

ROUTING AND TRANSMITTAL SLIP

Date

10/19/87

TO: (Name, office symbol, room number, building, Agency/Post)

Initials Date

B



C/Pdmg Br. FYI

B.

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	<input checked="" type="checkbox"/> For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Per [redacted] request to pass this on to you + D/O

Registry - file

OS REGISTRY
87-1477X.1

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Room No.—Bldg.



OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

USGPO 1983-421-529/320

Date **10/14/87**

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. DD/OS/P&TS	<i>[Signature]</i>	15 OCT 1987
2. 		
3. 		
4. EX/OS		
5. 		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

*Last of amendments.
I'm doing draft concerning
House & Senate version
Will advise
Please send copy to
D/OS. Thank*

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

<p>FROM </p>	<p>Room No.—Bldg.</p> <hr/> <p>Phone No.</p>
--	--

act

Senate Floor continued ...

control of illegal international arms transfers, to aid in the identification and apprehension of illegal arms traffickers, and to expedite procedures for reviewing and issuing commercial arms export licenses, agreed to by voice.

BINGAMAN-DOMENICI amendment 892 to maintain Latin American and Caribbean data bases, agreed to by voice.

ROTH-DOLE amendment 893 to insure that due concern for security is reflected in future construction projects in communist-controlled countries, agreed to by voice.

CHAPPE amendment 894 to amend the Immigration and Nationality Act to waive the continuous residence requirement under the legalization program for spouses and children of qualified legalized aliens, tabled by 55-45.

PRESSLER amendment 896 to express sense of the Senate that the State Dept should examine purchasing or entering into long-term leases (rather than short-term leases) of foreign residential properties needed to house the principal diplomatic officers of the U.S. and require a rpt to Congress regarding the advantages or disadvantages of purchasing or leasing such properties, agreed to by voice.

MOYNIHAN amendment 898 to express sense of the Senate that the State Dept, in arranging visits of foreign dignitaries to the Capitol, shall have in mind that ours is a republican institution which by long established practice, and as a matter of principle, conducts its affairs with a minimum of display, agreed to by voice.

HELMS (for KASTEN) amendment 899 to provide for a rpt on policies pursued by other countries in international organizations, agreed to by voice en bloc with the below HELMS (for KASTEN) amendment: 900.

HELMS (for KASTEN) amendment 900 to express sense of the Congress that the president should take all such actions necessary to ensure compliance with the hiring freeze rule, including withholding all assessed U.S. contributions to the UN, and denying U.S. entry visas to Soviet and Soviet-bloc applicants coming into the U.S. to replace Soviet and Soviet-bloc nationals currently serving the UN Secretariat, agreed to by voice en bloc with the above HELMS (for KASTEN) amendment 899.

HUMPHREY amendment 901 to establish within the State Dept the position of Ambassador at Large on Afghanistan who shall be appointed by the president, by and with the advice and consent of the Senate, agreed to by voice.

PELL amendment 902 to provide for a survey of the number of viewers in Europe who watch the daily passive (non-interactive) shows of the USIA Worldnet program, agreed to by voice.

HELMS (for BOSCHWITZ) amendment 903 to express sense of Congress that the U.S. should base its policy toward Lebanon on the following principles: (1) preservation of the unity of Lebanon; (2) withdrawal of all foreign forces from Lebanon; (3) recognition of and respect for the territorial integrity of Lebanon; and (4) reassertion of Lebanese sovereignty throughout the nation and recognition that it is in the responsibility of the Lebanese govt for its safekeeping, agreed to by voice.

HELMS amendment 904 to provide that it is not in the U.S. national security interests for the State Dept to declare, and it shall not declare, itself to be a foreign diplomatic mission, agreed to by voice.

(continued October 8)

Thursday, October 8

S 1394

FY88 State Dept Authorization

(continued from October 7)

BYRD motion that the Sergeant at Arms be instructed to request the attendance of absent senators, agreed to by 77-11.

MURKOWSKI amendment 905 to establish within the State Dept the position of Secy of State for Budget and Administration and Under Secy of State for Security, Construction, and Foreign Missions, agreed to by voice.

MURKOWSKI amendment 906 to express sense of Congress that (1) the U.S. Congress welcomes the democratic trends emerging in Taiwan and commends the progress which has been made recently in advancing democratic institutions and values; (2) encourages the leaders and people of Taiwan to continue the process with the aim of consolidating fully democratic institutions, and (3) requests U.S. representatives to convey this nation's continued support for a free and prosperous Taiwan, as stated in the Taiwan Relations Act, and our encouragement for democracy to the leaders and people of Taiwan, agreed to by voice.

DIXON (for SIMON) amendment 907 to facilitate implementation of the 1980 Hague Convention on the Civil Aspects of International Child Abduction, agreed to by voice.

KENNEDY amendment 908 to waive certain naturalization requirements for certain former Cuban political prisoners, agreed to by voice.

SYMMS amendment 909 to void certain agreements relating to the site of the Soviet Union's embassy in DC, agreed to by voice.

