have heard talk on the floor of the Senate about how we ought to be judicious and how we ought to be cautious and how we ought to strengthen the hand of the President and not engage in this kind of politics, as appropriate as the substance and merits may be. And they are. There is no issue about the substance and the merits here; none whatsoever. It is 100 to nothing as to what you are going to do. But that is what even makes more of a mockery of the politics of it because it is 100 to nothing, because this is so clear it even underscores more, I think, the meddling nature and the politics of what is happening here.

Mr. President, I know there is a desire to try to have a vote now. I am saddened to see the Senate engage in this kind of activity in the hours before the President of the United States goes to engage the most populous nation in the world and a nuclear power in the most serious set of discussions we have had in a long time, in my judgment. It is so inappropriate that I think we should just not have a series of votes on this measure until we make up our mind that we are going to legislate intelligently and seriously about the issues of the defense authorization bill and not a set of larger foreign policy goals.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I know that everyone is expecting a vote shortly, and the distinguished Senator from Virginia has noted that he will be making a motion to table in just a moment. But I want to take a couple of minutes simply to applaud the two previous speakers.

Let me thank the distinguished Senator from Michigan and the Senator from Massachusetts both for their eloquence and their passion with which they articulated their views. Clearly these issues deserve a lot more attention and consideration and careful thought than what they have been given so far.

We have heard a couple of speeches; that is it. As the Senator from Michigan has noted, these deserve an opportunity to be heard and thoughtfully considered in ways that ought to include committee consideration, ought to include other amendments, ought to include other countries. And that, in essence, is what argument the Senator

from Michigan made, I think, with a great deal of authenticity and authority this morning.

Then the issue of timing. Mr. President, if there was ever a question about what it was these amendments were truly designed to do, it is simply, as the Senator from Massachusetts noted, designed to embarrass the President of the United States on the eve of his trip.

That is what this is about. And I hope Republicans and Democrats understand, what comes around goes around. And I hope everyone understands that, in the past moments of equal import, this isn't what the Senate did, this isn't the way the Senate operated; on a bipartisan basis, we would send the head of state off to another country with a clear understanding that we would stop at the water's edge when it came to sending the wrong message, that we would send President Bush to another country with the realization that we were behind him, that we would send President Reagan to Reykjavik with a clear understanding that he had very big issues he had to deal with and we were going to protect his right to stand united for this country in negotiations as important as they were.

Time after time, in situation after situation, we put politics aside. We knew what we had to do. We knew there was a time for politics, there was a time for issues, and there was a time to pull together as Americans, saying, look, we don't support you, Mr. President, on virtually anything, but when it comes to this, what could be more important?

Well, there are some in this Chamber who have come to the conclusion that that is no longer the way we do business here. We do not care what message we send about the importance of American unity. We do not care whether progress is going to be made on a historic trip of this kind. We do not really care whether or not he comes back with a collective appreciation of new accomplishments having to do with trade and maybe even human rights and shipments abroad and abortion and all of the other issues dealing with human rights. That doesn't matter, because we want to make our points on the Senate floor.

Mr. President, I hope we take a collective step back. I hope we take a good look at what message this sends. And I will tell all of my colleagues, I see this as a procedural vote. I am not going to vote to table, because I am not going to allow one single vote on China this week. And if we are going to play this game, we are not going to have any votes on defense either. I am going to be voting against cloture, because I don't want to see any votes on defense, any votes on China, any votes that are as reckless as they would be cast were we to have votes this afternoon or on any other issue regarding China or other matters pertaining to defense.

So it is over. We might as well pull this bill. We are not going to have those votes. We are not going to embarrass this President. We are going to stick to procedural votes, and we will let everybody make their own decision. But we are not going to have votes on substance when it comes to issues of this import.

So, Mr. President, that is my position. I hope my colleagues will subscribe to it. I hope that we can come back to our senses and do the right thing, come together in a bipartisan way and send the right message. We are not doing that right now.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, as one of the comanagers of this bill, together with the distinguished chairman of the committee, Mr. THURMOND, I receive that news as very disheartening. It is imperative that the defense bill go forward. As you know, Defense Appropriations is prepared to complete their work. And if you get out of sync the authorizations/appropriations cycle, it does not work to the benefit of the overall Department.

On this issue, there is a bipartisan feeling. I am going to move to table, against the will of a considerable number of my colleagues, and I know that there are others here who are going to join me; I don't know what in number. So it is not, I think, quite the political structure as our distinguished Democratic leader has observed.

So, Mr. President, what I would like to do is to ask unanimous consent that I be recognized in 5 minutes for the purpose of tabling, and that 5 minutes is to accommodate the Senator from California so that she might make her remarks.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. Is there an objection?

Mr. COATS. Reserving the right to object, if there is going to be additional time allotted—the Senator from Arkansas spoke; the Senator from Massachusetts spoke—if there is going to be additional time allotted, I believe it ought to be allotted on an equally shared basis. If additional Senators are going to speak, this Senator would like to speak for an equal amount of time, whatever that time is.

Mr. WARNER. I know the leadership is quite anxious to have this vote. Why don't we just ask for—say I be recognized in 8 minutes—for 4 minutes on this side and 4 minutes on this side in the control of—does the Senator from Indiana wish to control the 4 minutes?

Mr. COATS. I would be happy to.

The PRESIDING OFFICER. Is there an objection?

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Reserving the right to object, let me inquire of the manager,

the Rose Garden signing for our agriculture research bill occurs at 10:30. My hope had been that the vote would occur—I think that perhaps was the manager's intent—so that those of us involved in that legislation could be there. Therefore, the additional time gives some of us a problem.

Mr. WARNER. Mr. President, if I might just speak with the Democratic leader.

Mr. President, we did our very best to accommodate the Senator from California. The Senator from Virginia now moves to table amendment No. 2737 and asks for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2737. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

I also announce that the Senator from Pennsylvania (Mr. SPECTER) is absent because of illness.

The result was announced—yeas 14, nays 82, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—14

Cochran	Lugar	Smith (OR)
Grams	McCain	Stevens
Hagel	Robb	Thomas
Jeffords	Roberts	Warner
Lieberman	Roth	

NAYS—82

Abraham	Enzi	Lautenberg
Akaka	Faircloth	Leahy
Allard	Feingold	Levin
Ashcroft	Feinstein	Lott
Baucus	Ford	Mack
Biden	Frist	McConnell
Bingaman	Glenn	Mikulski
Bond	Gorton	Moseley-Braun
Boxer	Graham	Moynihan
Breaux	Gramm	Murkowski
Brownback	Grassley	Murray
Bryan	Gregg	Nickles
Bumpers	Harkin	Reed
Burns	Hatch	Reid
Byrd	Helms	Rockefeller
Campbell	Hollings	Santorum
Cleland	Hutchinson	Sarbanes
Coats	Hutchison	Sessions
Collins	Inhofe	Shelby
Conrad	Inouye	Smith (NH)
Coverdell	Johnson	Snowe
Craig	Kempthorne	Thompson
D'Amato	Kennedy	Thurmond
Daschle	Kerrey	Torricelli
DeWine	Kerry	Wellstone
Dodd	Kohl	Wyden
Dorgan	Kyl	
Durbin	Landrieu	

NOT VOTING—4

Bennett	Domenici
Chafee	Specter

The motion to lay on the table the amendment (No. 2737) was rejected.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. LOTT. Mr. President, I ask for division on the Hutchinson amendment.

The PRESIDING OFFICER. The amendment is divided.

The Democratic leader.

Mr. DASCHLE. I ask for the yeas and nays on the amendment.

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

The yeas and nays were ordered on division I.

Mr. DASCHLE. 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.

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

The PRESIDING OFFICER. Is there objection?

Mr. HUTCHINSON. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. HUTCHINSON. 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. HUTCHINSON. Mr. President, I inquire of the Senator from California as to how long she would foresee speaking? There were a number of comments made as to my motivation on this amendment and questioning the timeliness. I would like to have an opportunity to respond.

In addition, we have a division on the amendment and I would like to speak to that division of my amendment.

Rather than yielding for a lengthy speech, I think we need to proceed with the division.

Mrs. FEINSTEIN. Mr. President, if I may respond, I will try to truncate my remarks to the distinguished Senator.

This is a major interest of mine. I believe I have some things to say about the resolution, the situation in general, which have some merit. There is no time agreement at the present time, and I have been waiting.

I would like to make my remarks in their entirety.

DIVISION I OF AMENDMENT 2737, AS MODIFIED

Mr. HUTCHINSON. Mr. President, the pending business is the division, the first amendment dealing with forced abortions. I would be glad to yield 5 minutes to the Senator from California to make some remarks, but I would really like—

The PRESIDING OFFICER. The Presiding Officer would observe there is no time agreed to.

The Senator from Arkansas has the floor.

Mr. HUTCHINSON. I ask unanimous consent that the Senator from California be granted 5 minutes.

Mr. DASCHLE. I object.

The PRESIDING OFFICER. An objection is heard.

Mr. HUTCHINSON. Mr. President, the amendment before the Senate deals with forced abortions, forced abortions in China. Some of the comments earlier regarding this amendment questioned my motivation in offering—

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



There was an objection to the request by the Senator from California in regard to her request, so the Senator from Arkansas has the floor and the Senator is recognized.

Mr. HUTCHINSON. I thank you, Mr. President.

Questions were raised as to my intention and motivation in offering an amendment on forced abortions in China. I would like to point out to my colleagues who question my motivation of the timing of the amendments, these are amendments, word for word, that passed the House of Representatives last year. They passed the House of Representatives last year.

Mr. KERRY. Will the Senator yield?

Mr. HUTCHINSON. I will not yield for a question at this time.

The PRESIDING OFFICER. The Senator declines to yield.

The Senator from Arkansas is recognized.

Mr. HUTCHINSON. The question was raised as to the timing of these amendments being offered. The accusation was made this is strictly to score political points. I have no desire to score political points. I would have greatly desired to have the amendments voted on 1 month ago, 2 months ago, or 6 months ago.

Those who have followed the China policy debate will be well aware that these amendments passed the U.S. House of Representatives last year, have been pending in the Foreign Affairs Committee in the Senate for months, and have languished in that committee without having a hearing.

Therefore, I think it was perfectly appropriate to file these amendments. The forced abortion amendment was filed more than a month ago on the Department of Defense authorization bill. The provision in the overall amendment dealing with religious persecution in China was filed May 18, well over a month ago.

I remind my colleague there was never any intent that somehow this debate, on the eve of the President's trip to China—if we had not had a 4-week hiatus in debating tobacco in this Chamber, perhaps we would have had DOD up a month ago and would have had an opportunity to have these amendments voted on a month ago. But that wasn't the case. To question my motivation and the motivation of many of my colleagues who feel very deeply about the human rights abuses that are ongoing in China today, I think, is to do us a disservice; and to question our patriotism is wrong. In fact, to question our support for the President as he makes this trip is wrong, because I do support him. To the extent that he will raise human rights issues, to the extent that he will engage Chinese leadership on nuclear proliferation and proliferation of weapons of mass destruction, and to the extent that the President will engage the Chinese leadership on trade issues, I support him for that. I am glad for that. I believe the amendments I have

offered will strengthen the President's ability to deal with the Chinese Government on these sensitive human rights issues.

