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House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, September 9, 1998, at 12 noon.

Senate

TUESDAY, SEPTEMBER 1, 1998

(Legislative day of Monday, August 31, 1998)

The Senate met at 9:30 a.m., on the expiration of the recess, 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, gracious Father, our Refuge and our Strength, our very present Help in times of trouble, we respond to Your call to pray. You are the Instigator of prayer because You have created us to know, love, and serve You. We respond with wonder that You would use us to get Your work done this day. Forgive us when we try to accomplish what we falsely think is our work, done for our own glory. Create in us hearts fit to be filled with Your presence, open minds ready to think Your thoughts, and responsive wills desiring Your will for our Nation. Go before us to show the way. Help the Senators to live expectantly, knowing that You will provide serendipities, wonderful surprises of Your grace and goodness in pressures and problems. You are in charge, Father; this is Your Nation. We commit ourselves to enjoy the privilege of working for You today. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Arkansas is recognized.

SCHEDULE

Mr. HUTCHINSON. Mr. President, this morning, the Senate will immediately proceed to a vote on adoption of the conference report to accompany the military construction appropriations bill. Following that vote, the Senate will begin consideration of S. 2334, the foreign operations appropriations bill. Members are encouraged to offer and debate amendments to the foreign operations bill during today's session so that substantial progress can be made on this important legislation.

As a reminder to all Members, a consent agreement has been reached with respect to the Texas low-level waste compact conference report. That legislation, along with any other legislative or executive items cleared for action, may also be considered during today's session.

I thank my colleagues for their attention.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1999—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now consider the report of the committee of conference on the bill (H.R. 4059) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of July 24, 1998.)

Mr. BURNS. Mr. President. I am very pleased to bring before the Senate the military construction conference report for fiscal year 1999.

This conference report was adopted by the House of Representatives by a vote of 417 to 1. It was sent to the Senate and now waits our final passage.

We have worked hard with our House colleagues to bring the military construction conference to a successful conclusion. Both bodies took a different perspective on the allocation of military construction funding for the Department of Defense. In the final conference report, we met our goals of promoting quality of life initiatives and enhancing mission readiness.

This bill has some points I want to highlight. It provides a total of $8.4 billion for military construction. Even

though this is an increase of $665 million over the President's budget for fiscal year 1998, it is still a reduction of $759 million from what was appropriated last year—an overall reduction of 8.8 percent.

Some 42 percent of the bill is allocated to family housing—a total of $3.5 billion. This includes new construction, improvements to existing units and funding for operation and maintenance of that housing.

The base realignment and closure part of the bill account for 19 percent of our total funding—about $1.6 billion. This encompasses funding for environmental clean-up of the closing bases and construction of new BRAC-related facilities.

I continue to be concerned about the growing costs of environmental clean-up at our BRAC installations. These costs frequently continue long after we have closed these bases.

We strongly protected quality of life initiatives. We provided $716 million for barracks, $34 million for child development centers and $184 million for hospital and medical facilities.

We provided a total of $480 million for the Guard and Reserve components. Overall, this represents an increase of $300 million from the President's budget request. Many of those projects will enhance the readiness and mission capabilities of our Reserve and Guard forces, vital to our national defense.

I thank my ranking member, Senator MURRAY, for her assistance and support throughout this process. She and her staff were extremely cooperative.

I commend this product to the Senate and recommend that it be signed by the President without delay.

It is nice to see everybody back from vacation and the August break. I think most of us had time to travel around our States and talk with our folks at home and to bring back maybe some new ideas. I remind this body that for the first time in the history of this country, better than 50 percent of our military forces are found in our National Guard and our Reserves. If we continue to trend that way, then the infrastructure that it will take for those folks to be properly trained—and let's face it, those who serve in the Guard and the Reserves are as dedicated men and women to the national security of this country as anybody else, but they will need the infrastructure in which to operate.

This administration did not really fully fund our infrastructure for our Guard and our Reserves, but this Congress did. I congratulate this Congress for doing so, because it becomes more and more important every day that these dedicated Americans who wish to serve their country as citizens, soldiers, airmen, marines, and sailors have the infrastructure in which to keep them trained and to keep their dedication and their morale as high as we can possibly make it.

I heartily recommend this conference report.

(At the request of Mr. BURNS, the following statement was ordered to be printed in the RECORD:)

● Mr. DOMENICI. Mr. President, the pending military construction appropriations conference report provides $8.5 billion in new budget authority and $2.6 billion in new outlays for military construction and family housing programs for the Department of Defense for fiscal year 1999.

When outlays from prior-year budget authority and other actions are considered, the outlays for the 1999 program total $9.2 billion.

Compared to 1998 appropriations, this bill is $446 million lower in budget authority, and it is $412 million lower in outlays.

This legislation provides for construction by the Department of Defense for U.S. military facilities throughout the world, and it provides for family housing for the active forces of each of the U.S. military services. Accordingly, it provides for important readiness and quality of life programs for our service men and women.

The bill is within the revised section 302(b) allocation for the Military Construction Subcommittee. I commend the distinguished subcommittee chairman, the Senator from Montana, for bringing this bill to the floor within the subcommittee's allocation.

Earlier, because CBO had not adjusted its baseline, prior year military construction outlays had not been revised to reflect Congress' override of President Clinton's line-item veto of 37 fiscal year 1998 projects. This adjustment would have revised prior year outlays upward by $112 million. This $112 million has now been added back to the CBO baseline and CBO's scoring of this legislation. Accordingly, this conference report contains no scorekeeping adjustments.

I urge the adoption of the conference report.

Mr. President, I ask that a table showing the relationship of the bill to the subcommittee's section 302(b) allocation be printed in the RECORD.

The table follows:

H.R. 4059, MILITARY CONSTRUCTION APPROPRIATIONS, 1999 SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1999, in millions of dollars]

Category	Defense	Non-defense	Crime	Mandatory	Total
Conference report:					
Budget authority	8,450				8,450
Outlays	9,185				9,185
Section 302(b) allocation:					
Budget authority	8,450				8,450
Outlays	9,185				9,185
1998 level:					
Budget authority	8,896				8,896
Outlays	9,597				9,597
President's request:					
Budget authority	7,784				7,784
Outlays	9,059				9,059
House-passed bill:					
Budget authority	8,234				8,234
Outlays	9,087				9,087
Senate-passed bill:					
Budget authority	8,481				8,481
Outlays	9,120				9,120
CONFERENCE REPORT COMPARED TO:					
Section 302(b) allocation:					
Budget authority					

H.R. 4059, MILITARY CONSTRUCTION APPROPRIATIONS, 1999 SPENDING TOTALS—CONFERENCE REPORT—Continued

[Fiscal year 1999, in millions of dollars]

Category	Defense	Non-defense	Crime	Mandatory	Total
Outlays					
1998 level:					
Budget authority	−446				−446
Outlays	−412				−412
President's request:					
Budget authority	666				666
Outlays	126				126
House-passed bill:					
Budget authority	216				216
Outlays	98				98
Senate-passed bill:					
Budget authority	−31				−31
Outlays	65				65

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.●

Mrs. MURRAY. Mr. President, I am pleased to join my chairman, Senator BURNS, in bringing to the Senate our conference report on the 1999 military construction appropriation bill.

Favorable action in the Senate today will send this conference report to the President, making it the first of the regular 1999 appropriations bills to be passed by Congress. This is a noteworthy accomplishment, and I hope it will set the stage for swift action on the remaining appropriations bills.

We had to make some very tough choices on this bill. Our conference agreement totals $8.4 billion. This is $760 million less than what was appropriated last year. Given the tight budget confines in which we were operating, there were many worthy projects that we could not fund. Not one Senator or one State was exempt from this belt-tightening—not Senator BURNS, not me, and not our leadership. Nevertheless, we held ourselves to a high standard of fairness and equity, and our conference report reflects that effort. This report satisfies to the best of our ability the national and international priorities of our military services as well as the regional priorities that our colleagues conveyed to us. Most important, it provides funding for scores of needed projects throughout the United States and overseas that will support America's military personnel, both active and reserve, as they carry out their mission to defend and protect our Nation.

The State of our Nation's military readiness continues to be a pressing concern. Although we often equate readiness with equipment or troop strength, it is important to remember that basic military construction—troop barracks, family housing, vehicle maintenance centers, and the like—is at the core of military readiness. This bill is the vehicle through which we provide the basic, essential infrastructure necessary to support our troops and advance military readiness.

I urge all of my colleagues to support this conference report and speed it to the President for his signature. This is the product of a smooth, fair, and bipartisan process. I commend Chairman BURNS for his swift and skillful handling of this bill. I commend his staff,

Sid Ashworth, and my staff, Ben McMakin, Christina Evans, and Emelie East, for their diligence and thoroughness in preparing this bill for our consideration. It is a good bill, and I hope that all of my colleagues will be able to join me in supporting its passage.

Mr. MCCAIN. Mr. President, I stand before the Senate today to express my deep disappointment over the egregious number of low-priority, Congressionally earmarked military construction projects that are contained in the conference report on the Fiscal Year 1999 Military Construction Appropriations Bill.

I am dismayed that, at a time when our nation's military is perilously close to becoming a ''hollow force''—due in great part to a decade of declining defense budgets and increased commitments—members of both bodies have once again directed precious funds away from the services' readiness and modernization needs toward their own parochial interests. I am dismayed, but given the long tradition of egregious member adds, I am not surprised.

This year's Military Construction Appropriations Bill was crafted under the additional stricture of the Balanced Budget Agreement of 1997. The agreement established firm funding limits to the National Defense budget. With these constraints in place, one would think that it would be difficult for members to even consider adding projects of questionable merit. Sadly, the sheer volume of unrequested, low-priority projects present in this bill—142 domestic projects in all, at a cost of some $977 million—betrays an attitude of ''business as usual'' by the members of Congress.

I was encouraged by the fact that there were no new projects added by the conferees as they crafted this compromise legislation. That display of discipline is laudable. However, it pales in comparison to the gross misuse of critical defense dollars to fund members' pet military construction projects.

Recently the Navy announced that its pilot retention rate is at its lowest point since aviation continuation pay was instituted more than a decade ago. The Air Force is currently retaining only 28 percent of its pilots. The pay of service members lags an embarrassing 14 percent behind the civilian sector. We are deploying some of our forces to combat zones that are not meeting established readiness standards. Cannibalization rates are increasing. Mission capable rates are dropping. Nearly 12,000 personnel are eligible for food stamps. The number and scope of training exercises have been curtailed as a result of insufficient funding, resources and manpower. The list indicating the decaying readiness of our armed forces goes on and on. Unfortunately, the congressional response to these critical deficiencies has not been ideal.

In this bill alone, there are 45 additional, unrequested Guard and Reserve projects; five control towers at Air Force bases that currently have operational control towers; twelve child development or physical fitness centers; an $8.3 million fence for Fort Bragg; and many more projects of questionable merit—nearly $700 million worth.

The fact remains that funds for our national defense are limited. We have a duty to ensure our men and women in uniform are ready to fight and win wars decisively, expeditiously, and with minimum loss of life. Robbing from readiness to pay for unadulterated, member sponsored military construction projects does not contribute to that end.

Mr. President, I look forward to the day when the Military Construction Bill will be devoid of low-priority, member-requested pork. I urge my colleagues to exercise the restraint required to make that day a reality. Now, more than ever, the security of our nation depends upon it.

I ask unanimous consent that a list of questionable adds be printed in the RECORD.