HELMS amendment 910 to provide for diplomatic immunity abuse prevention, registration and departure procedures for individuals with diplomatic immunity, waiver of diplomatic immunity or declaration of persons non grata when charged with a serious crime, authority to institute and maintain criminal prosecutions, review of U.S. policy on diplomatic immunity, review of procedures for issuing visas to diplomats to the U.S. and the UN, and liability insurance to be carried by diplomatic missions, agreed to by voice.

HELMS amendment 911 to provide that the salary of the Chief of Mission shall be full compensation for the services of the Chief of Mission, who shall not be eligible for addl compensation in the form of hardship differential or other incentive or performance pay supplementals, other than danger pay, agreed to by voice.

HELMS (for KASSEBAUM) amendment 912 to provide that if an election has been made with respect to a former spouse of a member of the Foreign Service under section 2109 or 806(f), then the survivor annuity under subsection (a) of such former spouse shall be equal to the full amount of the participant's or former participant's annuity referred to in subsection (a) less the amount of such election, agreed to by voice.

October 8, 1987

CONGRESSIONAL RECORD - SENATE

S 15787

CALL OF THE ROLL

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

The PRESIDING OFFICER. A quorum is not present. The clerk will please call the roll.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 27]

Armstrong Cranstons Stevens
Breaux Grassley
Byrd Packwood

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD, Mr. President I move that the Sergeant at Arms be instructed to request the attendance of absent Senators. I ask for the yeas and nays on the motion.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Tennessee [Mr. GORE], the Senator from Maryland [Ms. MIKULSKI], the Senator from Michigan [Mr. RIEGLE], the Senator from Illinois [Mr. SIMON], the Senator from Mississippi [Mr. STENNIS] and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Idaho [Mr. McCURE] and the Senator from South Dakota [Mr. PRESSLER] are necessarily absent.

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

The yeas and nays resulted—yeas 77, nays 11, as follows:

[Rollcall Vote No. 312 Leg.]

YEAS—77

Adams Durenberger Melcher
Armstrong Exon Metzenbaum
Baucus Ford Mitchell
Bentsen Fowler Moynihan
Biden Glenn Nunn
Bingaman Graham Packwood
Boren Grassley Pell
Boschwitz Harkin Proxmire
Bradley Hatch Fryor
Breaux Hatfield Reid
Bumpers Hecht Rockefeller
Byrd Hefflin Roth
Chafee Helms Rudman
Chiles Hollings Sanford
Cochran Inouye Sarbanes
Cohen Johnston Sasser
Conrad Karnes Shelby
Cranston Kennedy Simpson
D'Amato Kerry Specter
Danforth Lautenberg Stafford
Daschle Leahy Stevens
DeConcini Levin Thurmond
Dixon Lugar Tribble
Dodd Matsunaga Warner
Dole McCain Wilson
Domenici McConnell

NAYS—11

Bond Kasten Symms
Evans Murkowski Wallop
Garn Nickles Weicker
Helms

NOT VOTING—11

Burdick Kassebaum Riegle
Gore McClure Simon
Gramm Mikulski Stennis
Humphrey Pressler Wirth

So the motion was agreed to.

Mr. BYRD, Regular order, Mr. President.

The PRESIDING OFFICER. Regular order has been called for. The clerk will tally the roll.

On this vote, the yeas are 77, the nays are 11. The motion is agreed to and a quorum is present.

UNANIMOUS-CONSENT AGREEMENT—H.R. 3058

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD, Mr. President, I have cleared this request with the distinguished Republican leader. I ask unanimous consent that the majority leader may proceed at any time after consultation with the minority leader to the consideration of H.R. 3058, that is the Labor-Health-Education appropriations bill.

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

Mr. BYRD. I thank the Chair.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1988

The Senate resumed consideration of S. 1394.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL, Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 1394, the State Department authorization bill.

Mr. PELL. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 905

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

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] for himself, Mr. BOREN, Mr. COHEN, Mr. METZENBAUM, Mr. HOLLINGS, and Mr. CRANSTON proposes an amendment numbered 905.

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

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

The amendment is as follows:

At appropriate place in the bill, add the following section.

SEC. 1. UNDER SECRETARY OF STATE FOR SECURITY, CONSTRUCTION, AND FOREIGN MISSIONS.

- (a) THE CONGRESS FINDS THAT.— (1) serious deficiencies exist in the management and construction by the Department of State of buildings overseas. (2) the security function has been plagued by an inability to anticipate threats or to respond to threats.

(3) The operations of the Foreign Buildings Office have been characterized by cost overruns, delays, inadequacies of design, deficient construction supervision, and other management flaws.

(b) ESTABLISHMENT OF POSITION.—The first section of the Act entitled "An Act to strengthen and improve the organization and administration of the Department of State and for other purposes", approved May 26, 1949 (22 U.S.C. 2652), is amended by striking out "and an Under Secretary of State for Management" and inserting in lieu thereof "an Under Secretary of State for Budget and Administration, and an Under Secretary of State for Security, Construction, and Foreign Missions".