We have talked somewhat about the forced abortion provision. I think it is an important part of this. The very powerful subcommittee hearing that Congressman CHRIS SMITH had only a couple of weeks ago, which received wide publicity, perhaps brought to a new level the awareness of the American people regarding the terrible practice of coerced abortions and coerced sterilizations in China today. That is the amendment that is before us at this time.

People have questioned why we should deal with China and not deal with the broader context of a host of human rights abuses that exist around the world. During the course of the debate on China, I have heard repeatedly that we should not try to isolate China and that one out of every four people in the world lives in China. That is why it is worthwhile for us to deal with the human rights abuses in this nation singularly and specifically. And, truly, the kinds of practices that have been all too commonplace in China deserve our attention.

I also point out to my colleagues that the issue before us in this amendment is not one of being pro-life or being pro-choice, because people on both sides of the life issue condemn the kinds of practices that are going on in China today in which coerced abortions are used in too many cases, where the one-child family planning policy has not been adhered to.

So I believe that not only is this a timely amendment, in the sense that it passed the House last year and has been languishing—we have not had an opportunity. Amendments were filed over a year ago. It is quite appropriate that we deal specifically with the case of China and the abuses that are going on there. Once again, had the President delayed the trip, if he were going in November, I would still be pushing for these amendments to be voted on now. I am not a Johnny-come-lately to the China debate. We were involved in this during the MFN debates during my 4 years in the House. This is an issue I feel strongly about. It is an issue I am simply not going to be quiet about. I think if we are to highlight the kinds of freedoms that we as Americans cherish on the eve of our President's trip to a country that is repressed—and today we found out that even three reporters with Radio Free Asia are being denied visas—this is an opportunity for us to do it. We can do it in this country by even disagreeing, at times, with the foreign policy of our country.

(Mr. GRAMS assumed the chair.)

Mr. KYL. Will the Senator yield for two questions?

Mr. HUTCHINSON. Yes, without losing the floor, I will be glad to yield for a question.

Mr. KYL. The Senator just mentioned the denial, or the reported de-

nial, of visas for three people from Radio Free Asia who, as I gather, wanted to be part of the trip to China and to accompany the President's entourage to report on defense. Do I understand that to be the news report that the Senator from Arkansas was just referring to?

Mr. HUTCHINSON. I say to the Senator, it is my understanding that they had already been approved by the administration to travel to China and that it was only at the 11th hour that the Chinese Government denied their visas and their right to go and provide coverage for the President's summit in Beijing.

Mr. KYL. Right. It seems to me—and this is the predicate for my second question—many of us are uncomfortable with some of the sanctions that we have automatically initiated. I personally have some concern about the sanctions on India and Pakistan, for example, notwithstanding the objection, of course, to what they did. The question has been asked: If not sanctions, then what?

I remember when I was in the House of Representatives asking the question of the then-Secretary of Defense, what kind of foreign policy options do we have diplomatically, economically, militarily, and so on, if we are not going to invoke sanctions, trying to affect policies in other countries that we have deep disagreement with, including the kind of policies the Senator from Arkansas was talking about. One of his answers was that there are literally hundreds of decisions each week that are made by various Departments of the U.S. Government, as well as private entities, that have some impact on our relationships with another country.

One of the things I recall having been mentioned was visa policy, for example. Now, the Chinese Government appears to be using the granting or denial of visas to make points with respect to their foreign policy. If the Senator from Arkansas is correct—and I recall the news report this morning—they are actually denying the visas of three people whom they have a beef with because they have been involved in sending signals, radio transmissions about freedom, to their country, and apparently they don't like that. One way of dealing with it is to deny the visas of these three people—at least, if I have that correct.

My question to the Senator from Arkansas is: Is it his view that policies such as dealing with visas of people wanting to travel from another country to China are perhaps another more focused, more targeted, more sophisticated way to deal with some of these policy issues than just slapping on sanctions—although there are appropriate sanctions—depending on what the situation is?

Mr. HUTCHINSON. I appreciate the question. I think the Senator is exactly right, that visas and the denial of visas can be used to make a political point.



The irony of the vote we just cast has not been lost upon you. I hope it hasn't been lost upon the people of the United States. We basically denied a vote and we rejected the possibility of voting up or down on denying visas for those where there is credible evidence that they are involved in forced abortions or religious persecution. We do that on the day that, as the news reported, the Chinese denied visas to those seeking to report on news events, to report to the people of China what is going on at the summit.

So it is highly ironic. I know Senator KYL has been greatly involved in the broader reform of our sanctions laws. I think that is a worthwhile endeavor. But that effort does not preclude us from taking these kinds of narrowly targeted actions. That is why the amendment dealing with forced abortions and the denial of visas to those involved in forced abortions and forced sterilization is an appropriate step for us to take, short of MFN, short of trade sanctions, but still with the ability to send a very powerful message.

Mr. KYL. May I ask one other question?

Mr. HUTCHINSON. I will yield for a question without losing my right to the floor.

Mr. KYL. The headline is "Beijing Pulls Visas of Three U.S. Reporters; Move Targets Radio Free Asia."

Deep in the article, it is noted that the three reporters were not all American citizens, but that is really irrelevant to the point here. The point is that the Chinese Government, apparently, uses the granting or denial of visas as a way to effectuate aspects of its foreign policy. It would be difficult, therefore, it seems to me, for the Chinese Government to argue that there is anything wrong with the United States Government using that same kind of visa authority to make points with respect to our foreign policy.

My question is this: If it is United States policy that the kind of forced sterilization and abortion policy China has is inimical to the human rights and freedoms that we enjoy here in the United States and have urged upon the Chinese people, then why would it be inappropriate for the United States Government to use the very same—let me rephrase the question. What would lead us to think that the Chinese Government would have any right to object to the use of visa policy, since the Chinese Government itself has used visa policy to effectuate their foreign policy considerations?

Why would there be any objection, per se, to the use of visa policy by the United States?

Mr. HUTCHINSON. Your logic is compelling. There should be no objection to the United States utilizing denial of visas as a furtherance of our foreign policy and our belief in human rights, because it is now obvious that it is the practice of the Chinese Government, when they feel it is in their security interests or their national in-

terests, to deny visas. They have no compunction about doing that. In fact, to me, as we look at the buildup to this trip, there has been a lot of give and take, a lot of negotiating that has gone on. It seems to me that we have made many concessions in leading up to this trip. We have been concerned about embarrassing, about causing them to lose faith, about being insensitive to their situation. But for the Chinese Government to deny visas for Radio Free Asia reporters I think is a tremendous kick in the teeth to the American Government and to the American people, who value the freedom of the press so precious and put such high esteem upon that freedom.

So it is unfortunate that this has happened, and it is, I think, all too reflective of the attitude of the Chinese Government toward the freedom of the press and freedom in general to have made this clampdown. They just do not seem to get it—rounding up dissidents in Tiananmen Square in preparation for the President. We would rather have a protester there. How heartening it would be to the American people to see someone holding up a sign saying "Free Tibet" there in Tiananmen Square. But no. Their idea is stability at all costs, even if that means repression of the Chinese people.

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

Mr. HUTCHINSON. I yield to the Senator from Missouri while controlling the floor.

Mr. ASHCROFT. If I am not mistaken, Congressman SMITH held a pretty dramatic set of hearings, and there was testimony at the hearing about forced abortions in China. Is the Senator aware of that hearing?

Mr. HUTCHINSON. I am quite aware of that hearing.

Mr. ASHCROFT. I suppose that the Senator is aware of the testimony that was given at that hearing.

Mr. HUTCHINSON. I say to the Senator from Missouri, in answering the question, that I am quite aware of the testimony. I have examined closely the testimony that was presented, especially by Ms. Gao Xiao Duan.

Mr. ASHCROFT. Is this the woman who was there at the site, understanding exactly what was happening there?

Mr. HUTCHINSON. She was actually the director, it is my understanding, and supervised and implemented the one-child policy.

Further yielding for a question.

Mr. ASHCROFT. So she was the person who was implementing a one-child policy, which was a policy of forcing abortions for subsequent pregnancies.

Mr. HUTCHINSON. That is my understanding. And she was quite accurate in her testimony.

Mr. ASHCROFT. Did she say there were techniques used to make people get abortions, that there was intimidation?

I have heard they threatened to burn houses and that they did other things that would intimidate individuals.

Was that part of the testimony?

Mr. HUTCHINSON. It indeed was.

Let me read one statement that Ms. Gao Xiao Duan made in her testimony. She said, "In all of those 14 years I was a monster in the daytime injuring others by the Chinese Communist authorities' barbaric, planned birth policy. But, in the evening, I was like all other women and mothers enjoying my life with my children. I could not live such a dual life any more. To all those injured women, to all those children who were killed, I want to repent and say sincerely that I am sorry."

That was very powerful testimony that she presented that day.

She did talk about methods of intimidation and the fines that were enforced, as well as the physical intimidation, and the carrying them off to jail if they refused to have an abortion, and the very severe physical methods that were used, as well as the financial.

Yielding for a question.

Mr. ASHCROFT. There was incarceration. I am asking the Senator: If the woman refused to get an abortion, she would be hauled off to jail?

Mr. HUTCHINSON. That is correct.

Mr. ASHCROFT. Beyond that, they would take the resources, by fining her, that she might otherwise use to support her family.

Mr. HUTCHINSON. The Senator is correct. They called them—"population jail cells" was the terminology that she used. Women were rounded up, held in population jail cells, forced and coerced to submit to the killing of their children. There was, I think, an eye opener for the American people to hear this very powerful testimony.

Mr. ASHCROFT. This is the testimony of an individual who was involved in the practice. Is this some American reporter who has testimony or an individual who was part of this operation?

Mr. HUTCHINSON. In responding to the question of the Senator from Missouri, she was the former head of China's planned birth control office from 1984 to 1998. For 14 years she held that position. Only recently did she leave.

Mr. ASHCROFT. Was her testimony such that this was an isolated incident, or was her testimony that this was the kind of pattern or practice that had been done over a term of years?

Mr. HUTCHINSON. It was presented as being a very common practice. I think maybe that was part of what was so shocking. I say to the Senator from Missouri, in response to the question, that the presentation in defense of China has been that these are isolated instances of coerced abortion and forced sterilizations, that they are in remote areas, difficult areas to enforce, that the central Government doesn't approve of this, local forces simply do it on their own. I think the testimony of this person, who was the head of the office, actively involved in it, demonstrates this was a very systematic, planned program of coercion that was used across the nation in villages and cities.

Mr. ASHCROFT. I take it the Senator doesn't use the word "coercion" lightly. This isn't just an abortion clinic; this is a place where people were forced to go to have abortions.