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

QUESTIONABLE ADDS IN THE FY 1999 MILITARY CONSTRUCTION CONFERENCE REPORT

State	Base	Facility	Cost in thousands
Alabama	Fort Rucker	Simulation center	$10,000
Alabama	Fort Rucker	Fire station	4,300
Alabama	Redstone Arsenal	Airfield operations center	1,550
Alabama	Montgomery	Office	6,000
Alaska	Fort Wainwright	Barracks renewal	16,000
Alaska	Fort Richardson	Improve family housing (40 units)	7,400
Alaska	Fort Wainwright	Vehicle wash facility	3,100
Alaska	Kulis ANG Base	Vehicle maintenance and fire station	10,400
Arizona	Luke AFB	Control tower	3,400
Arizona	Tucson Airport	Support complex	7,500
Arkansas	Little Rock AFB	Upgrade sewage plant	1,500
Arkansas	Pine Bluff Arsenal	Ammunition demilitarization facility Phase III	16,500
Arkansas	Benton ARNG	Readiness center	1,988
California	Travis AFB	New control tower	4,250
California	Fort Irwin	Child development center	5,100
California	Fort Irwin	Education center	2,700
California	Camp Pendleton	Improve family housing (171 units)	10,000
California	Camp Pendleton	Fitness center	5,010
California	Camp Pendleton	Helicopter outlying field	7,180
California	NAWC China Lake	Live fire complex	6,900
Colorado	Fort Carson	Railyard expansion	23,000
Connecticut	Naval Sub Base, New London	Waterfront recapitalization	11,330
Delaware	Dagsboro	Readiness center	3,609
Florida	NAS Jacksonville	Add/alter building #118	1,500
Florida	Mayport Naval Station	Afloat training group facility	3,163
Florida	Mayport Naval Station	Wharf electrical improvements	3,000
Florida	McDill AFB	Dining facility	4,800
Florida	Tyndall AFB	Control tower	3,600
Florida	Eglin AFB	Assault strip runway	5,100
Florida	Homestead AFB	Dormitory	4,600
Florida	NAS Whiting Field	8 helicopter pads	1,400
Georgia	Moody AFB	Improve family housing (68 units)	5,220
Georgia	Albany Marine Base	Child development center	2,300
Georgia	NAS Atlanta	Hangar addition	4,100
Georgia	Sub Base Kings Bay	Degaussing facility	2,550
Hawaii	Schofield Barracks	Land purchase	23,500
Hawaii	Marine Corps Base, Hawaii	BEQ	15,000
Hawaii	Hickam AFB	Replacement civil engineering facility	5,100
Idaho	Mountain Home	Munitions storage facility	4,100
Idaho	Mountain Home	Munitions storage igloo	1,500
Illinois	NTC Great Lakes	Small arms range	6,790
Indiana	Hulman Regional Airport	Corrosion control facility	6,000
Indiana	NSWC Crane	Airborne electronic warfare center	11,110
Iowa	Sioux Gateway Airport	Add/alter aircraft corrosion control facility	6,500
Iowa	Des Moines	Police operations building	4,000
Kansas	Fort Riley	Barracks complex renewal	16,500
Kansas	McConnell AFB	Add/alter avionics shop	5,900
Kansas	McConnell AFB	Water storage and pumping facility	4,450
Kansas	Forbes Field	Hangar upgrade	9,800
Kentucky	Fort Knox	Multi-purpose digital training range	7,000
Kentucky	Fort Campbell	Improve family housing (104 units)	8,800
Kentucky	Fort Campbell	Barracks complex renewal	7,000
Kentucky	Standiford Field, Louisville	Replace composite aerial port	4,100
Louisiana	Barksdale AFB	Physical fitness center	9,300
Louisiana	NAS New Orleans	BEQ	9,520

QUESTIONABLE ADDS IN THE FY 1999 MILITARY CONSTRUCTION CONFERENCE REPORT—Continued

State	Base	Facility	Cost in thousands
Louisiana	NAS New Orleans	Galley addition	1,730
Louisiana	NAS New Orleans	Renovate hangar #4	5,200
Louisiana	Fort Polk	Rail loading facility	8,300
Maryland	Fort Mead	Emergency services center	5,300
Maryland	US Naval Academy	Demolish towers	4,300
Maryland	NSWC Indian Head	Scale up facility	6,590
Massachusetts	Hanscom AFB	Renovate management facility	10,000
Massachusetts	Barnes ANGB	Army aviation support facility	9,274
Michigan	Alpena County Regional Airport	Fire Station	5,100
Michigan	Selfridge ANG Base	Upgrade buildings	9,800
Minnesota	Minneapolis-St. Paul Airport	Consolidated lodging facility	3,236
Mississippi	Brookhaven	Guard training center	5,247
Mississippi	Columbus AFB	52 units of family housing	6,800
Mississippi	Columbus AFB	BOQ	5,700
Mississippi	Meridian	Air operations facility	3,280
Mississippi	Keesler AFB	Replace 52 units of family housing	6,800
Mississippi	Stennis Space Center	Operations support facility	5,500
Missouri	Fort Leonard Wood	Barracks	23,000
Missouri	Rosecrans Memorial Airport	Upgrade parking aircraft apron	9,600
Montana	Helena	Reserve center	21,690
Montana	Malstrom AFB	Replace housing (50 units)	10,000
Montana	Malstrom AFB	New dormitory	7,900
Nebraska	Lincoln Municipal Airport	Medical training facility	3,350
Nevada	Nellis AFB	28 units of family housing	5,000
Nevada	Carson City	Readiness center	5,860
New Jersey	Fort Dix	Ammunitions supply point	8,731
New Jersey	Fort Monmouth	Software engineering center addition	7,600
New Jersey	Picatinny Arsenal	Munitions facility	8,400
New Mexico	Taos	Readiness center	3,300
New Mexico	Holloman AFB	Fitness center	11,100
New Mexico	Kirtland AFB	Repair weapon integrity building	6,800
New Mexico	White Sands Missile Range	Improve family housing	3,650
New York	Fort Drum	All weather weapons training facility	4,650
New York	Fort Drum	Aerial gunnery range Phase II	9,000
New York	Syracuse ANG	Upgrade parking apron	9,500
New York	Niagara Falls	Maintenance facility	3,900
North Carolina	Fort Bragg	Fences	8,300
North Carolina	Seymour Johnson AFB	Library	6,100
North Carolina	Seymour Johnson AFB	Improve family housing (70 units)	8,000
North Carolina	Fort Bragg	Barracks upgrade	10,600
North Dakota	Minot AFB	Taxiway repair	8,500
North Dakota	Grand Forks	Add to physical fitness center	8,800
North Dakota	Hector Field	Addition to base supply facility	3,650
Ohio	Springfield-Beckly Airport	Civil engineering facility	5,000
Ohio	Wright-Patterson AFB	C–141 simulation facility	1,600
Oklahoma	Tinker AFB	Operations and mobility center	10,800
Oklahoma	Vance AFB	Physical fitness center	4,400
Oklahoma	Altus AFB	Ramp and airfield lighting	5,300
Oklahoma	Altus AFB	Control tower	4,000
Pennsylvania	NAVICP Mechanicsburg	Child development center	1,600
Pennsylvania	NAVICP Philadelphia	Child development center	1,550
Pennsylvania	NSWC Philadelphia	Integrated Ship Control and Diagnostic facility	2,410
Pennsylvania	ARNG Latrobe	Readiness center	2,479
Pennsylvania	US Army Research Center	Regimental support facility	19,512
South Carolina	Charleston AFB	Housing improvements	9,110
South Carolina	MCRD Parris Island	Female recruit barracks	8,030
South Carolina	McEntire ANG Station	Aircraft maintenance complex	9,000
South Carolina	Spartanburg	Readiness center	5,260
South Dakota	Ellsworth AFB	Operations facility	6,500
South Dakota	Joe Foss Field	Maintenance and Ground Equipment Facility	5,200
Tennessee	Arnold AFB	Test facilities cooling tower	11,600
Tennessee	McGhee-Tyson, ANG Base	Relocate aircraft parking apron	10,000
Texas	Fort Bliss	Overpass	4,100
Texas	Dyess AFB	B–1B munitions maintenance facility	3,350
Texas	Dyess AFB	Support equipment shop	1,400
Texas	NAVSTA Ingleside	BEQ Phase IV	12,200
Texas	Laughlin AFB	Base operations facility	3,815
Texas	Laughlin AFB	Control tower	3,500
Texas	Fort Sam Houston	Dining Facility	5,500
Texas	Goodfellow AFB	Student dormitory	7,300
Texas	Sheppard AFB	Family Housing	7,000
Utah	Hill AFB	Reserve asset warehouse	2,600
Utah	Hill AFB	Munitions handling and storage facility	1,900
Vermont	Burlington	Supply complex	5,500
Virginia	Fort Meyer	Barracks renovation	6,200
Virginia	NSWC, Dahlgren	Warfare Defenses Technical facility	10,550
Virginia	NAS Oceana	Fitness center	6,400
Virginia	Fort Lee	80 units of family housing	13,000
Virginia	Fort Eustis	Physical fitness center	4,650
Washington	Fort Lawton	Army Reserve facility	10,713
Washington	Bremerton Naval Shipyard	Community support facility	4,300
Washington	McChord AFB	Medical training facility	3,400
Washington	Fairchild AFB	Convert dock to washrack facility	3,700
Washington	Fairchild AFB	Training support complex	3,900
Washington	Whidbey Island NAS	Improve family housing	5,800
West Virginia	Camp Dawson	Regional Training Institute	13,595
Wyoming	Camp Guernsey	Combined support maintenance shop	13,891
Total			976,773

Mr. DODD. Mr. President, I want to thank the Chairman and Ranking Member of the Military Construction Subcommittee for their work on this Conference Report. Their efforts are vitally important to this nation's armed forces and the national defense.

This Conference Report will benefit military bases and military personnel in Connecticut. The Naval Submarine Base in New London, the planned Army Reserve center in West Hartford, and the National Guard Training Center in Niantic each have projects that will be funded when this report becomes law. The total to be spent on these projects will be approximately $14 million.

The Conference Report funds badly needed pier upgrades at the New London Naval Submarine Base. The piers at the base were originally designed to support SSN 637-class submarines, half of which have been decommissioned. The requirements of contemporary submarines have overwhelmed these piers. Power outages on the piers occur, on average, 80 times per year, and the cranes that resupply the submarines outweigh the piers' design capacity. This project affects military readiness, quality of life and the safety of our personnel.

The report also includes $1.49 million to take the first step to replace an overwhelmed Army Reserve Center building and free the government of a

$100,000 per month lease. Moreover, these funds will begin a much needed expansion that will enhance the training and readiness of eight Army Reserve units.

Finally, the report will fund the planning and design of a new National Guard training center in Niantic, Connecticut. The present facility consists of World War II vintage, temporary wooden structures. They do not meet Army standards for classrooms, dining, or billeting. The National Guard, however, relies on this training center to serve troops from six Northeastern states. Troops of all ranks train at the center, and the Army and the Army Reserve use the center as well. The funding of the planning and design of the new center is a welcome sign to thousands of servicemembers, for it signals a strong commitment from the federal government to the National Guard.

One Connecticut project would have replaced an Air National Guard complex in Orange. The poor condition of the present facility severely hinders the 103rd Air Control Squadron from accomplishing its mission, and the structure suffers from a variety of building code violations. I thank my colleagues on the Military Construction Subcommittee for including this project in the Senate bill. The project was not funded in conference, but I still appreciate the support of Chairman BURNS and Senator MURRAY, and I look forward to working with them next year to fund this project in Fiscal Year 2000.

So, I praise the Conference Committee for their work on this report. They have made some tough choices—this report allocates $759 million less than last year. But they have made those choices with the best interests of the U.S. armed forces in mind.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report accompanying the military construction appropriations bill. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL), the Senator from New Mexico (Mr. DOMENICI), the Senator from Texas (Mr. GRAMM), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) and the Senator from Georgia (Mr. COVERDELL) would each vote ''yea.''

Mr. FORD. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I further announce that, if present and voting the Senator from South Carolina (Mr. HOLLINGS) would vote ''aye.''

The result was announced—yeas 87, nays 3, as follows:

[Rollcall Vote No. 253 Leg.]

YEAS—87

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

NAYS—3

Kyl	McCain	Robb

NOT VOTING—10

Bingaman	Gramm	Murkowski
Coverdell	Helms	Warner
Domenici	Hollings	
Glenn	Inouye	

The conference report was agreed to.

TRAVEL BY SENATOR JOHN WARNER FOR THE SENATE ARMED SERVICES COMMITTEE

Mr. LOTT. Mr. President, this is to advise the Senate that Virginia's senior Senator, JOHN WARNER, is unable to make votes today because of work he is undertaking for the Senate Armed Services Committee. As second senior member of the committee, Senator WARNER has met with senior U.S. military officials and government representatives in Bosnia, Serbia, and Macedonia. Senator WARNER traveled to Sarajevo, Belgrade, Skopje, and Pristina in Kosovo. His travel and briefings included field visits as well.

Senator WARNER is compiling a first-hand assessment for the Armed Services Committee of the military and political situation in this troubled and war-torn region of the world. He is scheduled to return later today.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. The Senate will proceed to S. 2334, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2334) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes.

The Senate proceeded to consider the bill.

Mr. BOND addressed the Chair.

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

Mr. BOND. Mr. President, I thank the Chair. I thank the manager of the bill. I wanted to take just a moment to describe a provision that we have offered which the managers have indicated that they will accept.

The PRESIDING OFFICER. If the Senator will withhold, the Senator cannot be heard. May we have order in the Chamber, please. The Senate will please come to order. Please take your conversations to the Cloakroom.

The Senator from Missouri.

Mr. BOND. Mr. President, as I indicated, we have talked with the manager and the ranking member of the measure about a provision that I have offered with respect to the development of weapons of mass destruction in Iraq. I thank them for their willingness to accept it.

I wanted to tell my colleagues very briefly what it is, because this is an issue of such great importance today.

Mr. BYRD. Mr. President, may we have order. I see at least eight conversations going on in the Senate. The Senator is entitled to be heard. I hope we will be able to hear him.

The PRESIDING OFFICER. Will Senators please take their conversations to the Cloakroom.

Mr. BYRD. Mr. President, the conversations have not yet been ended. May we have order in the Senate. Mr. President, I hope Senators will pay attention to the Chair and show some respect for the Chair as well as the Senator who seeks to address the Senate.

The PRESIDING OFFICER. I thank the Senator from West Virginia.

The Senator from Missouri.