(c) RESPONSIBILITIES.—The Under Secretary of State for Security, Construction, and Missions shall be responsible for—

(1) the Bureau of Diplomatic Security (established by section 104 of the Diplomatic Security Act);

(2) the new building construction functions of the Office of Foreign Buildings (established to carry out the Foreign Service Buildings Act, 1926); and

(3) the Office of Foreign Missions (established pursuant to section 203 of the State Department Basic Authorities Act of 1956).

(d) AUTHORITIES.—The Under Secretary of State for Security, Construction, and Foreign Missions shall have the authority to prepare and submit a consolidated budget for the programs for which the Under Secretary is responsible and to develop and implement personnel systems for those programs, and to establish procedures for the procurement of goods and services for those programs including procedures to ensure that the design and construction of new embassy buildings shall be performed under contract to U.S. construction firms.

(e) REORGANIZATION.—

(1) PERIOD FOR IMPLEMENTATION.—The Secretary of State shall complete implementation of the reorganization required by this section within 6 months after the date of enactment of this Act, including the transfer of personnel and funds to the Under Secretary of State for Security, Construction, and Foreign Missions.

(2) PLAN FOR IMPLEMENTATION.—Not later than 60 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Congress on the steps to be taken in reorganizing the Department of State pursuant to this section, including a plan for a separate personnel system and career service for the Diplomatic Security Service.

(3) ROLE OF PRIVATE SECTOR.—Such report shall address the role of U.S. private industry in embassy design and construction, including specific steps to enhance that role, so that the efficiency and expertise of the private sector can be fully utilized consistent with security. Such report shall also include a detailed justification of the current staffing levels in the Foreign Building Office assuming a maximum appropriate use of the private sector in embassy design and construction.

(f) The provisions of subsections (a) through (e) shall enter into force on April 1, 1988, unless the following conditions are met—

- (1) the Department of State submits to the Senate Foreign Relations Committee and the House Foreign Affairs Committee no later than February 1, 1988, a plan for restructuring the Department which would (i) accord higher priority to diplomatic security; (ii) improve coordination between the Bureau of Diplomatic Security and the Offices of Foreign Buildings;

S 13788

CONGRESSIONAL RECORD -- SENATE

October 4, 1977

struction of United States embassies as performed by United States firms as provided by relevant law; and (2) the Congress approves this restructuring plan, or a modification thereof, by joint resolution.

For the purpose of expediting the consideration and enactment of a joint resolution referred to in subsection (f), a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, and as highly privileged in the House of Representatives.

The PRESIDING OFFICER. There are 20 minutes on each side of this amendment equally divided.

The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, this amendment has been cleared with the floor managers on both sides of the bill.

Along with my distinguished colleagues, Senator BOLEN, Senator COHEN, the chairman and vice chairman of the Intelligence Committee, Senators HOLLINGS and CRANSTON, and I offer the amendment with the intent of clarifying the responsibility associated with Embassy construction.

As the Chair knows, we have had an extraordinary situation with regard to our Embassy in the Soviet Union, which has been debated and given a great deal of consideration by this body, the intelligence community, the Foreign Relations Committee, and others.

The purpose of the amendment is to improve the coordination and ensure greater reliance on the expertise of U.S. construction firms, international construction firms, and firms of U.S. origin in the construction and protection of our U.S. embassies abroad. The purpose is to correct the most glaring weaknesses in the way we build and secure our embassies.

First, the amendment will consolidate the diplomatic security, foreign buildings, and foreign missions offices into a new bureau under an Under Secretary of State for Security, Construction and Foreign Missions.

Second, this consolidation will help insure that those in the State Department responsible for diplomatic security, embassy construction, and supervising foreign missions talk to one another and really work together under a single management team concept. The new Under Secretary will have direct access to the Secretary of State. It will make it crystal clear where the ultimate responsibility lies for embassy security.

As the President knows in the case of our Embassy in the Soviet Union it is pretty hard to pinpoint just where the responsibility lay and that was indeed unfortunate.

Third, the amendment will mandate that the State Department make full appropriate use of American design and engineering firms to construct future embassies.

We have had an extraordinary situation in Egypt where we had an embassy that was built over there in Cairo, built by a Japanese construction firm that qualified appropriately; however, much of the subcontracting work was done by the parent Japanese firm. That was not the intent of the State Department. The manner in which they let the bid, they required that they have a U.S. subsidiary. They did have a United States subsidiary and turned around to sub the project out to the Japanese parent. Obviously, that was going a bit too far.

The colossal fiasco of the new U.S. Embassy in Moscow has thrown the spotlight on the State Department's ingrained inability to take the hostile intelligence assault on American embassies seriously. Diplomats trained in the arts of persuasion and negotiation too often seem to regard counterintelligence and diplomatic security as somehow undignified—a reflection more of paranoia than any real threat. In defiance of experience and common sense, the State Department allowed the Russians almost complete control over the construction of the new U.S. Embassy in Moscow. The result was totally predictable—a building so riddled with listening devices as to be a virtual microphone plugged into KGB headquarters. Nor is this the only such horror story. I assure you there are others.