Mr. HUTCHINSON. The Senator is correct. I did not use the term "coercion" lightly. I think "coercion" has to be beyond merely fines, although fines can very be intimidating. Homes were wrecked and destroyed, and the person wasn't able to pay the fine, if they violated the one-child policy.

I yield for a further question.

Mr. ASHCROFT. Is the Senator telling me that if the person was jailed and fined and the fines somehow didn't deter the individuals, their homes were destroyed?

Mr. HUTCHINSON. The Senator is correct. That is why I think the term "coercion" is the proper term, because it involved physical force. They would be physically removed. They would be taken to jail cells. They would be forced to have an abortion.

Mr. ASHCROFT. The Senator's amendment is designed to say that the United States of America—I am asking the question—will not extend visas to individuals who were involved in this kind of coerced abortion activity?

Mr. HUTCHINSON. Responding to the Senator, this amendment condemns the practice, which I am sure everybody in this Chamber would. It goes further and says that visas will be denied to those individuals for whom there is credible evidence that they have been involved in perpetrating the practice of coerced abortions. That credible evidence would be determined by the Department of State, by the Secretary of State herself, if need be.

When we talk about enforcement, when we talk about the number of people involved, we are talking here, speaking in this amendment, about credible evidence, and there are human rights groups as well who monitor the conditions in China, who monitor human rights abuses in China, who come forward with reports. And there will be and has been from time to time evidence of individuals who are involved in this horrendous practice. We would say those individuals for whom there is credible evidence that they have been involved in forced abortions should not be allowed to receive a visa and travel to the United States.

Mr. ASHCROFT. May I ask the Senator one more question?

Mr. HUTCHINSON. I will be glad to yield for a question.

Mr. ASHCROFT. So the Senator's amendment is not to deny a visa to someone who had an abortion or someone who has participated in an abortion clinic that wasn't a coerced abortion. You are just focused on this situation where people were intimidated, coerced, sometimes jailed, sometimes fined, sometimes actually had their homes demolished to force them to destroy an unborn child. Your amendment focuses on persons who are involved in that kind of coercive behav-

ior to force individuals—who want to preserve the life of the child—to destroy the child. Those individuals are the ones that would be denied a visa to enter the United States by this amendment.

Mr. HUTCHINSON. In response to the Senator's question, it is the perpetrator that we are concerned about, it is the person who is enforcing this terrible inhumane policy, brutal policy, grizzly practice of the Government. This certainly isn't the victim. This is a very pro-victim amendment. We want to defend the rights.

I might add again, as I said before, that this is not a pro-life, pro-choice issue.

We are dealing here with a practice that is condemned by all civilized societies and that is coerced; forced abortions using physical force to compel a woman to have an abortion against her will. To vote on this, whether it was a month ago, or on this, the eve of the President's trip, in no way would undercut the ability of the Chief Executive of this country to speak about our foreign policy and our values as a people. In fact, I believe sincerely this will strengthen the ability of our Chief Executive, our President, to go to China, to go to Beijing, to speak with Chinese officials and to defend our values with the full support of the Senate and the House of Representatives and the American people.

Mr. ASHCROFT. May I ask another question?

Mr. HUTCHINSON. I will yield for an additional question.

Mr. ASHCROFT. The Chinese have intimated that they can't control coercive abortion activity in remote regions. I think the testimony we have heard belies that, but the Chinese officials say this is in remote areas. Would the Senator say that China also is unable to control political discussion and political dissent, or are they pretty good at controlling political dissent and just not very good at controlling coerced abortions?

Mr. HUTCHINSON. In response to the Senator's question, what belies the contention that this is a matter of enforcement, what belies the defense that the China apologists make that these are remote areas, it is a vast country, that there is no possible way to prevent some of these abuses, what belies that is, in fact, our own State Department's report which indicates that all political dissidents have been rounded up; that they are—if you hold a protest in some distant province, I assure you the central Government is going to know about it and that you are going to be dealing with the central Government. And so the ability of the central Government to control free speech, free press, freedom of expression really refutes the notion that they are unable to enforce a policy against coerced abortions.

Mr. ASHCROFT. Would the Senator say—

Mr. HUTCHINSON. I will yield for an additional question.

Mr. ASHCROFT. The Senator would say, then, that if the Chinese Government were as vigorous in its defense of the freedom of individuals to have children without destroying them as it is to repress the freedom of people to speak against the government, there would be a far different situation in China today?

Mr. HUTCHINSON. I certainly agree with that statement. I agree. In answering the question, I think that is a correct assertion; that if as much intensity were placed on opening China, on encouraging free expression, on encouraging dissent, as there is on the enforcement of repressive family planning policies and coercive family planning policies, then I think it would be a far different China, and there would be a far different attitude by the American people and by our Government.

The President is correct. I do not believe we can reach our full potential in our relationship with China until we see a revolution in the structure of China, until we see a revolution in freedom in China. I believe that will come. The question is does it come through the current policy, which I think fails to fully engage.

You know, those of us who are critics of the current administration's China policy have been called isolationists. I believe the real isolationists in this debate are those who want to turn a blind eye to things like coerced abortions, those who want to pretend that religious persecution is not going on in China and don't want to address it. So when we find those today who say this is the wrong timing and we don't want to vote on this, this isn't the appropriate time to vote on coerced abortion, this isn't the appropriate time to vote on religious persecution, that appears to me to be something other than an engagement policy. That would seem to me to be an isolationist policy. We don't want to engage them. We should. We should engage them on a full range of issues, including human rights.

And my concern about this administration's policy is that human rights, which at one time was placed on the first tier, when President Clinton, then candidate Clinton said he would not coddle dictators from Baghdad to Beijing, that now is dropped from the first tier to at least the third tier, with trade being No. 1; security, to the extent it is being engaged, No. 2; and human rights dropping down to No. 3. I believe, if we are going to have a policy of engagement—and truly have a policy of engagement—we must fully engage them equally on all of these fronts.

Mr. ASHCROFT. Will the Senator from Arkansas yield for another question?

Mr. HUTCHINSON. I yield for another question.

Mr. ASHCROFT. Does the Senator from Arkansas feel that the way China treats its own citizens—its willingness

to coerce them into having forced abortions—reflects the way they feel about human rights and the way they feel about the rights of citizens around the world? And would he care to comment on how that might reflect the rather callous view of the Chinese who are targeting American citizens with what they call city-buster nuclear weapons on their ICBMs? Does the Senator think there is a relationship between this disregard for life that is expressed in coerced abortion policy and the willingness to target peace-loving people in the United States with city-buster nuclear weapons on long-range ICBMs?

Mr. HUTCHINSON. In response to the Senator's question, I would say to the Senator from Missouri that, indeed, there is a relationship. I believe that when life is cheapened in one area, whether that is demonstrated through forced labor, slave labor camps, laogai camps, as they are called in China; whether it is demonstrated through religious persecution and the exile and execution of religious dissidents, religious minorities, or whether it is demonstrated through coerced abortion practices, the cheapening of human life carries over into all aspects of a nation's policy. So the willingness of the Chinese Government, according to the CIA report, to have 13 of their ICBMs targeting the American cities—and as the Senator calls them, city-busters, because the purpose is to have a wide devastation—I think it is related, directly related to that cheapening of human life and the lack of respect for the dignity of human life.

So I would respond to the Senator that way. I certainly think there is a relationship. I appreciate the Senator's question.

I would just say in concluding on this amendment that our own State Department in issuing its China Country Report for 1997 on Human Rights Practices in China addressed this issue of forced abortions. I will only read a small portion of the State Department's report. I think it underscores how serious the situation is. This isn't something that human rights activists on the left and the right in the United States are dreaming up. It is not some fiction that we have created. Our own State Department, in examining the human rights conditions in China, has assessed it this way.

Penalties for excess births can also be levied against local officials and the mothers' work units, thus creating multiple sources of pressure. Fines for giving birth without authorization vary, but they can be a formidable disincentive. According to the State Family Planning Commission 1996 family planning manual, over 24 million fines were assessed between 1985 and 1993 for children born outside family planning rules. In Fujian, the standard fine has been calculated to be twice a family's gross annual income.

That is to violate the family planning rulings in China makes you suspect, makes you vulnerable to a fine that would be twice your gross annual income. That is an incredibly difficult burden to place on this kind of a so-called violation.

Additional unauthorized births incur fines assessed in increments of 50 percent per child. In Guangzhou the standard fine is calculated to be 30 to 50 percent of 7 years' income for the average resident. In some cases a "social compensation fee" is also imposed. Unpaid fines have sometimes resulted in confiscation or destruction of homes and personal property by local officials. Central government officials acknowledge that such incidents occur, but insist that cases like these are not the norm nor in line with official policy.

The government prohibits the use of force to compel persons to submit to abortion or sterilization, but poor supervision of local officials who are under intense pressure to meet family planning targets can result in instances of abuse including forced abortion and sterilization.

And the report goes on into great detail, and I think provides clear documentation for the need for this amendment.

I think also if you consider, once again, the testimony that was presented before the House Subcommittee on International Operations and Human Rights, the testimony concerning the implementation of the abortion policy of China and the one-child policy of China is truly frightening. I will simply read some of these points to establish the routine the family planning bureau is following:

I. To establish a computer bank of all women of child-bearing age in the town [whatever town size it might be], including their dates of birth, marriages, children, contraceptive ring insertions, pregnancies, abortions, child-bearing capabilities, etc.

II. To issue "birth-allowed certificates" to women who meet the policy and regulations of the central and provincial planned-birth committees, and are therefore allowed to give birth to children. . . . Without a certificate, women are not allowed to give birth to children.

You have to apply. You have to get a certificate. You have to get permission to birth a child.

Should a woman be found pregnant without a certificate, abortion surgery is performed immediately, regardless of how many months she is pregnant.

I spoke earlier that estimates range as high as a half-million third trimester abortions in China each year. And then, to issue "birth not allowed" notices. Such notices are sent to couples when the data concludes that they do not meet the requirements of the policy and are, therefore, not allowed to give birth. A couple whose first born is a boy, or whose first born is a girl but who give birth to a second child, boy or girl, receives such a notice after a period of 3 years and 2 months. Such notices are made public. The purpose of this is to make it known to everyone that the couple is in violation of the policy, therefore facilitating supervision of the couple.

They issue birth control measure implementation notices. They impose monetary penalties on those who violate the provincial regulations. Should they refuse to pay these penalties, supervision team members will apprehend and detain them as long as they do not pay.

The PBO regularly supervises and examines how staff members of Planned Parenthood offices in 22 villages perform their duties. They write monthly synopses of the planned birth reports, which are signed by the town head and the town Communist Party. They analyze informant materials. They have established, in China, a system of informants in accordance with the informing system, and have put these cases on file for investigation.

They have planned birth cadres. There was testimony before Congressman SMITH's subcommittee indicating that these cadres, and the number of people involved in this program, has increased dramatically in recent years, indicating that rather than retreating from this coercive practice, they, instead, are pursuing it with new vigor.