Mr. BOND. Mr. President, I thank my distinguished friend, the ranking member of the Appropriations Committee. I remember well the days when I came back from summer vacation, and for the first days of school it was a little difficult to focus attention. It is good to see colleagues again. I appreciate very much the effort so that we can discuss what unfortunately has become a very serious problem.

Mr. President, in light of the continued proliferation issues which surround the world and the Middle East in particular, I believe that now, more than ever, it is important for the United States to maintain its vigilance with

respect to Iraq's insatiable appetite to procure the most terrible weapons on earth.

Saddam Hussein has attempted to avoid any and every attempt by the civilized world to control and monitor his government's obsession with attaining weapons of mass destruction. Saddam Hussein has a proven track record of his proclivity to utilize these weapons if he does not believe that the consequences of his actions would lead to his own destruction or at least to severe injury. The continued aggressive monitoring of Iraq's weapons stockpiles is critical to preventing him from building and using these weapons to make another attempt to dominate the region through physical threats to neighboring populations.

The recent resignation of Scott Ritter from the inspection team and his reasons for doing so should not go unheeded by this body. The coalition of nations which developed originally to thwart Iraq's aggression against its neighbors has deteriorated to the point where each new confrontation with Iraq becomes a test of wills within the United Nations and the Security Council. Time and time again, Saddam has scoffed at United States stated policy of ''no compromise'' and time and time he is proven correct. No longer do we punish Iraqi transgressions; we become party to negotiating additional concessions. We no longer lead with resolve; we follow timidly and make excuses for delay and inaction.

We must not shirk from our responsibility to have the administration and the world understand our commitment to insuring that Iraq abandon its weapons of mass destruction program through strict inspections programs and a well defined and consistently implemented set of consequences for noncompliance. To achieve that I have proposed a resolution which outlines concerns I have regarding Iraqi weapons of mass destruction, calls upon the administration to oppose any effort to relax inspection regimes and has the President submit a report to Congress on the United States Government's assessment of Iraq's weapons program.

I understand that the resolution I have proposed has been accepted by both sides and has been included in the bill and I thank the chairman and the ranking member and other members of the committee for their help to include this resolution in this bill which outlines our most grave concerns and calls upon the President to issue a report which certifies the level of compliance by the Iraqi regime to the numerous non-proliferation protocols currently in effect, the effectiveness of these protocols, and the implementation of United States' policy to curb Iraq's weapons program.

I thank the Chair. I thank the chairman of the committee and the ranking member for permitting me to proceed.

I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the bill before us is a $12.599 billion bill within an allocation of $12.6 billion.

While it is below the administration's request of $14.1 billion in fiscal year 1999, we provided virtually the same level as last year's funding. If we compare last year's level with this year, including arrears, both bills are approximately the same level—$13.1 billion.

Fortunately, we can achieve this level because Senator DOMENICI and the Budget Committee decided to give arrears special treatment relieving scoring pressure.

Let me review some of the highlights which many members have expressed interest in.

For the first time we have reduced the level of support for Israel and Egypt. This is the first reduction of a planned 10 years, evenly distributed schedule. We reduced Israel's economic aid by a total of $120 million to $1.080 billion and increased security assistance by $60 million to $1.860 billion.

There is no increase in security assistance for Egypt so to maintain proportionality we have only reduced the economic aid program by $40 million to $775 million. Security assistance stays constant at $1.3 billion.

We have also tried to preserve a relatively strong level of funding for the New Independent States which most of us agree need the help to finish their transition to free market democracies. In total we have provided $740 million.

Within the NIS account we have continued to earmark levels for three countries, Ukraine, Armenia, and Georgia.

Although I strongly support securing Ukraine's political and economic independence, and believe we should do all we can to help, I must confess some frustration with the pace of reforms in that country. It is clear the economic environment in Ukraine is very difficult to work in. In particular, the government has been slow to recommend—and the Rada even slower to pass—essential tax and commercial law reforms, the key to attracting and expanding private investment.

Because of the slow pace of reforms, the bill reduces the overall level of support for Ukraine from $225 million to $210 million. The bill also authorizes the Secretary of State to withhold 50 percent of the funds for 120 days until she certifies that the Ukrainians are on the right track and have made progress in their tax and commercial structure and demonstrated a serious commitment to economic reforms. This will not be easy, but I believe President Kuchma has recognized it is in Ukraine's interest to advance and accelerate reforms.

Ukraine is not the only weak and worrisome economy. Since working on the 1993 bill, Senator LEAHY and I have both expressed concern about the inconsistent and slow pace of reforms in Russia which are very much in the news this very day. August headlines once again demonstrate our aid and that of other donors is not achieving crucial and sustainable results.

For at least 4 years, we have all read the same headlines. Russia faces imminent financial collapse and Moscow calls for immediate international support, always with a measure of justifiable urgency. There are round the clock negotiations, in which Moscow, once again, agrees to all the right tough financial, tax and economic reforms, donor funds are disbursed, there is a deep sigh of international relief, and then absolutely nothing happens.

I have repeatedly warned officials at Treasury that it seems unwise at the very time we are dismantling our welfare system here at home, that we create a new program of destructive dependency abroad. Russia's addiction to international loans is not healthy—for their economy or our interests. The administration must follow through and use our aid for programs which will sustain the needed tax and commercial reforms or the current crisis will only get worse, if that is possible.

The crisis in investor confidence and the flight of capital is not a recent event. In fact this latest crisis reflects how little foreign capital has been invested in generating jobs, income and growth in manufacturing and production. The collapse we are witnessing is driven by the fact that the Russian budget and economy are fueled primarily by two sources—international loans and the artificially inflated bond market. Given the choice between the promise of a government bond return of 150 percent or sinking capital into an industrial plant where there are no commercial regulations protecting contract sanctity or investment, money has moved into Moscow's bond market.

But, even that investment has been slim compared to other global economies. Before the stock market was closed, only a handful of companies were being traded, each losing enormous ground. Reports of 80 percent losses in value in such thin markets exaggerate the impression of the scale of trade and more importantly hid the real story. A few companies lost, and are losing, a lot of money. However, real, long term investment in Russia's productive capacity has never really grown. With no equity, no real investment to back it, the Russian ruble was bound to collapse calling attention to the basic problems with the commercial environment which neither the administration nor the Yeltsin government have been willing to tackle. Now, there is little chance—but *no* choice to carry out overdue reforms.

Let me add one more caution. This overhaul should not be the IMF's formula response. Raising taxes in an economy where there is little income and less growth isn't painful; it's stupid. Some Russian entities, most notably Gazprom, clearly have evaded tax

collection in the past, at the expense of starved government coffers. But, in general higher taxes are not going to solve Russia's long term crisis. Confidence and investment will only be restored and expanded by reforms which implement and enforce a rational, consistent commercial rule of law.

While the NIS accounts is both large and important, I think the core of this year's bill has been defined by events in Asia. What is new this year is the serious commitment we have made to support our trading partners, allies and friends across the Pacific, as they work through the most turbulent economic conditions they have experienced since World War II.

There are several Asian related initiatives worth noting.

First, in title VI, we include full support for the new arrangements to borrow and the quota to replenish depleted resources for the IMF. After extensive discussion and debate, the Senator voted for a bill which provided both funding and reforms in the management of the IMF. This bill includes the Senate passed version in its entirety.

Many share my concern that the IMF, and other international institutions, have been remote, indifferent and very closed societies dominated by foreign bureaucrats who are happy to take our money and spend it without accountability to any public authority or government.

This legislation takes a first step toward opening the IMF's doors and shedding light on their management polices and practices. I don't want anyone to conclude that the IMF will be as accessible as your credit union on the corner, but we have started a process which I hope eventually will produce a better managed and more open, accountable institution.

While I was less concerned in the Spring about the IMF's financial standing, I now believe the time has come for the Congress to complete our commitment. The recent repackaged $22 billion Russian loan compelled activation of Fund's reserve line of credit known as the General Arrangements to Borrow which this legislation will replenish. With the possibility of new requirements in Asia and closer to home in Latin America, I think the Fund's solid financial footing avoids further U.S. bilateral commitment of funds and is key to the recovery of our Pacific trading partners which, I expect, in turn, will help stave off a slow down of our economy.

In addition to replenishing the IMF, we have recommended other steps to strengthen the Asian economies. We have increased the subsidy for the Export Import Bank significantly over last year, which was not easy given the overall budget pressure. However, export support is more important than ever for the U.S. economy, especially as our traditional partners suffer setbacks and devaluations making their products cheaper and more competitive on the world market.

In addition to our commitment to U.S. financial institutions deeply engaged in Asia, this bill also specifically addresses the crisis in Indonesia, Burma and Cambodia.

Senator STEVENS and INOUYE have been especially concerned by the collapse of the Indonesia economic and political situation, as all of us have. This time last year, I was convinced that the collapse in investor confidence, driving the rupiah down to devastating new lows each week, would only be reversed with a major political change. I believed then, as now, that until elections are held, and the country is provided honest, strong democratic leadership, Indonesia is destined to struggle, if not fail,

Suharto's departure was welcome, but long overdue. He has left behind a shell of a government and the risk of more violence and instability grows. In this context, I have been deeply disappointed by AID and the administration's slow response to Indonesia's problems. Indonesia continues to be the regional economic undertow dragging down and potentially drowning each of her neighbors. The IMF, the World Bank, the Asian Bank, and AID all lack a clear, consistent strategy on how to address this crisis.

At this point conservative estimates suggest at least 60 million people are unemployed placing pressure on virtually every family. This bill provides $100 million to launch a serious economic and political effort to help put the country back on track. It directs funds to strengthen political parties to assure quick and fair elections and it provides food, medical, job generating an related humanitarian assistance. But what is equally important is it will compel AID to carry out this support outside the cozy, long standing relationship with official ministries and their bureaucrats. The bill requires 80 percent of the aid be administered through non-government organizations which not only will ease suffering but also help build new, grass roots aid delivery mechanisms and strengthen the next generation of political and economic leaders.

Next, the bill expands political and humanitarian support to Burma. I think we are at a point where our ASEAN partners agree the junta in Rangoon has gone too far. I commend Secretary Albright for her public statements and effort to secure the return of the legitimate government and urge her to continue her crucial work in the days ahead.

While I have confidence in her commitment, much of her effort seems to be undermined by events in country. To assure American policy and practice are consistent both in Washington and in Rangoon, I have set aside $2 million which may be expended only after written consultation with the legitimate government elected in 1990. This is not a precedent—there has been past dialog between other donors and the legitimate government establishing guidelines for the administration of development aid. I do recognize this may be difficult to accomplish, but U.S. policy and practice must press forward and actively include the 1990 government in any dialog which involves our funds. Ultimately, these funds may simply sit in trust for a future free day in Burma, but I think our support for democracy must be in both words and financial action.

For the past 2 years, I have held deep reservations about American embassy officials failure to support the restoration of democracy, but that is a debate for another day. What I hope to achieve today is a clear statement and representation of support for those who suffer the brutality of the regime by increasing our humanitarian aid and, to make absolutely clear support or the legitimate government which we should be working with rather than against.

Finally, and briefly, I want to turn to Cambodia. I am deeply concerned that the environment leading up to elections was not conducive to a free and fair outcome. While the turnout was high, as we all know, elections are less about election day and more about the weeks and months beforehand.

After Hun Sen's bloody coup in which scores of people were killed and many fled the country, his junta seemed to recognize the need to establish some margin of legitimacy or face a cut off of all international aid. Hun Sen called for elections and then for months systematically denied any opponent any real opportunity to campaign. At least 49 people were targeted and assassinated in politically motivated hits. Candidates were denied access to the press, and restricted from giving speeches, holding rallies or meeting and getting their message out to voters.

While the opposition urged a delay in the election date, the Administration decided to support moving forward. Now there are real questions about the final outcome with opposition challenges over fraud and irregularities. Whatever the outcome, what is very clear is many of the candidates who returned to Cambodia to campaign did so at considerable risk. Sam Rainsy and his party members and FUNCIPEC candidates, all put their lives on the line to run for office, to reclaim their nation.

I believe it is vital to stand by their commitment to democracy and assure their risk was not in vain. Thus, aid to Cambodia is conditioned upon certifications related to the fairness of the elections and the prospects for real democratic growth. Humanitarian aid and development aid provided through non-government organizations can proceed regardless, but it makes no sense to prop up a vicious, selfserving dictatorship.

In conclusion, the market slides and crashes across Asia have convinced even the most isolationists among us that our economic and political security interests are defined and can be

damaged by events as far away as Jakarta. With increased export assistance, by expanding humanitarian and economic initiatives, and building programs, to strengthen independent, democratic institutions worldwide, I believe this bill supports and secures U.S. interests in international economic growth and political stability, while living within the balanced budget agreement.

I encourage my colleagues' support.

I certainly urge my colleagues to support the bill. That completes my opening statement. Senator LEAHY will probably want to make an opening statement.

Mr. LEAHY addressed the Chair.

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

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Andrew Weinschenk, a fellow in Senator LAUTENBERG's office, be granted the privilege of the floor for the duration of debate on the foreign operations appropriations bill.