The failures in Moscow, combined with the unfortunate decision to award the Soviets the best electronic eavesdropping site in Washington for their new embassy, signify a fundamental institutional failure. The State Department is structured to assure that security and counterintelligence are accorded less than the highest priority. The Office of Diplomatic Security is buried inside the Bureau of Management. The Office of Foreign Buildings responsible for designing and constructing U.S. embassies and the Foreign Missions Office that provides necessary support to foreign embassies in Washington, are quite separate.

Extensive hearings before the Intelligence Committee revealed that this arrangement has meant that security concerns have not been brought to the early and forceful attention of the Secretary of State nor has there been close communication and coordination between those who design and build embassies and those responsible for the security of those buildings against penetration by hostile intelligence.

Likewise, when the Soviets have chosen to pressure or harass our diplomats in Moscow by manipulating heat, water, and electricity services to our Embassy, we have not responded in kind because the Foreign Mission Office at the State Department was not even informed, much less authorized to retaliate.

When Congress has tried to fix responsibility for mishandling embassy security it has found that no one is fully accountable. Accountability dis-

appears in a fog of tangled commissions and diffused responsibilities.

All these problems have been compounded by a lack of real expertise in constructing buildings in the State Department. Foreign Service officers, however intelligent and energetic, are not experts in construction. It is time we relied less on bureaucrats and more on those in the private sector who really know construction, to design and build our embassies.

Experience has demonstrated that the State Department's "in-house" design and construction services leave a great deal to be desired. This amendment is intended to improve that situation. It is this Senator's intent that the Secretary of State, when carrying out the reorganization mandated by this amendment, will move many of these "in-house" functions out of the Department to the private sector.

When that happens, the process of designing and constructing embassies will become far more cost effective. The State Department will determine its needs and requirements, communicate those to the selected private architectural or engineering firm, and that firm will do the actual design and construction based on a general plan from the Department.

This amendment calls for a report from the Department on its own reorganization plans and another report on the implementation of the plan. The latter report must contain a justification of the staffing levels of the reorganized branches of the Department.

Mr. President, I would like to put the Department on notice that I intend to carefully scrutinize both reports when they are submitted. If they do not reflect a concerted effort to make maximum use of the private sector, then I will have no choice but to revisit this issue.

The present authorization bill calls for a task force to study these problems. As a member of both the Foreign Relations and Intelligence Committees, I have heard detailed testimony on all aspects of embassy security, particularly as highlighted by the situation in Moscow. The time for study is past; we know what the problems are and we know how to solve them. It is time to act.

In conclusion, Mr. President, it is evident that what we are trying to do here is to identify where we can fix responsibility in the future. We are trying to coordinate a cohesive group within the various departments in the State Department that are responsible for construction and make that construction more meaningful. We are trying to involve American international construction companies in the design and construction of those embassies. It is clear that the State Department's effort in the Embassy in Moscow was a gross example of inefficiency and the structure not working.

October 8, 1967

CONGRESSIONAL RECORD - SENATE

S-17799

There are certain considerations that trigger the timing of this that indicate that if the State Department by February 1 has not initiated these changes internally to the satisfaction of this body, then this amendment would become a reality.

I again have talked to my colleague, the chairman of the Foreign Relations Committee, and I believe that we have worked out any differences that we may have, although I am sure he wishes to speak on the subject, and the ranking minority member also may have something to say. I would be happy to answer any questions on the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, this amendment, which would seek to centralize the responsibility for embassy security for the Embassy building operations and the like, is a good amendment with a good objective. I recommend it be passed and I support it.

Mr. HELMS. Mr. President, this side fully concurs and commends the Senator from Alaska on his amendment. We urge its approval.

Mr. PELL. I am prepared to yield back the balance of my time.

Mr. MURKOWSKI. I yield back the balance of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment (No. 905) was agreed to.

Mr. PELL. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 906

(Purpose: Sense-of-the-Congress resolution commending progress toward democracy in Taiwan)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. MURKOWSKI) proposes an amendment numbered 906.

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

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

The amendment is as follows:

At the appropriate place in the bill insert the following:

The Congress finds:

- (1) economic stability, educational advances, and social progress have created conditions favoring the furtherance of democracy in Taiwan; and

- (2) our common commitment to democratic institutions and values is an increasingly strong bond between the people of the United States and the people of Taiwan; and

- (3) the authorities on Taiwan are nurturing a transition toward more truly democratic and representative political institutions; and

- (4) the lifting of Martial law in July and the release of detainees symbolize the growing respect for human rights and freedom of expression on Taiwan.

It is the sense of the Congress that:

- (1) the United States Congress welcomes the democratic trends emerging in Taiwan and commend the progress that has been made recently in advancing democratic institutions and values; and

- (2) the United States Congress encourages the leaders and peoples of Taiwan to continue this process with the aim of consolidating fully democratic institutions; and

- (3) the United States Congress requests American representatives to convey this nation's continuing support for a free and prosperous Taiwan as stated in the Taiwan Relations Act and our encouragement for democracy to the leaders and the people of Taiwan.