We go on in this testimony. I think it should be a concern to all Americans that this practice is being tolerated and that we have not taken, as the foreign policy of our country, a strong, strong position which this amendment would allow us to do.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I commend the Senator from Arkansas for his outstanding work in this respect. I believe this is an item upon which the Senate must vote, ought to vote, should vote. I am distressed that the minority leader has indicated that votes on these issues would be inappropriate. It seems like they are an embarrassment, potentially, to the President. I think the policy which we have pursued is an embarrassment to the United States of America, and I think we need to change our policy to make clear that we reject the kind of activity which has been spoken of by the Senator from Arkansas.

With that particular thought in mind, and understanding the merit of this particular division, which would deny visas to those who have been actively involved and for whom credible evidence has been developed in the coerced abortion area, I move to table the first division of Senator HUTCHINSON's amendment.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. LEVIN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. HUTCHINSON. 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. HUTCHINSON. I further ask unanimous consent that the motion be temporarily laid aside for Senator FEINSTEIN to speak. Following her statement, no later than 12:30, the tabling vote to occur.

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

Mr. HUTCHINSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from California is now recognized.

Mrs. FEINSTEIN. Mr. President, I rise on this occasion to share several thoughts. Let me begin by saying, on the amendment before us, I don't believe there is any Member of this body who is for forced abortion. I do not believe there is any Member of this body who would countenance it, who believes it is good public policy and who is reserved about saying that. Therefore, I think we would all hope the President of the United States would come back with a specific commitment in this area from China.

The question I have, that is deeply disturbing to me, is the Senate is being asked to consider amendments on China policy on the eve of, and even during, President Clinton's visit to China. There used to be a bipartisan consensus on foreign policy in this country. There used to be an understanding that when the President is going overseas, Members of both parties would come together, would wish him well, and would support him. I think, certainly in the last 10 or 15 years, this has been the case. I am very concerned that some are using U.S. policy and China as a political or a partisan issue.

I note, with some disappointment, that no Republican of either House has agreed to accompany the President on his trip. To me, this gives credibility to the assumption that the Republicans are going to use the trip in a political way. And I think this is very, very dangerous. What I hope to point out in my remarks is some of the danger inherent in this kind of policy.

Let me, for a moment, talk about the amendments that are before us. Many are controversial. Some would ban various officials from entering the United States; others would prohibit the United States from supporting international loans to China; many run counterproductive to achieving progress with China. Rather, they push division and they encourage China's historic isolationist tendencies.

Just yesterday, language was added that would move the jurisdiction of certain technological export controls from the Commerce Department to the State Department. This is a serious proposal. It is worth looking at. But the majority and minority leaders have appointed task forces to study the issue and assign various committees to look into it.

The vote on this proposal today would be to render a verdict on an investigation when that investigation has barely gotten underway. Anyone who thinks the President's trip will be

made more successful by the Senate's consideration of these issues knows very little about China.

I think the President's trip represents an important step forward in building a healthy United States-China relationship. We have major interests. Human rights? Of course, including religious freedom and autonomy for the people of Tibet.

For 9 years, I have been bringing messages from the Dalai Lama to the President of China asking that there be discussions between the two. I hope that the President will plead that cause, both with President Jiang Zemin as well as in his public addresses in university settings.

But right now the times are extremely urgent. We have a kind of economic meltdown going on throughout most of the Asian continent. And this financial crisis is combined with the very serious situation with respect to India and Pakistan.

To underline the dangers that India, Pakistan, and, indeed, the entire international community are faced with on the eve of this trip, I would like to take a few minutes here today to review what we know about the Indian and Pakistani nuclear programs, their capabilities, and what would likely result in a nuclear exchange between India and Pakistan if we are unable to forge a real and lasting peace in the region and the current south Asian political and security environment.

First, what kind of nuclear weapons did India and Pakistan test?

The Indian Government claims to have tested three different designs on May 11, 1998: a fission bomb with a yield of 12 kilotons, explosive power equivalent to 12,000 tons of TNT; a "thermonuclear device," with the yield of 43 kilotons; and a "low-yield" device. On May 13, India claims to have tested two additional devices that produced a total yield of less than 1 kiloton.

For comparison, the bomb that destroyed Hiroshima in 1945 produced an estimated yield of 18 kilotons. So one of these Indian tests was over 2½ times the size of the Hiroshima bomb.

According to leading nongovernmental analysts, the low-yield device tested in May of this year was likely a compact design intended for deployment on India's medium-range missiles. The subkiloton tests, according to India, provided information needed to perfect computer simulations of nuclear explosions that could be used in subsequent weapons design work, possibly without the need for future testing.

For its part, Pakistan claims to have detonated five simultaneous nuclear tests on May 28, of boosted devices made with highly enriched uranium, which Samar Mobarik Mand, head of their nuclear test program, claimed produced a total yield in the range of 40 to 45 kilotons. Bear in mind again, Hiroshima was 18. Pakistan conducted an additional nuclear test on May 30.

Mand claimed the yield was in the range of 15 to 18 kilotons.

Pakistan has stated that all six tests were boosted fission devices, some of which are designed for deployment on the new Ghauri medium-range missile. The head of Pakistan's nuclear weapons program, A.Q. Khan, claims that although Pakistan has not built a hydrogen bomb, it has conducted research and is capable of building such a device should the Government decide to do so.

U.S. intelligence, as well as independent analysts, have raised some serious questions about the claims made by both India and Pakistan regarding the number and yield of the tests each has claimed to have conducted. Although there is a certain reassurance to be found in these questions—perhaps neither India nor Pakistan is as far along in developing nuclear weapons as they might like us to believe—ultimately, such quibbling rings hollow.

Regardless of the exact number or the exact yield of the Indian and Pakistani tests, these tests have made it abundantly clear that both India and Pakistan must now be considered capable of developing and deploying nuclear weapons, and that both hope to gain political and security leverage from this capability.

Secondly, although neither India nor Pakistan are now nuclear weapons states, given their demonstrated capabilities, how many nuclear weapons could India and Pakistan make?

India's nuclear bombs are fueled by plutonium, a manmade byproduct of fissioning uranium in nuclear reactors. At the end of 1995, India had a total inventory of 315 to 345 kilograms of weapons-grade plutonium, according to a study of world plutonium and highly enriched uranium inventories by independent analysts David Albright, Frans Berkhout, and William Walker.

Assuming that 5 kilograms of plutonium are required to build a bomb, this would give India enough plutonium for some 63 to 69 weapons. So let us assume they have that ability.

Pakistan's bombs are fueled with highly enriched uranium, enriched at its unsafeguarded centrifuge facility at Kahuta. Under pressure from the United States, Pakistan halted production of highly enriched uranium in 1991, but reportedly resumed highly enriched uranium production some months ago. After last month's tests, Pakistan still possesses 335 to 400 kilograms of weapons-grade uranium, enough for some 16 to 20 nuclear bombs, according to the Institute for Science and International Security.

If Pakistan is using boosted warhead designs, as it claims, it would produce a considerably larger number of weapons from the same amount of material, depending on the considerations of yield and weight of individual warheads.

In addition, earlier this year, Pakistan's unsafeguarded plutonium production reactor at Khushab went into

operation. It is estimated that this reactor can produce enough plutonium for at least one to three bombs a year.

Thirdly, how would India and Pakistan deliver these nuclear weapons? Both nations possess advanced military aircraft that would be capable of delivering nuclear weapons. India's military deploys such aircraft as the Jaguar, the Mirage 2000, the MiG-27, and the MiG-29. Pakistan's military aircraft include nuclear-capable, United States-supplied F-16 fighters.

Of greater concern, because of their speed and invulnerability to conventional air-defense systems, are both nations' ballistic missiles.

India's Prithvi missile, based on the U.S. Scout, has a range of 150-250 kilometers, depending upon the size of the payload. The two-stage Agni missile, based upon Soviet and German technology, has a much greater range, 1,500 to 2,500 kilometers. India claims the ability to hit targets anywhere in Pakistan with the Agni missile.

Pakistan is believed to have about 30 nuclear-capable M-11 missiles supplied by China. This is a bad thing. The second load of M-11s, to all intents and purposes, have never been delivered. We believe it is important that the President secure, ratify, and maintain the commitment that no further M-11s be sent by China to Pakistan. These missiles have a range of 280-300 kilometers.

Pakistan's recently developed Ghauri missile, developed with the Chinese' and North Korea's assistance, has a range of 1,500 kilometers. Its flight tests in early April may have been one of the factors that moved India's Government to resume nuclear testing.

A.Q. Khan, father of the Pakistani bomb, claims that the nuclear devices tested by Pakistan "could very easily be put on our Ghauri missiles." According to Kahn, Ghauri is the only nuclear-capable Pakistani missile at this time but other missiles could be modified for the mission if necessary. These missiles reduce warning time on both sides to nearly zero, making any nuclear crisis extremely unstable. India could hit targets in Pakistan in 4 minutes, and Pakistan could hit Indian targets in under 12 minutes.

All of this development has been going on, and we are debating forced abortion, but we have this "macro" situation evolving right on China's doorstep.

Now, what would be the likely result of a nuclear exchange between India and Pakistan? In 1990, when President Bush was first unable to certify under the Pressler amendment that Pakistan had not acquired nuclear capability, the Department of Energy requested the Program in Arms Control, Disarmament, and International Security at the University of Illinois to conduct a study of nuclear proliferation in south Asia. One of the papers commissioned for that study estimates what the casualties of that war would be if India and Pakistan were to wage war. The

study, based on unclassified sources, projected damage for three different scenarios, depending on the size and scale of a nuclear exchange between India and Pakistan, from a war with limited nuclear retaliation to a full-scale exchange.

The results are chilling. At the lowest level, the study determined that there would be between 500,000 and 1 million immediate fatalities on each side in a limited nuclear exchange where the only targets were military centers—500,000 to 1 million people killed in a limited exchange of only military centers. At least another million people would be injured in the attacks, and hundreds of thousands more could be expected to die in the fallout and nuclear poisoning which would follow.

In a larger exchange which would include an attack on urban centers in both countries, this study estimated that, at a minimum, there would be 15 million Pakistani and 30 million Indian immediate fatalities, with millions more injured and expensive economic disruption. South Asia would be reduced to a virtual wasteland.

These projections, I should point out, were based on a 1980 census data projected to 1990. If these figures were recreated today, we could expect the projections, with current census figures, to be that much greater.

Think about the magnitude of such a disaster—45 million immediate deaths within a matter of minutes, almost as many killed in India and Pakistan in a few minutes as were killed around the world during the entire 6 years of World War II. It is a number that boggles the mind. In fact, I find it difficult to believe that I find myself here on the floor of the U.S. Senate discussing such scenarios, such carnage, such loss of human life; it is not within the realm of reality. Yet today this is precisely the danger which India and Pakistan face unless both states, with the support and assistance of the international community—and that includes both China and the United States—are able to take clear and immediate steps to end the current crisis and begin the process of building peace in Asia.

This brings me to the final issue I would like to address: What is the current security and political environment in south Asia?