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

Mr. LEAHY. Mr. President, last year we completed debate on the foreign operations bill in record time. This year the bill contains $250 million less than last year, so I hope it will take even less time.

The bill represents a delicate compromise. As I said, we have a lot less money this year, and since almost half the funds in this bill is earmarked for the Middle East, the quarter-billion-dollar cut from last year has to come out of other programs. That is a very significant cut. It is over $1 billion below the President's request.

A quarter of a billion dollars may not be a lot in some budgets, like the defense budget, but it is a great deal when it means cuts in funding for diplomacy and programs to—and I will give you examples of the areas we are cutting—support for U.S. exports, or to promote economic reforms in the former Soviet Union and democracy in Indonesia, or to aid refugees in Bosnia and support business exchange programs in Eastern Europe, or money to combat the spread of illegal drugs and infectious diseases. Infectious diseases—Mr. President, I remind everybody that the most virulent disease in the world is only an airplane trip away from any one of our homes in the United States. And, of course, money to protect the environment.

These are but a few examples of what is in this bill and what we have had to cut because of this year's low budget allocation.

Having said that, I commend the chairman of the Foreign Operations Subcommittee. Senator MCCONNELL has done an outstanding job to try to make the most of the funds we have in as balanced a way as possible. No one can be entirely happy with what we have done, because we don't have the money to make everybody happy. I think the chairman has done his best to honor the many requests of the Senators on both sides of the aisle and to fund the foreign policy priorities of the United States.

I also thank the committee chairman, Senator STEVENS, and the ranking member, Senator BYRD, for their help. They have a difficult job in trying to balance the interests of all the appropriations subcommittees. I know they have tried to give us the funds we need and, at the same time, stay within the parameters of the balanced budget agreement.

I simply note that the entire foreign operations budget amounts to less than 1 percent of the Federal budget, but these are the funds we use besides the defense budget to promote our influence around the world. There is not a Senator here who does not want to protect our national interests. Those national interests can be in Korea or they can be in our own hemisphere. But for the United States, the most powerful, wealthiest nation history has ever known, the United States which has become that way because we have worldwide interests, it is hard to point to any part of the world on any continent of the world where our interests are not involved. All of us like to say, ''Well, we are the United States—we should influence this, that, or the other thing in the world.'' If we are going to do that, we have to have the power to do it, too.

It is like saying you want to go to such and such a spot, in your State, but if there are no roads and no way to get there, then you are not going to do it. And the cost to carry out our responsibilities and to project our influence worldwide is not something that is going to be picked up by the State or local governments.

These programs are not ''foreign handouts'' as some have called it. They are going to determine the kind of world in which our children and grandchildren live 10, 20, 50 years hence.

Frankly, I do not believe this bill adequately funds our foreign policy and national security needs. As a superpower that is increasingly dependent on the global economy—in the last 2 days if there is anybody who did not realize we were dependent on the global economy, wake up; we are. As a superpower intent on solving global problems by leading by example, I think we are going to look back years from now and wonder why we were so shortsighted.

Leadership and security are not just abstract concepts, they cost money. The amount in this bill is a pittance for a superpower that has important interests to protect on every continent, important American interests to protect on every continent.

Mr. President, if history is any guide, I think the chairman and I can expect there will be Senators who have amendments to shift funds from one account to another in this bill. They may feel we have done too little for their favorite program. And they may be right. But we had to make some very painful choices, choices we would not have had to make if we had a larger budget to begin with. The chairman and I are going to have to oppose such amendments.

This is a very delicately put together piece of legislation, based on the allocation we have. I might have done things differently if I were chairman. And the 98 other men and women in this body may have each done it somewhat differently. But we have to have one bill. The Senator from Kentucky and I have worked very closely together to balance the interests of both sides of the aisle, the interests of the United States and the interests of the administration, the interests of the U.S. Senate. With the funds we have, I think we should go forward with this bill as it is. If there are amendments, I would hope that they come up; if there are not, I am prepared to go to third reading.

With that, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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. 3491

(Purpose: To amend title I)

Mr. MCCONNELL. 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 Kentucky [Mr. MCCONNELL], for himself and Mr. LEAHY, proposes an amendment numbered 3491.

Mr. MCCONNELL. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 3, line 6, strike the following proviso: ''*Provided further*, That the Export Import Bank shall not disburse direct loans, loan guarantees, insurance, or tied aid grants or credits for enterprises or programs in the New Independent States which are majority owned or managed by state entities:''

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

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

AMENDMENTS NOS. 3492 AND 3493 EN BLOC

Mr. MCCONNELL. Mr. President, I send to the desk two amendments modifying language included on global climate change. Senators BYRD and HAGEL have been very involved in this issue and have recommended these changes so that programs can go forward, but Congress will have an opportunity to determine details on the planned activities.

It has been very difficult to pin down just what the administration plans to do in the area of global climate change. I think these amendments strike the appropriate balance and meet the concerns raised by colleagues who want to maintain a U.S. leadership role on environmental issues, yet at the same time preserve the congressional oversight of these activities.

So I send, Mr. President, both of these amendments to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. LEAHY, proposes amendments numbered 3492 and 3493 en bloc.

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

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

The amendments are as follows:

AMENDMENT NO. 3492

(Purpose: To amend the Foreign Operations bill)

On page 71, line 17, after the word ''activities'' insert: ''and, subject to the regular notification procedures of the Committees on Appropriations, energy programs aimed at reducing greenhouse gas emissions''.

AMENDMENT NO. 3493

(Purpose: To amend the Foreign Operations bill)

On page 107, line 25, strike ''and activities that reduce vulnerability to climate change.''

Mr. MCCONNELL. Senator LEAHY and I believe there is no opposition to these amendments on either side of the aisle.

Mr. LEAHY. Mr. President, the Senator from Kentucky is right. I support the pending amendment.

Mr. President, I would like to take this opportunity to discuss with the subcommittee chairman, Senator MCCONNELL, his amendments to modify section 540(b) and section 752(a) of the bill, modifications which I strongly support.

It is my understanding that the purpose of the change to section 540(b) is to make clear that funds in the bill may be used, notwithstanding any other provision of law, to support energy programs aimed at reducing greenhouse gas emissions. However, because of concerns expressed by certain senators that requests to AID for specific information about these activities was not provided and that they therefore have been unable to determine precisely what these funds were used for, they requested that these funds be subject to the Committees' regular notification procedures. Does the subcommittee chairman agree that the purpose of subjecting these funds to the notification procedures is not to prevent funding for these activities notwithstanding any other provision of law, since we could have done that by simply leaving the section as it is, but rather to be sure that the Congress gets the information it requests?

Mr. MCCONNELL. The Senator is correct. AID has not been responsive to the requests of senators for information about these activities. We are adding the notification requirement to section 540(b) in order to ensure that information that is requested about certain energy programs is provided in a timely way.

Mr. LEAHY. Thank you. I would like to take another minute to ask the subcommittee chairman about section 572(a) of the bill, which makes funds available for certain environmental activities subject to the regular notification procedures of the committees. The language is quite broad, and it includes any activities promoting country participation in the Framework Convention on Climate Change. Again, I want to be clear about the purpose of this provision. It is my understanding that, like section 540(b), it was included due to concerns expressed by some senators that AID has not been sufficiently responsive to requests for information about the expenditure of certain funds for these activities. The information that was provided was very general and did not fully describe what the funds were used for. It is my understanding that this provision does not seek to prevent funding for these activities, but instead aims to ensure that when senators request AID to provide specific information about its use of these funds the information is provided in a timely way.

Mr. MCCONNELL. The Senator is correct.

Mr. BYRD. If the managers of the bill would entertain a question, it is my understanding from their explanation that their intent in including the notification requirements in sections 540(a) and 572(b) is to support these activities, and to ensure that information the Congress asks for is provided by the administration. I want to be sure that, assuming the administration keeps the Congress informed about how appropriated funds are to be spent, the Congress intends for these programs to receive the necessary funds. Am I correct?

Mr. LEAHY. That is my intention.

Mr. MCCONNELL. As the author of these provisions that is also my intention.

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

The amendments (Nos. 3492 and 3493) were agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3494

(Purpose: To make technical corrections)

Mr. MCCONNELL. Mr. President, I send a package of technical amendments to the desk. It is a fairly long list, but essentially involves corrections, language inadvertently left out, changes to assure consistency and date corrections. For example, the word ''appropriated'' was struck in one instance and replaced with the technically correct ''made available.'' I send these technical amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. LEAHY, proposes an amendment numbered 3494.

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

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

The amendment is as follows:

On page 3, line 5 and 6, strike ''1999 and 2000'' and insert in lieu thereof, ''1999, 2000, 2001 and 2002''.

On page 8, line 23 and 24, strike '', and shall remain available until September 30, 2000''.

On page 13, line 13, insert ''demining or'' after the words ''apply to''.

On page 13, line 14, strike ''other''.

On page 21, line 3, strike ''other than funds included in the previous proviso,''.

On page 29, line 9, strike ''appropriated'' and insert in lieu thereof ''made available''.

On page 29, line 13, strike ''deBremmond'' and insert in lieu thereof ''deBremond''.

On page 31, line 23, insert ''clearance of'' before ''unexploded ordnance''.

On page 39, line 1, insert ''may be made available'' after ''(MFO)''.

On page 40, lines 5 and 6, strike ''Committee's notification procedures'' and insert in lieu thereof, ''regular notification procedures of the Committees on Appropriations''.

On page 49, line 2, insert after ''commodity'' the following, '': *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations''.

On page 57, line 17, insert ''disease programs including'' after ''activities or''.

On page 84, beginning on line 25, through page 85, line 5, strike all after the words ''The authority'' through the word, ''countries'' and, insert in lieu thereof, ''Any obligation or portion of such obligation for a Latin American country, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501)''.

On page 90, on lines 1, 5, and 15 before the word ''Government'' insert the word ''central''.

On page 90, line 13, after the word ''resigned'' insert the word ''or is implementing''.

On page 91, line 24, before the word ''Government'' insert the word ''central''.

On page 95, line 5, delete ''steps'' and insert in lieu thereof, ''effective measures''.

On page 95, line 7, strike the word ''further''.

On page 106, line 8, strike ''1998 and 1999'' and insert in lieu thereof ''1999 and 2000''.

On page 109, line 21, strike ''any''.

On page 117, line 24, after ''remain available'' insert ''until expended''.

Mr. MCCONNELL. Mr. President, I believe there is no objection to these technical amendments.

Mr. LEAHY. There are no objections, Mr. President.

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

The amendment (No. 3494) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, those are the only amendments I am aware of as of this moment. So we are moving right along, I say to my friend.

Mr. LEAHY. Mr. President, I say to my friend from Kentucky, I said earlier we did it in record time last year. We may break that now. Again, I am perfectly willing to go forward and wrap it up. There may be some who feel otherwise.

COMMUNITY-BASED TELECOMMUNICATIONS

Mr. President, organizations such as the National Telephone Cooperative Association are able to help provide new and innovative methods to bring modern telecommunications service to rural and remote areas around the globe. Such initiatives, particularly those that encompass a grass-roots, community-based approach, are key to economic development, business creation and income generation. They enhance economic stability, create jobs, improve agricultural production and further the development of democratic processes and traditions.

The committee has, in the past, encouraged AID to work with organizations like the National Telephone Cooperative Association to bring modern means of communication to rural areas. Cooperatives foster community involvement and help to build civil society—important steps along the path away from a socialist, government-controlled economy toward a free-market economy. These programs are just the type that we should be promoting in the Ukraine and other NIS states, where any growth in the private sector represents a challenge to the government and encourages sustainable income generation and economic growth on a local level.

Another program that the committee urged AID to support was rural telephone cooperative programs in Poland, which have achieved significant success. The on-going program in the Philippines has also seen success. However, this project is in need of continued participation by AID's country and central programs. AID should also promote the development of telephone cooperatives in Africa. Countries in the Horn, Ghana, and South Africa are poised for developing useful rural telecommunications. There is no doubt that in addition to promoting economic growth, rural citizens in these countries would benefit enormously.

For these reasons, I encourage AID to continue to work with telephone cooperatives in the United States to foster community-based telecommunications programs in the developing countries. I hope that language to this effect can be included in the conference report on this bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO PRESBYTERIAN DISASTER ASSISTANCE OF LOUISVILLE, KENTUCKY

Mr. MCCONNELL. Mr. President, while we have a moment, I would like to recognize an organization from my home state of Kentucky which has been on the front lines responding to international disasters.

The Presbyterian Disaster Assistance (PDA), headquartered in Louisville, has responded to international disaster issues in 37 countries and has mission relations in 80 countries. It is dedicated to responding to national and international disasters, aiding refugees and displaced persons, assisting refugee resettlement, educating the world's children, and making efforts designed to foster development abroad. Clearly, it has made a difference in the world and brought hope to the needy.

Just recently, following the tragic bombings in Kenya and Sudan, PDA provided the staff services of its eye clinic and specialized orthopedic rehabilitation center for victims. PDA also worked closely with the Presbyterian Relief and Development Association of Sudan.