Mr. MURKOWSKI. Mr. President, as our friends on Taiwan prepare to celebrate their 76th National Day, it is appropriate for us to reflect on some of the significant events that have taken place in Taiwan under the leadership of President Chiang Ching-Kuo, and to express our pleasure and continued support for a free and prosperous Taiwan.

In the past decade, we have witnessed remarkable economic progress in Taiwan. Taiwan is now our fourth largest trading partner and the world's second largest holder of foreign exchange reserves. In response to the concerns expressed by the United States over the growing trade imbalance between our two countries, the Government has taken significant steps to reduce tariffs, remove nontariff barriers and encourage the purchase of more American goods and services.

Accompanying Taiwan's economic success, the Government has taken unprecedented steps to further the evolution of democracy. The lifting of martial law, the rise of a multiparty system and the release of detainees reflect an increased sensitivity and commitment to the principles of human rights, democracy, and freedom.

In addition to the emergence of an important trading partner, our support for the development of democratic, free market institutions on Taiwan has an important added bonus: We have had an ally which has supported our goals in East Asia for over 30 years.

We in America take pride when reflecting upon the long friendship between our Nation and satisfaction that the United States has contributed

much to the extraordinary transition of Taiwan to a world trading power.

Mr. President, wherever the principles of democracy thrive, we in the United States must give our continued support to protect them. Therefore, the purpose of this amendment today is to express our respect and admiration for Taiwan's achievements and reaffirming the solemn obligation we have to the people of Taiwan as embodied in the Taiwan Relations Act.

I urge my colleagues to join me in sending this expression of support for our friends on Taiwan on the eve of this important day.

Mr. PELL. Mr. President, this is a very timely and thoughtful amendment. I think it will help those that seek democracy in Taiwan, and I recommend its passage.

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

Mr. HELMS. The amendment is perfectly acceptable.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment, (No. 906) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 907

(Purpose: To facilitate implementation of the 1980 Hague Convention on the Civil Aspects of International Child Abduction, and for other purposes)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois (Mr. DIXON), for Mr. SIMON, for himself, Mr. DIXON, Mr. WALLOP, Mr. GORE, Mr. STENNIS, Mr. EXON, Mr. INOUYE, Mr. MIKULSKI, Mr. D'AMATO, Mr. KASTEN, Mr. KENNEDY, Mr. DANFORTH, Mr. ROY, Mr. SPACER, Mr. CRAMER, and Mr. HOLLINGS, proposes an amendment numbered 907.

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

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

The amendment is as follows:

At the end of the bill, add the following new title:

TITLE VII - INTERNATIONAL CHILD ABDUCTION ACT

SECTION 701. SHORT TITLE.

This title may be cited as the "International Child Abduction Act".

SEC. 702. FINDINGS AND DECLARATION OF PURPOSES.

The Congress finds that—

- (1) The international abduction or wrongful retention of children is harmful to their well-being.

S 13794

CONGRESSIONAL RECORD — SENATE

October 8, 1967

The PRESIDING OFFICER. Without objection, it is so ordered.
The Senator from Virginia.

ORDER OF PROCEDURE

Mr. WARNER. Mr. President, I ask for unanimous consent that I may proceed for 3 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection? Hearing no objection, the Senator from Virginia.

JUDGE BORK

Mr. WARNER. Mr. President, yesterday the leadership of the Senate discussed the Bork nomination and the responsibilities of this body. I am hopeful that we will proceed to have a debate on this issue at the earliest possible date and urge the leadership this morning to renew their efforts to expedite a full floor debate.

We pride ourselves on being one of the oldest, if not the oldest, deliberative bodies here in the United States of America. The issues revolving around this nomination are being deliberated in almost every place in America but here where that debate should take place: By the full Senate on the floor of this Chamber.

This Senator, out of respect for the traditions of this institution, the U.S. Senate, and out of respect for the nominee, has not declared his intentions as to how he would vote. I have done that for, I believe, valid reasons.

First, I have not had the opportunity, nor do I believe many others have had, to examine with care the record compiled by the Senate Judiciary Committee. While the record was given to Senators at the end of last week, there has been inadequate time to review this voluminous report.

Second, some Senators have taken the floor to read carefully prepared statements or to make remarks, but we have not looked at each other, into the whites of our eyes, and provided one another with the benefits of reasoning, argumentation, and confrontation that are essential to a full debate, debate that I think this case merits.

Third, this Senator has been engaged for some several weeks as co-manager of the Senate Armed Services authorization bill for 1968. That required well over 100 hours of debate on the floor. As such, I was deprived of the opportunity to spend as much time as I would have liked to review the testimony of the witnesses who appeared before the Judiciary Committee.

The Senate's advise and consent responsibility for Presidential nominees to the judicial branch, most particularly to the Supreme Court, is one of the most important duties given to this body by the Constitution. I take this responsibility, I am certain as do others in this Chamber, very seriously and want to have the opportunity to prepare, and the opportunity to par-

ticipate in a debate of the Senate as a whole.

The constitutional responsibility under advise and consent in conjunction with the judicial branch, I believe, is unique. It is distinguishable, I believe, from our responsibility to nominees for Cabinet posts, senior military, or ambassadorial posts. Cabinet officers are an extension of the Presidency and the President's choices should carry convincing weight.