In the aftermath of the tests, both India and Pakistan have indicated a willingness to enter into peace talks. On June 12, the Indian Foreign Ministry stated, "India is committed to fostering a relationship of trust and friendship with Pakistan based on mutual respect and regard for each other's concerns." Pakistan has also offered to resume peace talks. Neither side, however, appears willing to act to back up this rhetoric. Despite their stated good intentions, as of yet there is no agreement on a time, a place, a format, to enter into discussions to address either the nuclear crisis or other important

security issues such as Kashmir or the south Asian security agenda.

This situation is especially troubling because without any confidence and security-building measures in place, without any dialog and discussion, India and Pakistan are especially vulnerable to an inadvertent crisis or to a relatively minor incident sparking a larger conflict.

On just this past Friday—let me give an example—June 19, the press reported an incident in which five armed men, suspected to be Muslim terrorists by Indian authorities, attacked a Hindu wedding party in a mountain village in Kashmir, killing 25 people. Just a week earlier, Pakistani authorities held Indian intelligence to be accountable for planting a bomb on a crowded train. These are two examples of the kinds of incidents which could well launch a nuclear episode. Without dialog, for sure these are the sorts of events that are open to misinterpretation, can lead to miscalculation, escalation, and tragedy of the most horrific sort.

The President of the United States tomorrow leaves for China. We can debate forced abortion. You have an unprecedented currency crisis in Asia. You have major turmoil in Indonesia. You have a very serious situation in Thailand, in South Korea. We see the Japanese yen continuing to deteriorate even after the weekend meetings. Many people there felt that Japan has no formula to recover. And you have the significance and importance escalating now, that the Chinese renminbi, the Hong Kong dollar, not be devalued. This, in itself, will take an unprecedented act of courage on the part of the Chinese.

I believe substantial diplomatic pressure must be brought by the President of the United States to convince the Chinese that against all of this they must hold firm. At the same time, in China, you have an almost impossible situation for the Chinese to maintain. You have the closure of the large state-owned industries taking place and forcing tens of millions of people into unemployment.

The President of China has recently said what he considers an acceptable rate of unemployment—3.5 percent. It would be very lucky if China could confine themselves to that figure. But to have this growing unemployment and still refuse to devalue their currency is a major gesture to the Western World, because what most of these countries seek to do is cut off American markets further and flood our country with their consumer goods at a lower cost. And this is precisely the reason we have the trade imbalance as it is today.

So these are the macro problems, Mr. President, that I respectfully submit to you are appropriate for the major policymaking body of the United States of America to be deliberating—the future of the world. And I really regret that we get into the kind of discussion that can only have one effect: drive China to

be less cooperative, more inclined to devalue, but hopefully not less inclined to care about their southern border or what North Korea is doing over their northeastern border. But these are problems of life and death for millions and millions of people. I feel so strongly and I so strongly urge this body that this is not the time for divisiveness. This is not the time for partisanship. This is not the time for some to make hay when the President of the United States is going to Asia to meet with the largest exploding country on Earth to try to chart a relationship that can come to grips with the nuclear facts I have just spelled out.

Facts. Facts of life. Facts like, if there is one single miscalculation, like a Muslim terrorist event, another train bombing, a premature launching of a nuclear missile, it could result in the loss of tens of millions of lives all across the Asian continent. This is what our leaders should be discussing—how to develop a strategic partnership, how to force India and Pakistan to the table, how to set up the kind of commitments that are necessary to forge a consensus on Kashmir; how to solve India border problems with China; how to open markets so that the trade imbalance does not continue; how to maintain intellectual property rights in China; how to have China bring in a retail consumer market from the United States, which they have been reluctant to do; how to build on the rule of law.

You know, people in this body are great critics—particularly people who have never been to China, don't know China, have never read a history book on China, don't understand that for 5,000 years China was dominated by one man, generally an emperor who, at a whim, at the snap of his fingers, could put millions of people to death if he so chose; and then the revolutionary war heroes, none of whom had any education; and now by its first group of really educated leadership in the 5,000-year history of that country. I have heard the President of China say directly that, "We will transition from a rule of man to a rule of law, but it cannot happen overnight."

Mr. President, if not the first American mayor, I was certainly one of the first American mayors to visit China in June of 1979, just when that country was coming out of the Cultural Revolution. I have often said that what I saw there was very sobering indeed, because one understands the body language of fear. The body language of fear was prevalent all throughout every city in China that I visited. I have visited China, and I try to go every year; the last time was in September. The changes I have seen are astonishing. Now, remember, this is still a Communist government. There is no prototype on Earth for the kind of change that this Chinese Government is now going through.

I truly believe, as they now try what they call the "socialist experience,"

which we call a market economy, and as they engage with the West, and as our military leaders are able to engage them—I will never forget when JOHN GLENN and Sam Nunn and I met with the Minister of Defense, and at the end of the conversation I said, "Do you have anything else on your mind?" He said, "Yes." He said, "One of the things that I am concerned about is that we have incidents of American fighter planes overflying Chinese borders." I said, "Well, has anything been done about this?" He said, "No." So I went out and called Bill Perry on the phone, who was then Secretary of State, and that was taken care of.

It has to be known by this body that, up to just less than a month ago, there was no red telephone between our two leaders. As a matter of fact, the first time our two leaders spoke on that red telephone was following the Indian nuclear explosion, where our President called the President of China on that red telephone and said, "Look, this has happened. Will you help?" That is when Jiang Zemin said, "We are of the same mind on this."

Now, don't we want this kind of dialog to take place? Sure, we want to make the Chinese know that forced abortion is repugnant to a civilized society, repugnant to our values, and it is brutal and unfair. Sure, we want them to initiate talks with the Dalai Lama, go to the rule of law, provide due process of law for every citizen in China. That is the guarantee for positive human rights—due process of law. Nobody can be arrested in the middle of the night and hauled to jail and kept there. The first change has already been made. The Chinese have changed administrative detention, which is the summary placement of somebody in custody, and limited it to 30 days. We all know the judiciary of China is under the control of the political party. This needs discussion. The judiciary of China must be independent, it must be paid, it must be forbidden to take money on the side. There must be a new criminal code, a new civil code, based on a new China, a China that is reaching out and interacting with the Western World, such as China never has before.

The history of China must be understood in this. It must be known that after the Boxer Rebellion, in the incident where China lost Hong Kong in the opium wars, China was so humiliated by the West that China turned into itself and never wanted any intercourse with the West. Now we see China changing.

How China changes is the President's quest. Does China go back into itself, reinforce its totalitarian nature, or does China open further interaction with the West; have an economic democracy that one day by the Taiwan model a social democracy must emerge?

This, I say to you, Mr. President, is the fitting goal for the President of the United States, because that will

change life as we know it on the planet.

I thank the Chair. I yield the floor.

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

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from South Carolina.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. Unless there is objection, the motion to table the previous division is set aside temporarily, and the Senator from South Carolina is recognized.

Mr. ASHCROFT. Reserving the right to object, may I inquire as to when it will be anticipated that the vote will be on the tabling motion?

The PRESIDING OFFICER. And the vote will take place at 12:30, but no later than that.

Mr. ASHCROFT. With the understanding that the vote will take place, I have no objection.

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

The Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent that the pending amendments be set aside solely for the purpose of adopting a series of amendments which have been agreed to by both sides.

I further ask unanimous consent that upon the disposition of this series of cleared amendments, that the motion to table, once again, would become the pending business, and that the vote on the motion to table occur no later than 12:30.

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

#### AMENDMENT NO. 2942

(Purpose: To clarify the responsibility for submission of information on prices previously charged for property or services offered)

Mr. THURMOND. Mr. President, on behalf of Senator WARNER, I offer an amendment which would amend section 2306(a) of Title X, U.S. Code, and Section 304(a), the Federal Property and Administrative Services Act of 1949 to clarify requirements for appropriate classified information by contractors to Federal agencies.

Mr. President, I believe the amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. THURMOND), for Mr. WARNER, proposes an amendment numbered 2942.

The amendment is as follows:

At the end of title VIII, add the following:

**SEC. 812. CLARIFICATION OF RESPONSIBILITY FOR SUBMISSION OF INFORMATION ON PRICES PREVIOUSLY CHARGED FOR PROPERTY OR SERVICES OFFERED.**

(a) ARMED SERVICES PROCUREMENTS.—Section 2306a(d)(1) of title 10, United States Code is amended—

(1) by striking out “the data submitted shall” in the second sentence and inserting in lieu thereof the following: “the contracting officer shall require that the data submitted”; and

(2) by adding at the end the following: “Submission of data required of an offeror under the preceding sentence in the case of a contract or subcontract shall be a condition for the eligibility of the offeror to enter into the contract or subcontract.”.

(b) CIVILIAN AGENCY PROCUREMENTS.—Section 304A(d)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(d)(1)), is amended—

(1) by striking out “the data submitted shall” in the second sentence and inserting in lieu thereof the following: “the contracting officer shall require that the data submitted”; and

(2) by adding at the end the following: “Submission of data required of an offeror under the preceding sentence in the case of a contract or subcontract shall be a condition for the eligibility of the offeror to enter into the contract or subcontract.”.

(c) CRITERIA FOR CERTAIN DETERMINATIONS.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to include criteria for contracting officers to apply for determining the specific price information that an offeror should be required to submit under section 2306(d) of title 10, United States Code, or section 304A(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(d)).

Mr. WARNER. Mr. President, I rise today to offer an amendment which is designed to help find a solution to the recurring problem of the Pentagon paying exorbitant prices for spare parts that are readily available in the commercial marketplace.

In March, we were subjected once again to troubling press accounts of excessive prices being charged the Pentagon for spare parts—in one case the Pentagon's Inspector General found that the Pentagon was charged 280 percent more for commercially available items than in the previous few years. While it is true that such instances of overcharging are now the exception to the rule, we must do everything we can to ensure that our limited defense resources are used wisely. This is essential if we are to maintain public support for, and confidence in, our military establishment.

I commend Senator SANTORUM for the package of legislative reforms he has included in the bill before the Senate. The “Defense Commercial Pricing Management Improvement Act” will go a long way toward setting the Pentagon on a path to correcting the problems identified in the recent DoD Inspector General reports concerning the Department's errors with respect to these overpricing cases.

My amendment will build on the legislation in the bill, but will focus on the responsibility of the contractor for providing adequate cost and pricing

data to the government. Under current law, in the case of sole-source contracts for commercially available items, the government contracting officer “shall require submission of data other than certified cost or pricing data to the extent necessary to determine the reasonableness of the price of the contract.” Although it was the intent of Congress that the contractor should supply such data as might be requested, that was not explicitly stated in the law and has not always been the practice. In the Sundstrand case reviewed this past February by the DoD Inspector General, the Inspector General found that “Sundstrand \* \* \* refused to provide DLA contracting officers with ‘uncertified’ cost or pricing data for commercial catalog items.” Unfortunately, this is not an isolated incident.