In early summer, Presbyterian Disaster Assistance, in cooperation with other organizations, was able to provide a shipment of fishing supplies to over 25,000 households in the Upper Nile Region where the ability to fish the rivers will keep these people from slipping into the grip of famine. PDA was able to serve people across several ethnic boundaries, ensuring that this assistance benefited those most in need.

Mr. President, I know the entire Senate joins me in saluting the courageous work of Presbyterian Disaster Assistance. It gives me a great deal of pride that this organization which offers such important and valuable service is headquartered in the Commonwealth of Kentucky. We all hope for a time when the efforts of organizations such as PDA are not necessary, but until that occurs we can take comfort that the job will be undertaken with vigor, compassion, and expertise.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3495

(Purpose: To provide a limited waiver for certain foreign students of the requirement to reimburse local educational agencies for the costs of the students' education)

Mr. MCCONNELL. 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 Kentucky [Mr. MCCONNELL], for Mr. LUGAR, proposes an amendment numbered 3495.

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

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

The amendment is as follows:

On page 114, strike all after line 1 through page 115 line 6 and insert the following:

SEC. 578. LIMITED WAIVER OF REIMBURSEMENT REQUIREMENT FOR CERTAIN FOREIGN STUDENTS.

Section 214(l)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(1)), as added by section 625(a)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009–699), is amended—

(1) in subparagraph (B), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by striking ''(l)(1)'' and inserting ''(l)(1)(A)''; and

(4) by adding at the end the following new subparagraph:

''(B) The Attorney General shall waive the application of subparagraph (A)(ii) for an alien seeking to pursue a course of study in a public secondary school served by a local educational agency (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) if the agency determines and certifies to the Attorney General that such waiver will promote the educational interest of the agency and will not impose an undue financial burden on the agency.''.

Mr. MCCONNELL. Mr. President, this amendment has been cleared on this side of the aisle and, I believe, on the other side.

Mr. LEAHY. There is no objection on this side of the aisle.

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

The amendment (No. 3495) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMERICAN EDUCATIONAL INSTITUTIONS IN LEBANON

Mr. ABRAHAM. Would the Senator from Kentucky yield for a question?

Mr. MCCONNELL. I would be happy to yield to the Senator from Michigan.

Mr. ABRAHAM. I want to thank the Senator from Kentucky for the interest

that he and his committee have taken in American educational institutions abroad, and the role they play in advancing basic American values in countries of key strategic interest to the United States. As the Chairman knows, I believe that Lebanon is one of the countries where American leadership is especially needed. Therefore, I was pleased that the committee's report on S. 2334 gives special recognition to the importance of the American University of Beirut and Lebanese American University. As the report states, both these institutions, AUB and LAU, deserve further support from the American Schools and Hospitals Abroad program. I would like to ask the Senator from Kentucky if he agrees with me that AID also should directly support the American educational institutions in Lebanon through our bilateral aid program to that country.

Mr. MCCONNELL. Yes. The Senator is quite right. Our aid program to Lebanon is structured so that all assistance is channeled through grants or contracts to American non-governmental organizations or U.S. firms. The American educational institutions there should be the first to be supported. Education is at the heart of what we are trying to accomplish with our aid program. It instills the fundamental values that will guide the next generation of leaders. It will determine whether those leaders share our commitment to democracy and free market principles, and whether they learn how to solve their own problems or remain dependent on us. An investment in American education will pay greater dividends than anything else we can do in Lebanon.

Mr. ABRAHAM. I am pleased to hear the Chairman say that. Unfortunately, AID currently is not pursuing such a policy in Lebanon. The agency has established three strategic objectives for the country: expanded economic opportunity, increased effectiveness of democratic institutions, and improved environmental practices. Each of these objectives certainly deserves special attention and are quite important, thus I have no complaint about them as such. But, strengthening the American educational presence in the country should also be an objective. In fact, it should be the primary objective. The American educational institutions can help achieve these other three objectives, and many more, if their core educational and research activities are enhanced. To some degree AID recognizes the invaluable resource they have in these institutions, and the agency is in fact contracting with them to help accomplish the goals it has set for the country. But it seems to have missed the essential point that these institutions themselves need revitalization after fifteen years of war in Lebanon, and that this cannot be accomplished without supporting the rebuilding of weakened institutional structures. The American educational institutions in Lebanon can and should be called upon to help rebuild the country, but it is shortsighted not to commit additional resources to rebuild them as well.

Mr. MCCONNELL. The Senator from Michigan has special knowledge of Lebanon, and his expertise is well respected by all his colleagues here in the Senate. The point he makes is indeed sound. I am grateful to have his observations, and I am sure that AID will want to give them heed. I would like to assure my colleague that the committee will encourage the agency to do so, and we will monitor the situation to see if changes are made.

Mr. ABRAHAM. I thank the Chairman.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

(At the request of Mr. MCCONNELL, the following statement was ordered to be printed in the RECORD.)

● Mr. INOUYE. Mr. President, I wish to thank Chairman MCCONNELL and Senator LEAHY for their work in putting together a foreign operations funding bill that provides for our national security interests while doing so under tough fiscal constraints.

I would also like to commend the Chairman and Ranking Member on their recognition of the important role Tunisia has played in the Middle East Peace Process for the past several years.

Tunisia has been a long-time friend of the United States. Tunisia has, since the beginning of the Peace Process, fully committed itself to this process, which is viewed as the only way to restore peace in the Middle East.

They launched the first U.S.–PLO dialogue as well as the first preparatory talks between Israeli and Palestinian leadership in Tunis. Tunisia was the first Arab country to host meetings within the framework of the Peace Process.

Furthermore, a trilateral meeting was held in Washington in October 1995 bringing together the three Foreign Ministers of the United States, Israel and Tunisia, followed soon afterwards by another trilateral meeting, in January 1996, in Washington, D.C. A decision was then announced to open, both in Tunis and in Tel Aviv, interest sections in order to encourage the process of normalization between Arab States and Israel.

The Tunisian's have undertaken these diplomatic initiatives at some level of security risk. Tunisia's next door neighbor is Libya. Nevertheless the Tunisians have refused to engage in an arms race. In 1997, they participated in 20 joint military exercises with the U.S. and the European Command.

I believe it is time that we demonstrate our appreciation and support for this country through funding commitments. I also encourage the Administration to begin exploring additional funding initiatives in fiscal year 2000.

Mr. MCCONNELL. Mr. President, Senator INOUYE and Senator STEVENS were instrumental in securing funding for Tunisia. I have had a number of conversations with both members regarding this initiative. I have also advised them of the tough fiscal constraints under which we in the Foreign Operations Committee are operating.

However, I too recognize Tunisia's importance in the Peace Process and have agreed with Senator LEAHY to provide $7 million of Foreign Military Financing (FMF) in this bill. $5 million is available under draw down authority and $2 million will be available through a direct grant.

I want to assure Senators INOUYE and STEVENS that if the Tunisians continue their role in the Peace Process, we will explore other funding initiatives in the fiscal year 2000 Foreign Operations Appropriations bill.

Mr. INOUYE. Mr. President, I thank Chairman MCCONNELL and Senator LEAHY and look forward to working with them on this issue in the Fiscal Year 2000 Appropriations bill.●

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. DURBIN. Mr. President, I ask unanimous consent that privileges of the floor be granted to Bob Guidos, a fellow on my staff, during the pendency of S. 2334, the foreign operations appropriations bill.

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

Mr. DURBIN. I thank the Chair.

Mr. President, I have submitted three amendments for consideration by the chairman and ranking minority member of the Foreign Operations Appropriations Subcommittee. It is my understanding that there will not be objection, but I would like to briefly describe each of these amendments and then offer them for consideration by the Senate.

The first amendment that I will offer is one which addresses the microcredit issue. This is one that I think is of extraordinary importance in terms of supporting and promoting the entrepreneurial spirit of small business people around the globe through the use of microcredit loans.

For those unfamiliar with the term, microcredit is a very small loan given to very poor people with dramatic and positive results. By accepting this amendment, we could enhance the lives of thousands of impoverished people

throughout the world as well as their families and communities.

Many years ago, I journeyed to Bangladesh with a colleague of mine from the House of Representatives, Mike Synar of Oklahoma, who passed away a couple years ago. In Bangladesh, we saw the activities of the Grameen Bank, the people's bank, which gave small loans to very, very poor people. Through those loans, these peoples lives were transformed. The people understood that this was a rare opportunity. And, they were supported by people in their communities who would cosign the loans. The payback rate on the loans was in the high 90th percentile. With only a few dollars, maybe $100, a woman in Bangladesh had a chance to buy some tools that would allow her to pursue a trade and to feed her family. Another woman might be able to buy a dairy cow and with the milk from that cow she could feed her children as well as provide products for sale, which would provide some income for her family.

These microcredit loans are not charity; they are a means to provide poor, fledgling entrepreneurs in lesser developed countries with loans for startup of individual businesses. It has proven to be a successful way to help these people achieve economic independence and dignity for themselves.

It is interesting that where we found people in Bangladesh involved in microcredit, we also found timely discussion and debate about critical issues, such as the elevation of the status of women, for example. It wasn't a surprise to find that the women involved in Grameen Bank were also actively involved in prenatal activities so that their children would be more healthy. They also actively participated in family planning programs on a voluntary basis that helped them to take personal responsibility for the size of their families as well as other issues that all of us, I believe, agree are part of the solution to dealing with developing economies.

My amendment will change the status of the program in one slight respect. It gives microcredit a higher priority among U.S. enterprise development efforts. This amendment will ensure that at least half of the funds already appropriated through this bill, S. 2334, for USAID for microenterprise initiatives will be used for programs providing loans of less than $300 to poor people, particularly women, or for institutional support of organizations primarily engaged in microcredit loans.

We don't increase the overall spending amount; we merely have a reallocation of the smaller loans in this package. Existing loans have a remarkably high repayment rate of 95 percent or more.

This amendment supports the goals of the Microcredit Summit held in Washington, DC, in 1997 to offer credit for self-employment and other financial aid. It also supports the goals found in S. 2152, the Microcredit for Self-sufficiency Act of 1998, introduced in June, sponsored by myself, Senator OLYMPIA SNOWE of Maine, and 22 other Senators on a bipartisan basis.

I believe that the use of microcredit loans is a pragmatic and proven method for fostering the growth of small businesses.

I thank the chairman for acceptance of this amendment.

AMENDMENT NO. 3496

(Purpose: To allocate funds available for activities pursuant to the Microenterprise Initiative)

Mr. DURBIN. I send this amendment to the desk.

The PRESIDING OFFICER. If there is no objection, the pending amendments are set aside so that the amendments offered by the Senator from Illinois are the pending business. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3496.

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

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

The amendment is as follows:

On page 11, line 15, before the period insert the following: ''*Provided further,* That, of the funds appropriated under this heading and made available for activities pusuant to the Microenterprise Initiative, not less than one-half shall be expended on programs providing loans of less than $300 to very poor people, particularly women, or for institutional support of organizations primarily engaged in making such loans''.

AMENDMENT NO. 3497

(Purpose: To express the sense of Congress regarding United States citizens imprisoned in Peru.)

Mr. DURBIN. Mr. President, my second amendment is one that deals with an issue of some controversy in my State of Illinois and one that we have followed very closely.

Several years ago, two young people from Illinois made a very serious mistake. These young, I believe then teenage girls accepted an invitation to fly to Peru. It sounded too good to be true and it was. They found themselves lured into a drug trade and subsequently were arrested in Peru.

For almost two years now, these young ladies, one is Jennifer Davis of Illinois, have languished in prison in Lima, Peru. Neither Jennifer Davis nor her family deny the fact that she is guilty as charged and that she should be sentenced and should serve time for the crime she has committed. In fact, she has cooperated fully with the Peruvian authorities and those who are seeking to find who was responsible for the drug trading involved.

The difficulty, of course, is that the Peruvian legal system is much different than the United States system. It took an excruciatingly long period of time, nine months, before Jennifer was actually charged, brought to trial, and convicted. We had hoped that the trial and conviction would lead to the possibility of her being sentenced and then extradited to the United States to serve time for her sentence in an American prison, which is customary under international law. But, the conviction was appealed by her codefendants. Under the Peruvian system, the appeal went to the Supreme Court, which called for a new trial. Now, the process has started all over again.

I have spoken directly to Jennifer Davis' parents. I have spoken to the U.S. Ambassador to Peru, Mr. Jett, about this case. It is not my intention in offering this amendment to in any way be confrontational with the Government of Peru. What we are attempting to do is to urge them to follow accepted international standards for a timely hearing and a timely trial of Jennifer Davis and all other Americans being held in Peruvian prisons. We do not presume the outcome of these trials. We do not ask for special or favorable treatment, only that they be treated as prisoners are treated in the United States and most other countries—in a timely fashion—and that any decision by those courts be carried out in a fair manner.

That is all that we can ask. It is all that we do in this amendment.

I send the amendment to the desk.

The PRESIDING OFFICER. The Chair asks the Senator, we still have the Senator's first amendment pending. Does the Senator wish to dispose of his amendment prior to offering this amendment?