I put judicial nominees in a separate category because in many respects the third branch of our Government, the judiciary, is created by a joint effort between the executive branch and the advise and consent responsibility of the Senate to approve nominations.

The judiciary is an independent third branch of our Government and the role of the Senate in helping to create this branch through its advise and consent responsibility is among the Senate's chief responsibilities under the Constitution. It requires, in my judgment, the collaborative efforts of the Senate as a whole.

The Senate should not consider itself discharged of this responsibility simply because the Committee on the Judiciary has rendered its report, and some Senators have made statements. In the case of Judge Bork, we have not had the opportunity for a full Senate debate on the floor, to exchange our views confront one another in a manner that the Founding Fathers conceived when they established the U.S. Senate. That concerns me.

In the history of this body, there was a time when we did the advise and consent without the benefit of any committee structure. It had not been created, and Members took the floor exchanged their views, often in heated debate, and arrived at a consensus of the Senate. We should do that in this important case.

Theoretically, and I say this without any disrespect to any of my colleagues, if each of us sought to announce ahead of a floor debate how we are going to vote on this nomination it would eclipse the necessity for that debate. A debate would be lifeless, if not useless. I feel very strongly that we would have then surrendered our responsibility.

This Senator out of respect for the traditions of this institution, the Senate acting as a whole, and out of respect for the nominee and President who made that nomination, has deliberately not made a declaration, nor am I about to announce my intention as to how I would vote. I do not make that declaration because I continue to hope that this body will proceed as I have outlined to debate as a whole to reach this decision.

Accordingly, Mr. President, I hope that the Senate leadership will soon arrive at an appropriate schedule and that we may commence this important debate. This Senator will make my declaration at an appropriate time

either in the course of that debate or at the time the vote is taken.
I thank the Chair.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1968

The Senate continued with the consideration of the bill.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 909

(Purpose: To void certain agreements relating to the site of the Soviet Union's embassy in the District of Columbia.)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho (Mr. SYMMS) proposes an amendment numbered 909.

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

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

The amendment is as follows:

On page 111, between lines 16 and 17, insert the following new section:

Sec. (a) FINDINGS.—The Congress finds that—

(1) Soviet espionage agents have installed listening devices in the structure of the new American embassy in Moscow in blatant defiance of the spirit of the embassy agreements and certain recognized norms of international relations;

(2) this Soviet espionage effort has been so extensive and insidious as to require the virtual rebuilding of a large part of the new American embassy in Moscow, the construction of which has cost American taxpayers tens of millions of dollars;

(3) it is well known that Soviet espionage agents intend to use the new Soviet embassy in this country as a platform to conduct highly sophisticated electronic surveillance of the United States Government offices and even the private telephone calls of American citizens;

(4) the purpose of this surveillance can be none other than to undermine the national security of the United States and further the expansionist ambitions of the Soviet Union;

(5) the location of the new Soviet embassy at a site nearly 350 feet above sea level is ideal for this type of surveillance having been offered to the Soviets at a time when electronic surveillance techniques and potentials were not fully understood in the West.

(6) subsection (b) of 22 U.S.C. 4305 specifically allows the Secretary of State to "require any foreign mission to divest itself of . . . real property . . . where otherwise necessary to protect the interests of the United States"; and

(7) Congress, through enactment of such subsection, has clearly expressed the desire that the Secretary exercise such authority when necessary to protect the vital security interests of the United States.

(b) NEW AGREEMENT WITH SOVIET UNION.—

The President shall—

(1) void the current embassy agreements; and

October 8, 1967

CONGRESSIONAL RECORD - SENATE

8137

(8) enter into negotiations for a new agreement under which the Soviet Union will move its new embassy to a site in the District of Columbia that is not more than 90 feet above mean sea level.

(c) EMBASSY AGREEMENTS.—For the purpose of this section the term "embassy agreements" means—

(1) the "Agreement between the United States of America and the Union of Soviet Socialist Republics on Reciprocal Allocation for Use Free of Charge of Plots of Land in Moscow and Washington", entered into force on May 16, 1969; and

(2) the "Agreement between the United States of America and the Union of Soviet Socialist Republics on Conditions of Construction of Complexes of Buildings of the Embassy of the United States of America in Moscow and the Embassy of the Union of Soviet Socialist Republics in Washington", entered into force on December 4, 1972.

Mr. PELL. Will the Senator from Idaho yield?

Mr. SYMMS. Yes.

Mr. PELL. Mr. President, I ask unanimous consent that on this amendment there be no second-degree amendment and that we have a 10-minute time limitation on each side.

Mr. SYMMS. I agree with that.

Mr. HELMS. Reserving the right to object, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. PELL. Mr. President, is my unanimous consent agreed to?

The PRESIDING OFFICER. Ten minutes on each side and no second-degree amendment. Without objection, it is so ordered.

The Senator from Idaho.

Mr. SYMMS. Mr. President, I yield myself such time as I might consume.