My amendment would clarify existing law to clearly reflect the original intent of Congress by putting a positive requirement on the contractor to provide cost and pricing data if such data is requested by the government contracting officer. If—as in the Sundstrand case—the contractor refuses to provide this information to the government, the contractor would be disqualified from the contract.

If a government contracting officer is to accurately assess the reasonableness of a contract price for a sole-source commercial item, he or she must have access to information on prices previously charged both the government and commercial sector for such item. We must not allow contractors to refuse to provide such information to the government. My amendment will close a loophole in existing law by requiring the submission of such cost and pricing data as the government contracting officer determines is necessary.

I urge my colleagues to support the amendment.

Mr. LEVIN. Mr. President, the amendment has been cleared by this side.

Mr. THURMOND. I urge the Senate to adopt the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment.

Mr. WARNER. Mr. President, I wish to thank the distinguished chairman and ranking member. It is just an effort by one Senator to see what we can do to further eliminate the ever-present problems associated with the \$250 hammer, the \$50 screw, and things of this nature, which by virtue of the enormity of the system of procurement, will happen. But this is an effort to see whether or not we can further curtail the number of incidents.

I thank the Chair. I thank the manager.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 2942) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEVIN addressed the Chair.

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

AMENDMENT NO. 2943

(Purpose: To recognize and honor former South Vietnamese commandos)

Mr. LEVIN. Mr. President, on behalf of Senators KERRY of Massachusetts, McCain, and Smith of New Hampshire, I offer an amendment that would commend the Vietnamese commandos for their service to the United States during the Vietnam war.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN), for Mr. KERRY, Mr. McCain, and Mr. Smith of New Hampshire, proposes an amendment numbered legislative 2943.

The amendment is as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1064. SENSE OF CONGRESS REGARDING THE HEROISM, SACRIFICE, AND SERVICE OF FORMER SOUTH VIETNAMESE COMMANDOS IN CONNECTION WITH UNITED STATES ARMED FORCES DURING THE VIETNAM CONFLICT.**

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

(1) South Vietnamese commandos were recruited by the United States as part of OPLAN 34A or its predecessor or OPLAN 35 from 1961 to 1970.

(2) The commandos conducted covert operations in North Vietnam during the Vietnam conflict.

(3) Many of the commandos were captured and imprisoned by North Vietnamese forces, some for as long as 20 years.

(4) The commandos served and fought proudly during the Vietnam conflict.

(5) Many of the commandos lost their lives serving in operations conducted by the United States during the Vietnam conflict.

(6) Many of the Vietnamese commandos now reside in the United States.

(b) SENSE OF CONGRESS.—Congress recognizes and honors the former South Vietnamese commandos for their heroism, sacrifice, and service in connection with United States armed forces during the Vietnam conflict.

Mr. KERRY. Mr. President, two years ago Senator McCain and I offered legislation, enacted as part of the FY 97 Defense authorization bill, to reimburse some 500 Vietnamese commandos who were funded and trained by the United States and infiltrated behind enemy lines to perform covert operations during the Vietnam War. Many of them were captured and incarcerated by the Democratic Republic of Vietnam for years and ultimately removed from the payroll by the U.S. government. Our legislation authorized \$20 million for reimbursement of the commandos for their years of imprisonment in North Vietnamese prisons and mandated that a lump sum be provided to each claimant determined eligible by the Secretary of Defense.

Pursuant to this legislation a commission has been established in the Defense Department and is now in the



process of reviewing claims. Today I am offering three amendments, with Senators MCCAIN and SMITH (of New Hampshire) related to the commando issue.

The first amendment, number 2943, is identical to language in the House-passed Defense authorization bill for this year. This amendment recognizes and honors the commandos for their heroism, sacrifice, and service to the United States during the war.

The second amendment, number 2944, is largely technical and is designed to assist the commission by clarifying the intent of the original legislation with respect to the payment process.

The third amendment, number 2945, rectifies an oversight in the original legislation. Under current law, a commando can bring a claim, or if the commando is deceased, his spouse or children may bring a claim. Through an oversight we failed to consider the possibility that a commando may never have married. The amendment that I am offering resolves this problem by stipulating that the parents, or if they are deceased, the siblings of an unmarried commando may bring a claim. Since the \$20 million originally authorized and appropriated for payment of these claims was based on the entire known universe of commandos, no additional funding will be needed to implement this amendment. Nor will this amendment put an additional undue burden on the commission. Our original intention in authoring the commando legislation was to make restitution to all the commandos who served us so faithfully, even when we walked away from them. This amendment ensures that we do that.

Mr. President, these amendments are straightforward and noncontroversial. They are good amendments and I urge their adoption.

Mr. MCCAIN. Mr. President, I rise today in support of an amendment sponsored by myself, Senator KERRY, and Senator SMITH of New Hampshire to express the sense of Congress regarding the heroism, sacrifice, and service of former South Vietnamese Commandos who fought with the United States during the Vietnam war.

From 1961 to 1970, South Vietnamese soldiers were trained and recruited by the Central Intelligence Agency and the Department of Defense to fight behind enemy lines on behalf of the United States. Although the majority of these individuals were captured alive and taken prisoner by North Vietnam, the U.S. government declared them dead in order to avoid paying them for their services.

Senator KERRY and I sponsored legislation contained in the Fiscal year 1997 Defense Authorization bill authorizing payment of up to \$30,000 to each Commando determined eligible by the Secretary of Defense.

Our amendment to the FY 1999 Defense Authorization bill makes the following findings:

South Vietnamese Commandos were recruited by the United States for cov-

ert operations under OPLAN 34A or its predecessor, OPLAN 35, from 1961 to 1970;

The Commandos conducted covert operations in North Vietnam during the Vietnam conflict;

Many of the Commandos were captured and imprisoned by North Vietnamese forces for periods of up to 20 years;

The Commandos served and fought proudly during the Vietnam conflict;

Many of the Commandos lost their lives serving in operations conducted by the United States during the Vietnam conflict;

Many of the Vietnamese Commandos now reside in the United States.

Consequently, our amendment recognizes and honors the former South Vietnamese Commandos for their service to the United States. We are in debt to these individuals for fighting valiantly on our side during the Vietnam war. They deserve our continued support and gratitude. I urge my colleagues to support this amendment.

Mr. THURMOND. Mr. President, we have no objection.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 2943) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 2944

(Purpose: To provide for payments to certain survivors of captured and interned Vietnamese operatives who were unmarried and childless at death)

Mr. THURMOND. On behalf Senators KERRY, MCCAIN and SMITH of New Hampshire, I offer an amendment that would enhance the eligibility for payments to certain survivors of captured and interned Vietnamese commandos who were unmarried and childless at death.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. KERRY, Mr. MCCAIN and Mr. SMITH of New Hampshire, proposes an amendment numbered 2944.

The amendment is as follows:

On page 127, between lines 12 and 13, insert the following:

**SEC. 634. ELIGIBILITY FOR PAYMENTS OF CERTAIN SURVIVORS OF CAPTURED AND INTERNED VIETNAMESE OPERATIVES WHO WERE UNMARRIED AND CHILDLESS AT DEATH.**

Section 657(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2585) is amended by adding at the end the following:

“(3) In the case of a decedent who had not been married at the time of death—

“(A) to the surviving parents; or

“(B) if there are no surviving parents, to the surviving siblings by blood of the decedent, in equal shares.”.

Mr. MCCAIN. Mr. President, I join Senator KERRY and Senator SMITH of

New Hampshire in offering this amendment to the Fiscal Year 1999 Defense Authorization bill to allow payment of funds to the surviving parents or siblings of deceased Vietnamese Commandos.

From 1961 to 1970, South Vietnamese soldiers were trained and recruited by the Central Intelligence Agency and the Department of Defense to undertake covert operations behind enemy lines on behalf of the United States. Although the majority of these individuals were captured alive and taken prisoner by North Vietnam, the U.S. government declared them dead in order to avoid paying them for their services.

In 1996, Congress passed legislation I sponsored with Senator KERRY authorizing payment of up to \$40,000 to each Commando determined eligible by the Secretary of Defense. In the case of a deceased Commando, payment was authorized to be made to the surviving spouse or, if there was no surviving spouse, to the surviving children of the decedent.

Unfortunately, we did not anticipate the case of deceased Commandos who died unmarried and thus left no spouse or children to claim payment. Our amendment to the FY 1999 Defense Authorization bill would expand eligibility for payments to include the surviving parents or, if there are no surviving parents, to the surviving siblings by blood of the deceased Commando.

Because Congress has already authorized and appropriated funds for payment to each Commando, this amendment has no cost. However, it serves the cause of fairness by entitling relatives of unmarried, deceased Commandos to the payments authorized for those Commandos' service to this country.

Although we did not intend to discriminate against unmarried childless Commandos in our original legislation, our original legislation unwittingly did just that.

Our amendment rights that wrong. I encourage my colleagues to support this legislation on behalf of those Commandos who bravely served behind enemy lines on behalf of the United States.

Mr. THURMOND. Mr. President, I believe this amendment has been cleared by the other side.

Mr. LEVIN. Mr. President, the amendment has been cleared.

The PRESIDING OFFICER. Is there further debate? Is there objection?

Mr. THURMOND. Mr. President, I urge the Senate to adopt the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2944) was agreed to.

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

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 2945

(Purpose: To clarify the recipient of payments to Vietnamese operatives captured and interned by North Vietnam)

Mr. LEVIN. On behalf of Senators KERRY, MCCAIN, and SMITH of New Hampshire, I offer an amendment that would ensure that the Vietnamese commandos receive their rightful share of the funds authorized and appropriated by the Congress.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Messrs. KERRY, MCCAIN, and SMITH of New Hampshire proposes an amendment numbered 2945.

The amendment is as follows:

On page 127, between lines 12 and 13, insert the following:

**SEC. 634. CLARIFICATION OF RECIPIENT OF PAYMENTS TO PERSONS CAPTURED OR INTERNED BY NORTH VIETNAM.**

Section 657(f)(1) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-101; 110 Stat. 2585) is amended by striking out "The actual disbursement" and inserting in lieu thereof "Notwithstanding any agreement (including a power of attorney) to the contrary, the actual disbursement".

Mr. MCCAIN. Mr. President, I join my colleagues Senator KERRY and Senator SMITH of New Hampshire in sponsoring an amendment to the Fiscal Year 1999 Defense Authorization bill to ensure that the Vietnamese Commandos receive their rightful share of the funds Congress authorized and appropriated in return for their service to this country.

From 1961 to 1970, South Vietnamese soldiers were trained and recruited by the Central Intelligence Agency and the Department of Defense to undertake covert operations behind enemy lines on behalf of the United States. Although the majority of these individuals were captured alive and taken prisoner by North Vietnam, the U.S. government declared them dead in order to avoid paying them for their services.

In 1996, Congress passed legislation I sponsored with Senator KERRY authorizing payment of up to \$40,000 to each Commando deemed eligible by the Secretary of Defense. These payments were intended to be distributed directly to the Commandos, who could then use a portion of the funds to cover attorney fees and other costs associated with receiving their benefit.