Mr. DURBIN. I certainly do. I ask the chairman of the subcommittee if he has any objection.

Mr. MCCONNELL. Mr. President, we have no objection to the Durbin amendments. Maybe we should go ahead and approve the first one.

Mr. DURBIN. I thank the Senator.

VOTE ON AMENDMENT NO. 3496

The PRESIDING OFFICER. Is there further debate on the amendment? Without objection, the amendment is agreed to.

The amendment (No. 3496) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3497

The PRESIDING OFFICER. The clerk will report the second amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3497.

Mr. DURBIN. Mr. President, I ask unanimous consent that the 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 new section:

SEC. ___. SENSE OF SENATE REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU.

It is the sense of the Senate that—

(1) as a signatory of the International Covenant on Civil and Political Rights, the Government of Peru is obligated to grant prisoners timely legal proceedings pursuant to Article 9 of the International Covenant on Civil and Political Rights, which requires that ''anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or release'', and that ''any one who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful'';

(2) the Government of Peru should respect the rights of prisoners to timely legal procedures, including the rights of all United States citizens held in prisons in that country; and

(3) the Government of Peru should take all necessary steps to ensure that any United States citizen charged with committing a crime in that country is accorded open and fair proceedings in a civilian court.

Mr. DURBIN. If there is no objection from the chairman or ranking member——

Mr. MCCONNELL. Mr. President, we have no objection to the second Durbin amendment.

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

The amendment (No. 3497) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 3498

(Purpose: To require a report on the training provided to foreign military personnel in the United States during fiscal years 1998 and 1999)

Mr. DURBIN. Mr. President, I have one last amendment. Let me apologize. I thought they were going to be considered en bloc. I understand now.

This last amendment is an attempt to address a matter of great concern in an objective manner, and that is the concern of some in the United States that we have expended taxpayers' dollars over the years for the training of foreign military officers and personnel in the United States with sometimes unintended tragic results.

First, let me say, that many of the individuals who have come to the United States from foreign countries to receive military training have returned to their home countries and have served the cause of justice and the cause of civilian control of the military in an admirable way, but there have been notable exceptions.

I will not at this moment offer the amendment that I had planned to offer involving the controversial School of the Americas. I was prepared to offer that amendment which would close down and terminate the School of the Americas. That is an amendment which has been considered for many years in the U.S. House of Representatives, and I voted for it there. I believe we should close that School. That is still my heartfelt belief.

I have spoken to those who share my point of view. It is their belief at this moment that we should not offer that amendment. I follow their advice on the subject.

Instead, I would like to offer for the consideration of the Senate and the House of Representatives and all others an amendment that would require the Inspectors General of the Department of Defense and Department of State to submit a report to Congress which spells out exactly what training is available to foreign military leaders and personnel in the United States, including the location, the duration, the numbers involved, the cost of the training, the purpose and nature of the training and, most importantly, an analysis as to whether that training is consistent with United States foreign policy and the goals of promoting democracy and the civilian control of the military and the promotion of human rights. I think this will set the stage for a more thorough and thoughtful consideration of all of the programs that might involve foreign military officers and personnel being trained in the United States.

Let me say at the outset, I believe that some of these programs are invaluable, that many of the men and women who are participating in them leave the United States and go back to their home countries prepared to really create a new military ethic. I think the United States should continue on that course. But, unfortunately, in the past, particularly in the case of the School of the Americas, there have been some very controversial instances where those who have been trained have responded in ways most of us would consider to be anathema. They have returned to their home countries and have been involved in conduct of which I am sure no one would ever approve.

I ask and urge adoption of the amendment which I have offered.

The PRESIDING OFFICER. Has the Senator submitted the amendment?

Mr. DURBIN. I will submit the amendment. I just returned, Mr. President, from a few weeks away, and I am trying to get back into the flow of things. I thank the Senator for his forbearance.

The PRESIDING OFFICER. The Chair welcomes the Senator back. The clerk will read the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3498.

Mr. DURBIN. Mr. President, I ask unanimous consent that the 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 new section:

SEC. ___. (a) Not later than January 31, 1999, the Inspector General of the Department of Defense and the Inspector General of the Department of State shall jointly submit to Congress a report describing the following:

(1) The training provided to foreign military personnel within the United States under any programs administered by the Department of Defense or the Department of State during fiscal year 1998.

(2) The training provided (including the training proposed to be provided) to such personnel within the United States under such programs during fiscal year 1999.

(b) For each case of training covered by the report under subsection (a), the report shall include—

(1) the location of the training;

(2) the duration of the training;

(3) the number of foreign military personnel provided the training by country, including the units of operation of such personnel;

(4) the cost of the training;

(5) the purpose and nature of the training; and

(6) an analysis of the manner and the extent to which the training meets or conflicts with the foreign policy objectives of the United States, including the furtherance of democracy and civilian control of the military and the promotion of human rights.

Mr. FEINGOLD. Mr. President, I rise in support of an amendment to the fiscal year 1999 Foreign Operations appropriations bill offered by the Senator from Illinois [Mr. DURBIN]. The amendment requires a report to the Congress from the Inspectors General of the Departments of Defense and State detailing the type and purpose of military training provided to foreign military personnel within the United States during fiscal years 1998 and 1999. I am pleased the Senate has adopted this amendment.

I have long been opposed to the continued operation of the United States Army's School of the Americas (SOA), located at Fort Benning, Georgia. This amendment will ensure that the Congress receives a full accounting of the duration, cost, purpose and nature of the foreign military training at all sites within the United States, including the School of the Americas. The report required by this amendment will also include a list of the number and country of origin of foreign military officers trained and the units in which these officers serve. Further, the report must include an analysis of whether or not the training these officers receive conflicts with the foreign policy objectives of the United States.

While the Senator's amendment includes all foreign military training that is conducted in the United States, this is an especially appropriate time to talk about the training at the School of the Americas in particular. All across our country, millions of children are beginning a new school year. Most students this year will study math, science, history, and English, and perhaps foreign languages, art and

music. And they will learn the basic values of our society—honesty, integrity, and how to get along with each other.

There is one school in our country, however, that has not subscribed to these basic American values. It is called the School of the Americas—a name which evokes the idea of a shared system of values among the United States and our democratic neighbors in the Americas. This school was created in 1946 with the best of intentions—to train Latin American military officers in combat and conterinsurgency skills, with the goal of professionalizing Latin American armies and strengthening the new democracies in our hemisphere. Its curriculum has included some history and math and science and foreign languages, to be sure. But this school has replaced the traditional three Rs with the three As—arrest, abduction, and assassination. Because many of its graduates have excelled at the three As, the school has earned the nickname the ''School of the Assassins.'' Others call it the ''School of Dictators.''

In 1991, following an internal investigation, the Pentagon removed certain SOA training manuals from circulation. On September 22, 1996, the Pentagon released the full text of those training manuals and acknowledged that some of those manuals provided instruction in techniques that, in the Pentagon's words, were ''clearly objectionable and possibly illegal.'' The techniques in question included torture, extortion, false arrest, and execution. And the students have learned these lessons very well.

The school's alumni directory reads like a who's who of international criminals. Among its graduates are Manuel Noriega, at least 19 Salvadorean officers implicated by El Salvador's Truth Commission in the murder of six Jesuit priests, and officers who participated in the coup against former Haitian president Jean-Bertrand Aristide.

Since I first came to the Senate in 1993, I have been contacted by hundreds of Wisconsin residents, including religious and school groups, who see the closure of this school as a moral imperative. The importance of removing the imprimatur of the United States from this school has been driven home many times during the listening sessions I hold in each of Wisconsin's 72 counties every year. I share my constituents' shock and disappointment that our government continues to operate a school with the miserable record of the School of the Americas. As a member of the Senate Committee on Foreign Relations, I am committed to promoting human rights throughout the world. We cannot do that by continuing to operate this school.

I am pleased to be an original cosponsor of S. 980, legislation introduced by the Senator from Illinois [Mr. DURBIN] to close this school. The movement to close the School of the Americas is not a new one. Over the past several years, there have been a number of votes on this issue in the House of Representatives. Many of our colleagues in the other body share my concern about this school. Last year, an amendment to close SOA was defeated by the narrowest of margins. It is clear that the momentum behind the bipartisan effort to close this school is growing, and I believe that SOA's days are numbered.

While it may be appropriate under certain circumstances for the United States military to offer training to military forces from friendly nations, it is a mistake to conduct this training at the School of the Americas. I have no objection to training military officers from Latin America, but to continue to do so at this school places all future training under a sinister shadow of doubt. This school's reputation has been irrevocably tainted by the blood of the victims of its graduates. In order to remove any suggestion of responsibility for the deaths of these innocent people from the United States, and in order to lift the cloud of suspicion over American military training, we must separate the legitimate training exercises conducted by the United States military from the sordid acts most notorious graduates of SOA. The only way to do that is to close the School of the Americas once and for all.

Mr. MCCONNELL. Mr. President, we have no objection to the DURBIN amendment.

The PRESIDING OFFICER. Is there objection to the amendment offered by the Senator from Illinois?

Without objection, the amendment is agreed to.

The amendment (No. 3498) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DURBIN. Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Doug James, a legislative fellow in the office of MIKE DEWINE, be granted floor privileges during the pendency of S. 2334, the foreign operations bill.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

AMENDMENT NO. 3499

(Purpose: To earmark funds for a hydraulic drilling machine to provide potable drinking water in the region of the Nuba Mountains in Sudan)

Mr. MCCONNELL. Mr. President, I have an amendment by Senator BROWNBACK which has been cleared on both sides of the aisle. I send it to the desk, amendment No. 3499.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. BROWNBACK, proposes an amendment numbered 3499.

Mr. MCCONNELL. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 15, line 13, before the period insert the following: '': *Provided*, That, of the funds appropriated under this heading, not less than $500,000 shall be available only to Catholic Relief Services solely for the purpose of the purchase, transport, or installation of a hydraulic drilling machine to provide potable drinking water in the region of the Nuba Mountains in Sudan''.

Mr. MCCONNELL. It is my understanding there is agreement to the amendment on both sides.

Mr. LEAHY. There is no objection on this side. We find this amendment perfectly acceptable.

The PRESIDING OFFICER. Is there objection to the amendment? Hearing none, the amendment is agreed to.

The amendment (No. 3499) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 3502

(Purpose: To provide for progress reports to Congress on efforts to update the architecture of the international monetary system)

Mr. LEAHY. Mr. President, I ask unanimous consent it be in order to send to the desk an amendment on behalf of the Senator from South Dakota, Mr. DASCHLE, and myself.

The PRESIDING OFFICER. Without objection, the pending amendment will

be set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. DASCHLE, for himself and Mr. LEAHY, proposes an amendment numbered 3502.

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

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

The amendment is as follows:

At the appropriate place insert the following:

SEC. 1. SHORT TITLE.—Progress Reports to Congress on United States Initiatives to Update the Architecture of the International Monetary System

SEC. 2. REPORTS REQUIRED.—Not later than July 15, 1999 and July 15, 2000, the Secretary of the Treasury shall report to the Chairmen and Ranking members of the Senate Committees on Appropriations, Foreign Relations, and Banking, Housing and Urban Affairs and House Committees on Appropriations and Banking and Financial Services on the progress of efforts to reform the architecture or the international monetary system. The reports shall include a discussion of the substance of the US position in consultations with other governments and the degree of progress in achieving international acceptance and implementation of such position with respect to the following issues:

(1) adapting the mission and capabilities of the international monetary Fund to take better account of the increased importance of cross-border capital flows in the world economy and improving the coordination of its responsibilities and activities with those of the International Bank for Reconstruction and Development.

(2) advancing measures to prevent, and improve the management of, international financial crises, including by—

(a) integrating aspects of national bankruptcy principles into the management of international financial crises where feasible; and

(b) changing investor expectations about official rescues, thereby reducing moral hazard and systemic risk in international financial markets—

in order to help minimize the adjustment costs that the resolution of financial crises may impose on the real economy, in the form of disrupted patterns of trade, employment, and progress in living standards, and reduce the frequency and magnitude of claims on United States taxpayer resources.

(3) improving international economic policy cooperation, including among the group of Seven countries, to take better account of the importance of cross-border capital flows in the determination of exchange rate relationships.

(4) improving international cooperation in the supervision and regulation of financial institutions and markets.

(5) strengthening the financial sector in emerging economies, including by improving the coordination of financial sector liberalization with the establishment of strong public and private institutions in the areas of prudential supervision, accounting and disclosure conventions, bankruptcy laws and administrative procedures, and the collection and dissemination of economic and financial statistics, including the maturity structure of foreign indebtedness.

(6) advocating that implementation of European Economic and Monetary Union and the advent of the European Currency Unit, or euro, proceed in a manner that is consistent with strong global economic growth and stability in world financial markets.

Mr. LEAHY. I understand there is no objection to this amendment. The amendment is by Mr. DASCHLE, and joined by me.

Mr. MCCONNELL. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Is there objection to the amendment offered by the Senator from Vermont, on behalf of the distinguished Democratic leader? Hearing none, the amendment is agreed to.

The amendment (No. 3502) was agreed to.