Mr. President, I thank the distinguished chairman of the committee and the ranking member for the time agreement and for the agreement that no amendments are in order. I might say this is the third time the Senate has considered this amendment. The first vote was on July 30 on a vote to table the Symms sense-of-the-Senate amendment. The motion to table failed by a vote of 71 to 26. The second vote was on September 24 as an amendment to the Department of Defense authorization bill and the language is identical that was voted on on the Defense authorization bill as the language which is here before the Senate today. That amendment was agreed to by a vote of 70 to 27.

Mr. President, the House version of the State authorization bill does contain language which is similar, although not identical, to the Symms language which we now have before the Senate.

The Senate is already on record supporting the language we have, and I think that the language we have here

in the Senate is much preferable to the House language because the House language contains a provision which would allow the President to waive voiding the Embassy agreements between the United States and the Soviet Union.

The Senate is on record in favor of this language which makes it clear that the security interests of the United States will be looked out for and that the Embassy agreements should be voided between the Soviet Union and the United States as is contained in the current law, which gives the Secretary of State the authority right now under subsection (b) of 22 U.S. Code 4305, specifically allowing the Secretary of State to require any foreign nation to divest itself of real property where otherwise necessary to protect the interests of the United States.

I think that is the case now, but with the current love-in between the United States and the Soviet Union that is going on over the INF, the United States State Department, of course, does not want to do anything that might rock the boat or offend the Soviet Union dictators, so to speak.

I reserve the remainder of my time or I am happy to yield some time to the distinguished ranking member.

Mr. HELMS. I would like that in just a moment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield myself such time as is necessary.

Mr. President, the Senate has spoken already twice on this matter and has approved the substance of the amendment of the Senator from Idaho. I have no objection to this amendment although obviously, having voted against it in the past, I do not agree with it. But I have no objection to it and I recommend its adoption.

Mr. HELMS. Will the Senator yield?

Mr. SYMMS. I will be happy to yield such time as I have to the distinguished Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair and I thank the distinguished Senator from Idaho.

Mr. President, this is an amendment that absolutely needs to be drilled home again and again so that it will penetrate the conscience of the U.S. State Department on a perfectly outrageous development with respect to the Soviet Embassy in the United States and the United States Embassy in Moscow.

The Soviets conned the United States into Mount Alto up on top of a hill, one of the highest points if not the highest point, where they could monitor electronically everything in Washington, DC. They can monitor with electronic equipment the Foreign Relations Committee of the U.S. Senate. And, as I understand it, the Oval Office.

In the meanwhile, what do we do about our Embassy which is in Moscow? We agreed to put it into a swamp and proceeded to build it. Then the Soviets were not satisfied with that disadvantage of the United States. Through error, misjudgments, inefficiency, ineptitude, whatever, the State Department began building the United States Embassy in Moscow and they allowed offsite prefabrication. That is where the bugging occurred.

Mr. President, I thank the Senator for offering this amendment again. As he has indicated, it is a part of the Department of Defense authorization bill, which is going absolutely nowhere. The President is going to veto it and there are enough votes in the Senate to sustain the veto. But there is some hope that we will enact this bill into law and the President will sign it.

In any case, I commend the Senator and I thank him for the amendment. It is cleared on this side.

Mr. PELL. I yield back the remainder of my time.

Mr. SYMMS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment (No. 909) was agreed to.

Mr. PELL. My vote should be registered as no, but the ayes have it.

Mr. SYMMS. I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 910

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 910.

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

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

The amendment is as follows:

On page 111, between lines 16 and 17, insert the following new title:

TITLE —DIPLOMATIC IMMUNITY ABUSE PREVENTION ACT

SECTION 1. SHORT TITLE.

This title may be cited as the "Diplomatic Immunity Abuse Prevention Act".

SEC. 2. CRIMES COMMITTED BY DIPLOMATS.

Title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301 et seq., commonly referred to as the "Foreign Missions Act") is amended by inserting after section 204A the following:

"Sec. 204B. Crimes committed by diplomats.

October 3, 1987

CONGRESSIONAL RECORD - SENATE

91519

Mr. BYRD, will the distinguished Senator yield?

Mr. HELMS. Certainly.

Mr. BYRD, Mr. President, I wonder if we might get some idea of what amendments remain now so we can hopefully plan our work for the rest of the day and tomorrow.

I ask the distinguished manager of the bill and the distinguished Senator from North Carolina if they can indicate how many amendments they see remaining and how much more time they expect to require?

Mr. PELL. Mr. President, there are about 14 amendments remaining, of which probably five will require roll-call votes. I think we have a very good chance of finishing up rapidly because the rest of the amendments are mostly acceptable and will require no more than 5 minutes each.

Mr. HELMS. That is my feeling on it as well.

Mr. BYRD. Mr. President, I have indicated to the distinguished Republican leader that I would call up the Verity nomination after the disposition of this measure. I understand there may be some chance for quite an extended discussion of the nomination. I hope that is not the case.

I am committed to Senator WEICKER and Senator HATFIELD to call up the war powers matter. I made that commitment and, as I said on yesterday, I intend to keep it.