Regrettably, our 1996 legislation did not fully clarify the relationship between Commandos and their attorneys for the purposes of payments, with the result that payments have been flowing to the Commandos' attorneys for disbursement to their intended recipients. Consequently, our amendment seeks to clarify that the actual disbursement of a payment under our 1996 legislation may be made only to the person eligible for the payment, notwithstanding any agreement, including a power of attorney, to the contrary.

It is my hope that this legislation will allow the Commandos to rightfully

receive the full payments that are their due. I encourage my colleagues to support this amendment on behalf of those Vietnamese Commandos who sacrificed so much for this country.

The PRESIDING OFFICER. Is there further debate?

If there is no objection, the amendment is agreed to.

The amendment (No. 2945) was agreed to.

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

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 2946

(Purpose: To extend the authorization and authorization of appropriations for the construction of an automated 100-meter baffled multi-purpose range at the National Guard Training Site in Jefferson City, Missouri)

Mr. THURMOND. Mr. President, on behalf of Senator BOND, I offer an amendment which would extend the fiscal year 1996 authorization for the construction of an automated multi-purpose range as a National Guard training site in Missouri.

Mr. President, I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. BOND, proposes an amendment numbered 2946.

The amendment is as follows:

On page 323, in the third table following line 9, insert after the item relating to Camp Shelby, Mississippi, the following new item:

Missouri .....	National Guard Training Site, Jefferson City,	Multi-Purpose Range.	\$2,236,000
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Mr. THURMOND. Mr. President, the amendment has been cleared.

Mr. President, I urge the Senate to adopt the amendment.

The PRESIDING OFFICER. Is there further discussion?

Without objection, the amendment is agreed to.

The amendment (No. 2946) was agreed to.

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

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 2803

(Purpose: To state the sense of the Senate regarding declassification of classified information of the Department of Defense and the Department of Energy)

Mr. LEVIN. Mr. President, on behalf of Senator MCCAIN, I call up amendment No. 2803, which would express the sense of Senate regarding declassification of information of the Departments of Defense and Energy.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. KENNEDY, proposes an amendment numbered 2803.

The amendment is as follows:

On page 268, between lines 8 and 9, insert the following:

**SEC. 1064. SENSE OF THE SENATE REGARDING DECLASSIFICATION OF CLASSIFIED INFORMATION OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF ENERGY.**

It is the sense of the Senate that the Secretary of Defense and the Secretary of Energy should submit to Congress a request for funds in fiscal year 2000 for activities relating to the declassification of information under the jurisdiction of such Secretaries in order to fulfill the obligations and commitments of such Secretaries under Executive Order No. 12958 and the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) and to the stakeholders.

Mr. THURMOND. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Is there further discussion?

Without objection, the amendment is agreed to.

The amendment (No. 2803) was agreed to.

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

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 2921

Mr. THURMOND. Mr. President, on behalf of Senator KYL, I call up amendment No. 2921, which would require a visual examination of all documents released by the National Archives to ensure that such documents do not contain restricted data or formerly restricted data.

Mr. President, I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. KYL, proposes an amendment numbered 2921.

The amendment is as follows:

Section 3155 of National Defense Authorization Act for Fiscal Year 1996 (P.L. 104-106) is amended by inserting the following:

"(c) Agencies, including the National Archives and Records Administration, shall conduct a visual inspection of all permanent records of historical value which are 25 years old or older prior to declassification to ascertain that they contain no pages with Restricted Data or Formerly Restricted Data (FRD) markings (as defined by the Atomic Energy Act of 1954, as amended). Record collection in which marked RD or FRD is found shall be set aside pending the completion of a review by the Department of Energy."

Mr. LEVIN. The amendment has been cleared, Mr. President.

Mr. THURMOND. Mr. President, I urge the Senate to adopt the amendment.

The PRESIDING OFFICER. Is there further discussion?

Without objection, the amendment is agreed to.

The amendment (No. 2921) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 2947

(Purpose: To highlight the dangers posed by Russia's massive tactical nuclear stockpile, urge the President to call on Russia to proceed expeditiously with promised reductions, and to require a report)

Mr. LEVIN. Mr. President, on behalf of Senators CONRAD, KEMPTHORNE, KENNEDY, BINGAMAN, and myself, I offer an amendment which would express the sense of the Senate that the Russian Federation should live up to its commitments to reduce its massive tactical nuclear stockpiles as it agreed to in 1991 and 1992. The amendment would require the Secretary of Defense to submit a report to Congress on Russia's tactical nuclear weapons stockpile.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. CONRAD, Mr. KEMPTHORNE, Mr. KENNEDY, and Mr. BINGAMAN, proposes an amendment numbered 2947.

The amendment is as follows:

At the appropriate place in subtitle D of title X, insert the following:

#### **SEC. . RUSSIAN NON-STRATEGIC NUCLEAR WEAPONS.**

(a) SENSE OF THE SENATE.—It is the Sense of the Senate that

(1) the 7,000 to 12,000 or more non-strategic (or "tactical") nuclear weapons estimated by the United States Strategic Command to be in the Russian arsenal may present the greatest threat of sale or theft of a nuclear warhead in the world today;

(2) as the number of deployed strategic warheads in the Russian and United States arsenals declines to just a few thousand under the START accords, Russia's vast superiority in tactical nuclear warheads—many of which have yields equivalent to strategic nuclear weapons—could become strategically destabilizing;

(3) while the United States has unilaterally reduced its inventory of tactical nuclear weapons by nearly ninety percent since the end of the Cold War, Russia is behind schedule in implementing the steep tactical nuclear arms reductions pledged by former Soviet President Gorbachev in 1991 and Russian President Yeltsin in 1992, perpetuating the dangers from Russia's tactical nuclear stockpile; and,

(4) the President of the United States should call on the Russian Federation to expedite reduction of its tactical nuclear arsenal in accordance with the promises made in 1991 and 1992.

(b) REPORT.—Not later than March 15, 1999, the Secretary of Defense shall submit to the Congress a report on Russia's non-strategic nuclear weapons, including

(1) estimates regarding the current numbers, types, yields, viability, and locations of such warheads;

(2) an assessment of the strategic implications of the Russian Federation's non-strategic arsenal, including the potential use of such warheads in a strategic role or the use of their components in strategic nuclear systems;

(3) an assessment of the extent of the current threat of theft, sale, or unauthorized

use of such warheads, including an analysis of Russian command and control as it concerns the use of tactical nuclear warheads; and

(4) a summary of past, current, and planned efforts to work cooperatively with the Russian Federation to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

This report shall include the views of the Director of Central Intelligence and the Commander in Chief of the United States Strategic Command.

Mr. KENNEDY. Mr. President, I share the growing concern over the continuing high levels of tactical nuclear weapons in the arsenals of both Russia and the United States.

We have made substantial progress in reducing the levels of strategic nuclear weapons which threaten world peace and security. This progress has been made through the cooperation and efforts of both our countries and I commend the Reagan, Bush and Clinton Administrations for their efforts.

We have reduced the number of strategic missiles on each side. We have inventoried and controlled dangerous nuclear materials to prevent their theft. We have improved the safety and security of strategic nuclear weapons world-wide.

But, during this time, we have left another dangerous threat untouched—the tactical nuclear weapons built and deployed for battlefield use. These dangerous weapons have received far too little attention in our arms control efforts.

Although they are smaller than strategic nuclear weapons, tactical nuclear weapons are still a massive threat. In the wrong hands, in a terrorist or military attack, these weapons are almost as dangerous as strategic weapons. The potential armed conflicts facing the world today would be far more threatening if tactical nuclear weapons become an option for any side. The effect on stability and our own security could well be catastrophic.

We must take every reasonable measure to ensure that such weapons are never used—not in any armed conflict, not in a terrorist attack, never.

The goal of the Conrad amendment is to reduce, and eventually eliminate, the world's stockpile of tactical nuclear weapons. We must inventory the number and types of these weapons currently held in stockpiles, assess them, and work together to eliminate them.

It is not too much to ask that we pursue two tracks in the effort to deal with the nuclear threat left by the legacy of the Cold War. Reducing and eliminating both strategic and tactical nuclear weapons is the right course for the United States and Russia, and the only one that will ensure our future security.

Mr. THURMOND. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Is there further discussion?

Without objection, the amendment is agreed to.

The amendment (No. 2947) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 2948

(Purpose: To amend title 10, United States Code, to provide for the presentation of a United States flag to members of the Armed Forces being released from active duty for retirement)

Mr. THURMOND. Mr. President, on behalf of Senator GRAMS of Minnesota, I offer an amendment that would require service secretaries to present a U.S. flag to each retiring service member. I believe the amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. GRAMS, proposes an amendment numbered 2948.

The amendment is as follows:

At the end of subtitle D of title VI, add the following:

#### **SEC. 634. PRESENTATION OF UNITED STATES FLAG TO MEMBERS OF THE ARMED FORCES.**

(a) ARMY.—(1) Chapter 353 of title 10, United States Code, is amended by inserting after the table of sections the following:

##### **"§3681. Presentation of flag upon retirement at end of active duty service"**

"(a) REQUIREMENT.—The Secretary of the Army shall present a United States flag to a member of any component of the Army upon the release of the member from active duty for retirement.

"(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for a presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or section 6141 or 8681 of this title.

"(c) NO COST TO RECIPIENT.—The presentation of a flag under his section shall be at no cost to the recipient."

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 3684 the following:

"3681. Presentation of flag upon retirement at end of active duty service."

(b) NAVY AND MARINE CORPS.—(1) Chapter 561 of title 10, United States Code, is amended by inserting after the table of sections the following:

##### **"§6141. Presentation of flag upon retirement at end of active duty service"**

"(a) REQUIREMENT.—The Secretary of the Navy shall present a United States flag to a member of any component of the Navy or Marine Corps upon the release of the member from active duty for retirement or for transfer to the Fleet Reserve or the Fleet Marine Corps Reserve.

"(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for a presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or section 3681 or 8681 of this title.

"(c) NO COST TO RECIPIENT.—The presentation of a flag under his section shall be at no cost to the recipient."

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 6151 the following:

"6141. Presentation of flag upon retirement at end of active duty service."

(c) AIR FORCE.—(1) Chapter 853 of title 10, United States Code, is amended by inserting after the table of sections the following:

**"§8681. Presentation of flag upon retirement at end of active duty service**

"(a) REQUIREMENT.—The Secretary of the Air Force shall present a United States flag to a member of any component of the Air Force upon the release of the member from active duty for retirement.

"(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for a presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or section 3681 or 6141 of this title.

"(c) NO COST TO RECIPIENT.—The presentation of a flag under this section shall be at no cost to the recipient."

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 8684 the following:

"8681. Presentation of flag upon retirement at end of active duty service."

(d) REQUIREMENT FOR ADVANCE APPROPRIATIONS.—The Secretary of a military department may present flags under authority provided the Secretary in section 3681, 6141, or 8681 title 10, United States Code (as added by this section), only to the extent that funds for such presentations are appropriated for that purpose in advance.