Mr. LEAHY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3503

(Purpose: To urge international cooperation in recovering children abducted in the United States and taken to other countries)

Mr. LEAHY. Mr. President, I ask unanimous consent that the pending amendment be laid aside so that we can consider an amendment by the distinguished Senator from Arkansas, Mr. BUMPERS.

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

Mr. LEAHY. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. BUMPERS, proposes an amendment numbered 3503.

Mr. LEAHY. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place add the following:

SEC. . SENSE OF THE CONGRESS REGARDING INTERNATIONAL COOPERATION IN RECOVERING CHILDREN ABDUCTED IN THE UNITED STATES AND TAKEN TO OTHER COUNTRIES.

(a) FINDINGS.—Congress finds that—

(1) Many children in the United States have been abducted by family members who are foreign nationals and living in foreign countries;

(2) children who have been abducted by an estranged father are very rarely returned, through legal remedies, from countries that only recognize the custody rights of the father;

(3) there are at least 140 cases that need to be resolved in which children have been abducted by family members and taken to foreign countries;

(4) although the Convention on the Civil Aspects of International Child Abduction, done at the Hague on October 25, 1980, has made progress in aiding the return of abducted children, the Convention does not address the criminal aspects of child abduction, and there is a need to reach agreements regrading child abduction with countries that are not parties to the Convention; and

(5) decisions on awarding custody of children should be made in the children's best interest, and persons who violate laws of the United States by abducting their children should not be rewarded by being granted custody of those children.

(b) SENSE OF THE CONGRESS.—It is the Sense of the Congress that the United States Government should promote international cooperation in working to resolve those cases in which children in the United States are abducted by family members who are foreign nationals and taken to foreign countries, and in seeing that justice is served by holding accountable the abductors for violations of criminal law.

Mr. LEAHY. Mr. President, I understand there is no objection to this amendment.

Mr. MCCONNELL. There is no objection on this side, Mr. President.

The PRESIDING OFFICER. Is there objection to the amendment? Hearing none, the amendment is agreed to.

The amendment (No. 3503) was agreed to.

Mr. LEAHY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENTS NOS. 3504 AND 3505 EN BLOC

Mr. MCCONNELL. Mr. President, I have two amendments by Senator KEMPTHORNE that have been cleared on both sides. I ask unanimous consent that they now be considered. I send them to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside to consider the pending amendments offered by the Senator from Kentucky. The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. KEMPTHORNE, proposes amendments numbered 3504 and 3505 en bloc.

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

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

The amendments are as follows:

AMENDMENT NO. 3504

(Purpose: To require the purchase of American agriculture commodities with funds made available through this bill and to require the Secretary of the Treasury to report annually on federal efforts to purchase American agriculture commodities with funds made available through this bill)

On page 77, line 20, after the word ''all'' insert ''agriculture commodities,''.

On page 78, line 3, insert ''(d) The Secretary of the Treasury shall report to Congress annually on the efforts of the heads of each Federal agency and the U.S. directors of international financial institutions (as referenced in Section 514) in complying with this sense of Congress resolution.''

AMENDMENT NO. 3505

(Purpose: To direct the Secretary of the Treasury to instruct the United States executive directors of international financial institutions to use the voice and vote of the United States to support the purchase of American agricultural commodities)

On page 49, insert ''(a)'' before ''The''.

On page 50, line 11, add the following: ''(b) The Secretary of the Treasury shall instruct the United States Executive Directors of international financial institutions listed in paragraph (a) of this section to use the voice and vote of the United States to support the purchase of American produced agricultural commodities with funds appropriated or made available pursuant to this Act.''

Mr. MCCONNELL. I believe there is no objection to the two Kempthorne amendments.

The PRESIDING OFFICER. Is there objection to the amendments? Without objection, the amendments are agreed to.

The amendments (Nos. 3504 and 3505) were agreed to.

Mr. LEAHY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I do not believe we have an amendment at the moment. We are still checking around. I urge Members if they have amendments to bring them to the floor because I have a feeling we are probably not that far away from third reading.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, moments ago, we adopted amendment No. 3503 by the Senator from Arkansas, Senator BUMPERS. I ask unanimous consent that Senator HUTCHINSON of Arkansas be added as a cosponsor.

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

Mr. MCCONNELL. 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. BYRD. 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. BYRD. Mr. President, has the Pastore rule expired?

The PRESIDING OFFICER. The Pastore rule will expire at 12:30.

Mr. BYRD. I thank the Chair. I ask unanimous consent that I may speak out of order.

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

GULF WAR ILLNESSES

Mr. BYRD. Mr. President, Senator SPECTER announced earlier today the release of a voluminous and comprehensive report of the Committee on Veterans' Affairs special investigation unit on Gulf War illnesses. I commend the Senator from Pennsylvania and the other Members of the Committee, including my colleague from West Virginia, Senator ROCKEFELLER, on this report, which was over a year in the making. In great detail, this report and its appendices provide the justification for legislation that Senator SPECTER, Senator ROCKEFELLER, and I introduced on July 28, S. 2358, the Gulf War Veterans Act of 1998.

The history of this sorry saga of war, illness, and bureaucratic bungling it details has not improved with time. Indeed, age has turned this victory wine into sour vinegar, not a vintage to be savored. Since the signing of the cease fire in Iraq in 1991, soldiers have been complaining of symptoms that have been poorly dealt with by the Department of Defense and the Department of Veterans Affairs. As the years have passed, we have learned that these soldiers, sailors, and airmen had to operate in a toxic atmospheric cocktail of environmental and battlefield hazards, topped off with a chaser of vaccines and pills that may have interacted poorly with all the other hazardous exposures. We have learned that our equipment to detect and protect our troops may not be good enough, and that their training and doctrine is inadequate. We have even learned of the role that the U.S. played in arming Iraq with chemical and biological warfare technology and materials. Finally, DOD and the VA record keeping was poor, the databases inadequately designed and incompatible, so that the ability to identify battlefield exposures—when known—is not available to the VA when requested by a sick soldier. We won the war, but the price paid by these soldiers has been unacceptably high, perhaps needlessly high. And DOD and the VA have done little to correct the problems. The official motto seems to be ''That which does not kill us, we ignore—unless forced to address it.''

Like other Members, I have tried to correct these matters as they have come to light. I successfully offered an amendment to ensure DOD and the Intelligence Community consultation when pathogens useful to a biological warfare program are approved for export, so that we have a better opportunity to track countries that have the capability, if not the intent, to produce biological warfare agents. I obtained funding for the first peer-reviewed scientific studies of the possible health effects of exposure to low levels of chemical warfare agents. An amendment I authored that was adopted by the Senate but rejected in conference would have provided military health care to the children of Gulf War veterans born with birth defects that might be linked to their parent's wartime exposures.

This year, I offered amendments to the Department of Defense authorization bill to improve the oversight and approval process for granting waivers to use investigational drugs without informed consent of the troops, and to require a review of chemical warfare defense doctrine to address exposure to low levels of chemical warfare agents. This last effort is based on a soon-to-be released General Accounting Organization (GAO) study that I requested last year in conjunction with Senator LEVIN and Senator GLENN. I am sorry to say that, despite DOD's 1996 show of concern over possible chemical exposures at Khamisiyah [Kam-ih-see-yah] and other Iraqi sites that may have resulted in the exposure of U.S. personnel to varying levels of chemical warfare agents, little has been done to address the lack of training that should better enable our troops to recognize and take effective action to protect themselves from these potential health threats. We have also requested GAO to look into the adequacy of U.S. detection and protection equipment and efforts to address hazardous, but not lethal, levels of chemical and biological warfare agents. This study will be completed next year.

While I hope that my efforts and the efforts of other Members and Committees can push DOD and the VA into facing the serious new health consequences of war on the modern battlefield, even these cannot adequately substitute for an epiphany in those departments that will result in a sincere and thorough examination of this issue, and in proactive and coordinated steps to correct the deficiencies outlined in this comprehensive report.

There is no smoking gun in this report, no explosive new evidence that says ''whodunit'' and why. But like previous reports by Congress, the GAO, and the Presidential Advisory Committee on Gulf War Illnesses, this report confirms that our veterans were exposed to a poison cocktail of hazardous materials, that many are now ill, and that the bureaucratic response has been slow and stumbling. It is likely that there will never be a clear and final answer for our sick soldiers and their families as to exactly what ails them. But this report does offer many corrective recommendations aimed at preventing the veterans of the next war from having to go through the years of frustration and outrage that the sick veterans of the Persian Gulf War have endured. It also offers a solid foundation to move forward and address the legitimate health concerns of Persian Gulf veterans that are contained in S. 2358, the Persian Gulf Veterans Act of 1998. Gulf War veterans in West Virginia and across the country are getting sick as a result of their participation in the Gulf War, which may have exposed them to a variety of hazardous materials and chemicals while serving their country. But instead of receiving medical care, these veterans are given bureaucratic excuses. It is time to end

the litany of excuses and to give our veterans the health care they deserve. I again thank my friend from Pennsylvania, Mr. SPECTER, for his efforts, and the efforts and my colleague from West Virginia, Mr. ROCKEFELLER. I congratulate and thank the committee for its efforts. I look forward to the successful passage of S. 2358.

Mr. President, I thank my friend, Mr. SPECTER, for his courtesy in allowing me to proceed at this point. I now yield the floor.

Mr. SPECTER addressed the Chair.

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

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3506

(Purpose: To provide funding for the Comprehensive Nuclear Test Ban Treaty Preparatory Commission)

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

The PRESIDING OFFICER. If there is no objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself and Mr. BIDEN, proposes an amendment numbered 3506.

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

SEC. . Of the funds appropriated by this Act, or prior Acts making appropriations for foreign operations, export financing, and related programs, not less than $28,900,000 shall be made available for expenses related to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission; Provided, That such funds may be made available through the regular notification procedures of the Committee on Appropriations.

Mr. SPECTER. Mr. President, this funding is very important so that the processing of the Comprehensive Test Ban Treaty may go forward. This treaty is an important component of nuclear arms control and nonproliferation policy.

On behalf of the United States, President Clinton signed the treaty on September 24, 1996, the day it was open for signature, and thereafter transmitted it to the Senate on September 22, 1997, for advice and consent or ratification.

The treaty has been signed by 149 nations, ratified by 15. The treaty will enter into force after 44 states specified in the treaty have ratified it. The initial signatories to the Comprehensive Test Ban Treaty established a preparatory commission to carry out the necessary preparations for implementation of the treaty as its entry into force. The preparatory commission will ensure that a verification regime is established that can meet the treaty's requirements.

The need for this treaty came into very, very sharp focus earlier this year when on May 12 of 1998 we had the detonation of nuclear devices—actually it was on May 11—by India and two more on May 13. Then Pakistan responded with five tests on May 28 and one on May 30. The issues posed by India and Pakistan engaging in nuclear tests is one of overwhelming importance to the feuding which has been going on between those two countries for years and the possibility of nuclear war being initiated as a result of those two nations now having publicly announced their nuclear powers, having tested nuclear devices.

I saw firsthand the issues relating to these two countries when Senator Hank Brown and I visited both India and Pakistan back in August of 1995. On August 28, 1995, Senator Brown and I sent the following letter to President Clinton:

DEAR MR. PRESIDENT: I think it important to call to your personal attention the substance of meetings which Senator Hank Brown and I have had in the last two days with Indian Prime Minister Rao and Pakistan Prime Minister Benazir Bhutto.

Prime Minister Rao stated that he would be very interested in negotiations which would lead to the elimination of any nuclear weapons on his subcontinent within ten or fifteen years including renouncing first use of such weapons. His interest in such negotiations with Pakistan would cover bilateral talks or a regional conference which would include the United States, China and Russia in addition to India and Pakistan.

When we mentioned this conversation to Prime Minister Bhutto this morning—

That is on August 28—

She expressed great interest in such negotiations. When we told her of our conversation with Prime Minister Rao, she asked if we could get him to put that in writing.

When we asked Prime Minister Bhutto when she had last talked to Prime Minister Rao, she said that she had no conversations with him during her tenure as Prime Minister. Prime Minister Bhutto did say that she had initiated a contact through an intermediary but that was terminated when a new controversy arose between Pakistan and India.

From our conversations with Prime Minister Rao and Prime Minister Bhutto, it is my sense that both would be very receptive to discussions initiated and brokered by the United States as to nuclear weapons and also delivery missile systems.

I am dictating this letter to you by telephone from Damascus so that you will have it at the earliest moment. I am also telefaxing a copy of this letter to Secretary of State Warren Christopher.

After sending that letter to President Clinton, I have had an opportunity to discuss the issue with President Clinton on a number of occasions, and the President has stated an interest in trying to work with both India and Pakistan. Of course, the President has communicated with both India and Pakistan, at least following their nuclear detonations. But that is a matter which I think might profitably involve substantial activity by the United States.

But the succession of events have followed so that in May of this year, the time had arisen for India to make a public disclosure, a public test, and then it was followed immediately by Pakistan. It is a matter where those in India might well question the intensity of interest of the United States in the Comprehensive Test Ban Treaty when the United States is not a party to the Comprehensive Test Ban Treaty.