Also, I have indicated the Senate needs to get on with the catastrophic illness legislation. I have been trying to get that up for many, many weeks. I now have the approval of the distinguished Republican leader to go to it after consultation with him. The same is true with the Labor, HHS, Education appropriation bill, and the same is true with the Energy and Water Development appropriations bill.

Mr. President, there is no objection on this side with regard to the Verity nomination. The objection is on the other side. It is the administration's nomination. It is the President's nomination. I would hope that at such time as I call it up there will not be an overly extended discussion of it that will go on for too long. I think the Republican side of the aisle has the responsibility to help to carry the ball on putting the President's nominations across the goal line.

I may go to the Verity nomination this afternoon, but if there is any indication that there is going to be extended discussion on it, I will immediately file a cloture motion on it and go out of executive session and go on to the War Powers Resolution, where I am committed to Senator WEICKER and Senator HATFIELD.

Mr. President, as of now I want to thank the two managers for the work they are doing and the progress they are making. I hope that all Senators will cooperate with them.

I thank the Senator from North Carolina for yielding.

Mr. MOYNIHAN. Mr. President, will the Senator yield?

Mr. HELMS. Yes.

VISIT TO THE SENATE BY MEMBERS OF THE DELEGATION OF THE COMMITTEES ON AGROINDUSTRIAL COMPLEX OF THE U.S.S.R. SUPREME SOVIET

Mr. MOYNIHAN. Mr. President, I will ask unanimous consent that the Senate might stand in recess for 2 minutes in order that we might welcome Mr. Victor P. Nikonov, the Deputy Chairman, Committee on Agroindustrial Complex of the Soviet Nationalities, and other members from the Soviet Union.

RECESS FOR 2 MINUTES

Mr. President, I ask unanimous consent that the Senate now stand in recess for 2 minutes.

There being no objection, the Senate, at 12:27 p.m. recessed until 12:29 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SANFORD).

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1988

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

AMENDMENT NO. 916

(Purpose: To require an annual security report from responsible officials at certain high risk embassies.)

Mr. HELMS. Mr. President, on behalf of the Senator from Kansas (Mr. DOLE) and the Senator from Delaware (Mr. ROTH), I send an amendment to the desk and ask for its immediate consideration. I ask unanimous consent that the pending amendment be temporarily set aside.

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

The clerk will report.
The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS), for Mr. DOLE and Mr. ROTH, proposes an amendment numbered 916.

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

The PRESIDING OFFICER. The amendment is as follows:

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

Sec. 1. The American Ambassador (or the highest ranking American official, when no Ambassador shall be present) to the Soviet Union, the German Democratic Republic, Hungary, Czechoslovakia, Poland, Bulgaria, Rumania, Cuba, the People's Republic of China, Laos, Afghanistan, Nicaragua and Yugoslavia shall submit to the Under Secretary of State for Management no later than October 1 of each year a report—

(1) on the security of the United States diplomatic and official facilities in such country and the existing or potential vul-

nerability of such facilities to such facilities during the preceding year.

(2) describing any espionage efforts by a foreign government or agent thereof to penetrate or compromise the security of the United States diplomatic or official facilities, or to recruit or manipulate any government employee with the aim of conducting espionage against the United States; and

(3) describing the security program or programs at such facilities for the upcoming year.

Sec. 2. The Under Secretary of State for Management shall, within 90 days after receiving the report described in Section 1, transmit the report to the Congress, together with—

(1) an evaluation of the security program or programs described in Section 1, to include a certification that the Under Secretary approves or disapproves of the program or programs; and

(2) any further statement, comments or recommendations he wishes to submit regarding the security of the United States diplomatic and official facilities and personnel which are the subject of the report.

TWO GIANT STEPS FORWARD

Mr. DOLE. Mr. President, I am pleased to join the distinguished Senator from Delaware, Mr. ROTH, in co-sponsoring this amendment. It represents one small but significant step we should take to deal with a problem that has become all too real and immediate—the breakdown of security at our embassies overseas.

American secrets have been flowing to the Soviets, and their allies and surrogates, at an alarming rate. The flow must be stopped, now.

ANNUAL REPORT FROM RESPONSIBLE OFFICIALS

The main element of the amendment is a requirement for an annual report submitted by each American diplomatic mission in the Soviet Union and other high risk countries—high risk in terms of a foreign intelligence threat. The report would be signed by the ambassador—so there would be no doubt who was responsible for its contents and conclusions.

It would cover all relevant security concerns at the post. And it would go to the senior management of the State Department, in the person of the Undersecretary for Management, who would have to review and evaluate it, and then submit it to Congress.

The report could contain classified information, and would be appropriately controlled if it did. It must be comprehensive—but obviously discretion would be necessary in its preparation, to protect especially sensitive information.

The bottom line is: The Ambassador and the Undersecretary for Management would have to sign on the dotted line, personally, on the security situation at each of these high risk embassies. The Congress would have a thorough report, annually updated, on the threat they face; the precautions they have taken; the plans they are making.

That will be an enormous spur to make sure things are done right; and an important guide in assigning appro-