(e) EFFECTIVE DATE.—Sections 3681, 6141, and 8681 of title 10, United States Code (as added by this section shall take effect on October 1, 1998, and shall apply with respect to releases described in those sections on or after that date.

Mr. GRAMS. Mr. President, I rise today to offer an amendment to the Defense Authorization Bill. Having just celebrated Flag Day, June 14, the symbol of our great country is vividly in mind. In close conjunction with that symbol of freedom, is our freedom guarded by those who serve in our Military Services who have been willing to give their lives for our country.

It seems fitting to show our honor and respect to those who have valiantly and fearlessly carried the banner of our flag into battle. Each one of these battle-ready patriots should carry a memento of their military service home with them—to remind them of our gratitude and their great achievement in keeping the country free. My amendment would present a U.S. flag to each active duty person who has served our country. I know that former Senator Robert Dole has supported this effort as well.

All components of the Military Services, the active duty, the National Guard and the Reserves of the Army, Air Force, Navy and Marines, who have completed honorable tours of duty will be eligible for this gift from a grateful nation.

It seems appropriate that an American flag be presented to those honorably discharged while they are still with us, not just to spread over their caskets as they depart this world. This

living symbol will do much to re-invigorate and re-dedicated the whole nation to our reason for being—freedom and liberty for all.

The PRESIDING OFFICER. Is there further discussion?

Mr. LEVIN. The amendment has been cleared on this side.

Mr. THURMOND. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2948) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2949

(Purpose: To require a report on options for the reduction of infrastructure costs at Brooks Air Force Base, Texas)

Mr. THURMOND. Mr. President, on behalf of Senator HUTCHISON, I offer an amendment which would require a report on the options for the reduction of infrastructure costs at Brooks Air Force Base, Texas.

Mr. President, I believe this amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared, Mr. President.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mrs. HUTCHISON, proposes an amendment numbered 2949.

The amendment is as follows:

On page 222, below line 21, add the following:

**SEC. 1031. REPORT ON REDUCTION OF INFRASTRUCTURE COSTS AT BROOKS AIR FORCE BASE, TEXAS.**

(a) REQUIREMENT.—Not later than December 31, 1998, the Secretary of the Air Force shall, in consultation with the Secretary of Defense, submit to the congressional defense committees a report on means of reducing significantly the infrastructure costs at Brooks Air Force Base, Texas, while also maintaining or improving the support for Department of Defense missions and personnel provided through Brooks Air Force Base.

(b) ELEMENTS.—The report shall include the following:

(1) A description of any barriers (including barriers under law and through policy) to improved infrastructure management at Brooks Air Force Base.

(2) A description of means of reducing infrastructure management costs at Brooks Air Force Base through cost-sharing arrangements and more cost-effective utilization of property.

(3) A description of any potential public partnerships or public-private partnerships to enhance management and operations at Brooks Air Force Base.

(4) An assessment of any potential for expanding infrastructure management opportunities at Brooks Air Force Base as a result of initiative considered at the Base or at other installations.

(5) An analysis (including appropriate data) on current and projected costs of the ownership or lease of Brooks Air Force Base under a variety of ownership or leasing scenarios, including the savings that would ac-

crue to the Air Force under such scenarios and a schedule for achieving such savings.

(6) Any recommendations relating to reducing the infrastructure costs at Brooks Air Force Base that the Secretary considers appropriate.

The PRESIDING OFFICER. Is there further debate?

Mr. THURMOND. Mr. President, I urge the Senate to adopt the amendment.

The PRESIDING OFFICER. Is there further discussion?

Without objection, the amendment is agreed to.

The amendment (No. 2949) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2950

Mr. LEVIN. Mr. President, on behalf of Senator INOUE, I offer an amendment which would require the Secretary of Defense to submit a report regarding the potential for development of Ford Island, Pearl Harbor, Hawaii.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows: The Senator from Michigan [Mr. LEVIN], for Mr. INOUE, proposes an amendment numbered 2950.

The amendment is as follows:

SEC. 2833. Not later than December 1, 1998, the Secretary of Defense shall submit to the President and the Congressional Defense Committees a report regarding the potential for development of Ford Island within the Pearl Harbor Naval Complex, Oahu, Hawaii through an integrated resourcing plan incorporating both appropriated funds and one or more public-private ventures. This report shall consider innovative resource development measures, including but not limited to, an enhanced-use leasing program similar to that of the Department of Veterans Affairs as well as the sale or other disposal of land in Hawaii under the control of the Navy as part of an overall program for Ford Island development. The report shall include proposed legislation for carrying out the measures recommended therein.

Mr. LEVIN. Mr. President, I believe the amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, it has been cleared on this side.

The PRESIDING OFFICER. Is there further discussion?

Without objection, the amendment is agreed to.

The amendment (No. 2950) was agreed to.

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

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

The motion to lay on the table was agreed to.

MTMC'S REENGINEERING PROGRAM

Mr. TORRICELLI. Mr. President, I rise today regarding an issue that is of great concern to myself and the military families in my state. I am referring to the Military Traffic Management Command's (MTMC) proposed re-

engineering of the personal property program. The MTMC is responsible for moving service member's household goods when they receive Permanent Change of Station orders, and the current system for doing so has often been criticized for not providing the same quality service that is available in the private sector.

The current system is a \$1.1 billion a year industry that is awarded without competition and contains no provisions for the government to enforce quality standards. The status quo has produced a dismal 23% customer satisfaction rate, which is understandable when we consider that one in four military moves results in a claim for missing or broken household goods. To make the situation worse, it takes about 8 months to settle 80% of these claims with the service member, at a cost of \$100 million to the government.

For over three years, the Department of Defense has been trying to bring elements of competition and corporate practice into the military program. MTMC's plans will permit full and open competition from all types of companies which provide corporate moving services, and will hold its contractors to standards of performance. It will streamline the personal property program, and introduce accountability to the program through the use of the Federal Acquisition Regulation. The re-engineered program will also make full replacement insurance value available to service families for the first time, and will guarantee that a minimum of 41% of the total contract will be performed by small businesses. The GAO has reviewed this proposal and found it to be superior to the current program.

However, I am concerned that an alternative to the MTMC's re-engineering program, referred to as the Commercial-Like Activities of Superior Service (CLASS), has been included in the House FY99 Defense Authorization bill. This alternative, which is opposed by the Department of Defense, the Military Coalition, the Business Executives for National Security and the Military Mobility Coalition, does not improve the quality of service for our personnel, does not take advantage of current commercial practices, does not provide our military families with a streamlined claims process, and offers no protection for the interests of small business. It is estimated that the CLASS program will cost the DoD about three years and an additional \$6 million to implement. I am hopeful that my colleagues in the Senate will reject the CLASS program during the conference committee negotiations, and allow the DoD to move forward with its pilot program.

I urge my colleagues to support MTMC's re-engineering effort and to remember that this is simply a pilot program. It will take place in three states and will encompass only 18,000 shipments out of a total of 650,000 annually, or only three percent of DoD's

total annual shipments. Congress has also charged GAO to review the pilot as it is conducted and report back to Congress. If, at the end of this test, there are changes to be made, we can make them at that time.

Mr. President, our military families have waited long enough for us to improve the personal property program, and legislatively changing all of DoD's efforts for some other idea at the last minute would be extremely counterproductive. I look forward to removing this burden from our service personnel, and to working with my colleagues to ensure MTMC's re-engineering program becomes a reality.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ASHCROFT addressed the Chair.

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

Mr. ASHCROFT. Mr. President, I ask unanimous consent that at the conclusion of the vote being taken on the tabling motion for Senator HUTCHISON, I have 10 minutes to address a matter as if in morning business.

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

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, as to the earlier vote on tabling, I initiated the tabling motion in my capacity as comanager of this bill, together with our distinguished chairman. I felt it was the proper thing to do because I attribute to this particular bill, the underlying bill, the annual Authorization Act, the highest priority. It is for the benefit of those who serve in uniform all over the world. It sends a strong message to our allies and enables this country to maintain its responsibility as the sole superpower in the world today. And that is why I am going to do everything I can, together with our distinguished chairman and others, to see that this bill does move forward.

Now that the matter has been divided, then I think I am free to vote my conscience as it relates to such votes as may be taken hereafter regarding the amendments.

I yield the floor.

VOTE ON MOTION TO TABLE DIVISION I OF  
AMENDMENT NO. 2737

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to the motion to table division I of the amendment No. 2737. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

I also announce that the Senator from Pennsylvania (Mr. SPECTER) is absent because of illness.

Mr. FORD. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

[Rollcall Vote No. 168 Leg.]

NAYS—96

Abraham	Feingold	Lieberman
Akaka	Feinstein	Lott
Allard	Ford	Lugar
Ashcroft	Frist	Mack
Baucus	Glenn	McCain
Biden	Gorton	McConnell
Bingaman	Graham	Mikulski
Bond	Gramm	Moseley-Braun
Boxer	Grams	Moynihan
Breaux	Grassley	Murkowski
Brownback	Gregg	Murray
Bryan	Hagel	Nickles
Bumpers	Harkin	Reed
Burns	Hatch	Reid
Byrd	Helms	Robb
Campbell	Hollings	Roberts
Chafee	Hutchinson	Roth
Cleland	Hutchison	Santorum
Coats	Inhofe	Sarbanes
Cochran	Inouye	Sessions
Collins	Jeffords	Shelby
Conrad	Johnson	Smith (NH)
Coverdell	Kempthorne	Smith (OR)
Craig	Kennedy	Snowe
D'Amato	Kerrey	Stevens
Daschle	Kerry	Thomas
DeWine	Kohl	Thompson
Dodd	Kyl	Thurmond
Dorgan	Landrieu	Torricelli
Durbin	Lautenberg	Warner
Enzi	Leahy	Wellstone
Faircloth	Levin	Wyden

NOT VOTING—4

Bennett  
Domenici

Rockefeller  
Specter

The motion to lay on the table division I of the amendment (No. 2737) was rejected.

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri is recognized for up to 10 minutes.

Mr. LEVIN. I wonder if the Senator will yield for an inquiry.

Mr. ASHCROFT. I am happy to.

Mr. LEVIN. Mr. President, is my understanding correct that under the order, after the 10 minutes of morning business, the Senate will then stand in recess without any intervening unanimous consent requests or motions?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. I thank the Chair.

Mr. ASHCROFT. Mr. President, I have been asked to propound a unanimous consent, and I believe it has been agreed to by both sides. Prior to the Senator leaving the Chamber, I will do that.

Mr. LEVIN. Does the Senator have that to propound now?

Mr. ASHCROFT. Yes.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON  
H.R. 2646

Mr. ASHCROFT. Mr. President, I ask unanimous consent that when the Senate proceeds to the consideration of the conference report to accompany H.R. 2646, the Coverdell A+ education bill, it be considered as having been read, and there be 4 hours for debate divided in the following manner:

Two hours under the control of the minority leader, or his designee, with part of their 2 hours divided as follows: Senator KENNEDY, 15 minutes; Senator