Mr. President, I ask unanimous consent that this letter of August 28, 1995, be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. SPECTER. Mr. President, I later wrote to the President on May 12 of 1998 enclosing a copy of that letter of August 28, 1995, urging him to move on the matter. I ask unanimous consent that a copy of this letter of May 12, 1998, be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 2.)

Mr. SPECTER. Mr. President, on May 14, 1998, I wrote to Senator HELMS as follows:

I write to urge you to act as promptly as possible to conduct a hearing or hearings and to bring the Comprehensive Test Ban Treaty to the Senate floor for a ratification vote. In my judgment, the events of the past several days make that the Senate's number one priority.

Following India's nuclear tests, Pakistan is now preparing for similar tests. North Korea has stated its intention to move forward to develop nuclear weapons and Iran and Iraq are lurking in the background.

At a hearing before the Defense Appropriations Subcommittee yesterday, Secretary of Defense Cohen urged Senate consideration and ratification of the treaty.

As you know, the President submitted the treaty to the Senate on September 22, 1997, and the only hearings which have been held were conducted by the Governmental Affairs Subcommittee on International Security, Proliferation and Federal Services on October 27, 1997, and March 18, 1998, and the Appropriations Subcommittee on Energy and Water Development on October 28, 1997.

I noted the comment in your letter to the President on January 21, 1998, that this treaty is very low on the Committee's list of priorities, and I also heard your staffer on National Public Radio this week state that the Foreign Relations Committee did not intend to move ahead on the treaty.

I am concerned that inaction by the Senate may have led the government of India to think that the United States is indifferent to nuclear testing which, I believe, is definitely not the case. The events of the past several days threaten an international chain reaction on the proliferation of nuclear weapons and an imminent threat to world peace.

From comments on the Senate floor and in the cloakroom, I know that many, if not most, of our colleagues share my concern about action on the treaty.

I realize that there is some opposition to the treaty; if it is the will of the Senate not to ratify, so be it; but at the very least, the matter should be submitted to the full Senate.

Sincerely,

ARLEN SPECTER.

Mr. President, I ask unanimous consent that a copy of that letter be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 3.)

Mr. SPECTER. Mr. President, Senator HELMS has not responded to that letter. I think it appropriate to note Senator HELMS has been absent for some time because of important medical reasons—a knee replacement, I believe.

On May 19, Senator BIDEN and I circulated a ''Dear Colleague'' letter requesting cosponsors for a resolution urging hearings before the Senate Foreign Relations Committee and debate on the Senate floor. There are at this moment 36 cosponsors.

On July 21 of this year, I offered an amendment to the fiscal year foreign operations bill to remove the prohibition on funding for the Comprehensive Test Ban Treaty Preparatory Commission. That amendment was accepted. Mr. President, I believe that the inclusion of these funds is very, very important so that the Preparatory Commission can move forward. But I believe that this amendment has further significance as a test vote, so to speak, as to the views of the Senate on the Comprehensive Test Ban Treaty.

I have discussed with my distinguished colleague, Senator MCCONNELL, the chairman of the subcommittee, my interest in having a vote on this matter. I do so not only to strengthen the position in conference—as a practical matter, if a matter is accepted on a voice vote, there is not quite the punch as if there is a very substantial vote in favor of the amendment. And I do recognize that calling for a vote on the amendment—that any vote on the Senate floor is risky business to an extent, but I believe that a vote will have significance beyond the specific dollars and cents which are involved here.

It is my sense that arms control is a very, very important international issue at the present time, if not the most important issue. As we speak, President Clinton is meeting with Russian President Yeltsin in a very unstable situation in Russia. There are concerns as to what the future of the Government headed by President Yeltsin will be. There are concerns that the Communist Party may gain power in Russia. There are obvious concerns about what may happen to the Russian Government in the future and whether militaristic forces or reactionary forces might take control there, which could plunge the world into another arms race. So this issue with Russia is a very, very important one as we take a look at arms control.

We have the issues with China, an emerging power, and the need to limit, to the extent we can, activity by China on nuclear testing. We have the situation in North Korea where the reports are that they are moving back for their nuclear weapons. We have Iran and Iraq, emerging powers, with nuclear weapons. We have missiles being sold to Pakistan. There is a very dangerous, very unsafe world out there, to put it mildly.

I think it is an unfortunate situation that we have the Comprehensive Test Ban Treaty not moving forward in the Senate. Under the Constitution, Senate ratification is necessary if a treaty is to take effect. It would be my hope that the Foreign Relations Committee would hold hearings on the matter or make its own judgment, or bring the matter to the Senate floor, and let the full Senate work its will.

In the absence of activity there, this amendment—to repeat—has the effect of being a test vote, so to speak, although you can support the Preparatory Commission without necessarily being for the treaty, because we have to take these steps in any event.

Mr. President, I ask unanimous consent that Senator BIDEN be listed as my principal cosponsor on the pending amendment.

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

EXHIBIT 1

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, August 28, 1995.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I think it important to call to your personal attention the substance of meetings which Senator Hank Brown and I have had in the last two days with Indian Prime Minister Rao and Pakistan Prime Minister Benazir Bhutto.

Prime Minister Rao stated that he would be very interested in negotiations which would lead to the elimination of any nuclear weapons on his subcontinent within ten or fifteen years including renouncing first use of such weapons. His interest in such negotiations with Pakistan would cover bilateral talks or a regional conference which would include the United States, China and Russia in addition to India and Pakistan.

When we mentioned this conversation to Prime Minister Bhutto this morning, she expressed great interest in such negotiations. When we told her of our conversation with Prime Minister Rao, she asked if we could get him to put that in writing.

When we asked Prime Minister Bhutto when she had last talked to Prime Minister Rao, she said that she had no conversations with him during her tenure as Prime Minister. Prime Minister Bhutto did say that she had initiated a contact through an intermediary but that was terminated when a new controversy arose between Pakistan and India.

From our conversations with Prime Minister Rao and Prime Minister Bhutto, it is my sense that both would be very receptive to discussions initiated and brokered by the United States as to nuclear weapons and also delivery missile systems.

I am dictating this letter to you by telephone from Damascus so that you will have it at the earliest moment. I am also telefaxing a copy of this letter to Secretary of State Warren Christopher.

Sincerely,

ARLEN SPECTER.

EXHIBIT 2

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 12, 1998.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: With this letter, I am enclosing a copy of a letter which I sent to you dated August 28, 1995, concerning the United States brokering arrangements between India and Pakistan to make their subcontinent nuclear free.

You may recall that I have discussed this issue with you on several occasions after I sent you that letter.

In light of the news reports today that India has set off nuclear devices, I again urge you to act to try to head off or otherwise deal with the India/Pakistan nuclear arms race.

I continue to believe that an invitation from you to the Prime Ministers of India and Pakistan to meet in the Oval Office, after appropriate preparations, could ameliorate this very serious problem.

I am taking the liberty of sending a copy of this letter to Secretary Albright.

Sincerely,

ARLEN SPECTER.

EXHIBIT 3

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 14, 1998.

HON. JESSE HELMS,
U.S. Senate, Washington, DC.

DEAR SENATOR HELMS: I write to urge you to act as promptly as possible to conduct a hearing or hearings and to bring the Comprehensive Test Ban Treaty to the Senate floor for a ratification vote. In my judgment, the events of the past several days make that the Senate's number one priority.

Following India's nuclear tests, Pakistan is now preparing for similar tests. North Korea has stated its intention to move forward to develop nuclear weapons and Iran and Iraq are lurking in the background.

At a hearing before the Defense Appropriations Subcommittee yesterday, Secretary of Defense Cohen urged Senate consideration and ratification of the treaty.

As you know, the President submitted the treaty to the Senate on September 22, 1997, and the only hearings which have been held were conducted by the Governmental Affairs Subcommittee on International Security, Proliferation and Federal Services on October 27, 1997, and March 18, 1998, and the Appropriations Subcommittee on Energy and Water Development on October 28, 1997.

I noted the comment in your letter to the President on January 21, 1998, that this treaty is very low on the Committee's list of priorities, and I also heard your staffer on National Public Radio this week state that the Foreign Relations Committee did not intend to move ahead on the treaty.

I am concerned that inaction by the Senate may have led the government of India to think that the United States is indifferent to nuclear testing which, I believe, is definitely not the case. The events of the past several days threaten an international chain reaction on the proliferation of nuclear weapons and an imminent threat to world peace.

From comments on the Senate floor and in the cloakroom, I know that many, if not most, of our colleagues share my concern about action on the treaty.

I realize that there is some opposition to the treaty; if it is the will of the Senate not to ratify, so be it; but at the very least, the matter should be submitted to the full Senate.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. For the moment, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I say, for those on this side of the aisle who may have amendments, it is a good time to

bring them forward. Again, I hope, along with the distinguished chairman of the subcommittee, that we might be able to wrap up relatively soon on this piece of legislation. I mention that, for those who are sitting around wondering if there is anything better to be doing, that now is a good time to do it. Many have called; few are accepted. Now is the time to do it.

With that, Mr. President, and nobody else seeking recognition, I yield the floor.

RECESS

Mr. LEAHY. Mr. President, I ask unanimous consent that we now recess for our policy lunches.

There being no objection, at 12:27 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. FRIST).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUESTS—PATIENTS' BILL OF RIGHTS

Mr. DASCHLE. Mr. President, I will not take long. I know that there are discussions ongoing.

Before we left for the August recess, Democrats made it very clear that it is essential that we not leave here before the end of the year without having taken up and passed the Patients' Bill of Rights. I think it is very clear, given the extraordinary degree of interest in the issue on both sides of the aisle, that there is an opportunity for us to complete our work on that bill. I hope we can do it sooner rather than later. I see no reason why we cannot do it within the course of the next couple of weeks.

I will propound a unanimous consent request that would allow us to do that. The request, very simply, would allow the Senate to take up the House-passed HMO reform bill, begin the debate, allow relevant amendments, and set the bill aside at the request of the majority leader to take up appropriations bills when they are ready to be considered. It takes into account the need for us to complete our work on appropriations bills, and it takes into account the high priority that both parties have put on dealing with this issue.

But I must say, for Democrats, that there cannot be a more important issue than the complete and successful conclusion of the debate on managed care and the Patients' Bill of Rights. We now have over 170 different organizations that have said they join us in supporting this legislation and recognize the importance of passing it before we leave. All we have left is 6 weeks. Mr. President, it is critical that we complete our work, that we get this job done, that we do so in the remaining time we have, and that we allow a full debate given the differences we have on how we might approach this issue.

Mr. President, I ask unanimous consent that upon disposition of the foreign operations appropriations bill, the Senate proceed to consideration of Calendar No. 505, H.R. 4250, the House-passed health care reform bill; that only relevant amendments be in order; that the bill be the regular order, but that the majority leader may lay it aside for any appropriations bill or appropriations conference report which he deems necessary to consider between now and the end of this session of Congress.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I object.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I am very deeply disappointed that the Senator from Kentucky has seen fit to object to this.

We will continue to press this matter. We will look for other opportunities. I would much rather do it in an orderly fashion using the regular order to allow this to come up and be debated. But if we cannot do it that way, we will offer it in the form of amendments. One way or the other we will press for this issue. We will see it resolved, and see it resolved successfully, because I don't believe there is another issue out there this year that is of greater importance to the American people.

I would be happy to yield to the Senator.

Mr. KENNEDY. Mr. President, if the Senator will yield, as I understand it, the proposal that was made by the minority leader would have only permitted amendments that were relevant to the underlying measure, which would be the Patients' Bill of Rights, and that would have still granted to the majority leader the opportunity to move ahead, as we must, with the various appropriations bills, and appropriations conference reports.

As I understand, if the leader's proposal had been accepted, we would then have had the opportunity to consider this very important piece of legislation in an orderly way that would ensure adequate debate and discussion. The proposal would have ensured, if the Senator would agree, an opportunity to debate relevant amendments on critically important issues. It would have allowed the Senate to debate amendments that would ensure: that health care decisions are being decided by doctors rather than insurance company accountants; that all women have access to appropriate specialists for the gynecological and obstetrician care that they need; that patients with life-threatening conditions have access to clinical trials; an effective end to gag practices that inhibit doctors from making medical recommendations and suggestions based on their patients' needs; that all patients have access to a meaningful and timely internal and external appeal, similar to what we have in Medicare, for example; and that the States themselves, if they so choose, to find further accountability for those who are going to practice medicine.

Am I correct that these elements were included in the legislation which the minority leader introduced, and that these are measures—along with others, that the minority leader thinks the Senate ought to have an opportunity to debate, discuss and vote upon—were based in part on the comments that have been made to the minority leader, I am sure, from people in his own State, and from representatives of the 170 leading patient and medical organizations in this country?

These are the groups that are supporting the leader's legislation, and they are supporting this action as well. And I understand that now the Republican leadership has just objected to our request to move forward to debate on health care legislation, on the Patients' Bill of Rights? Is that what we have just seen on the floor of the Senate?

Mr. DASCHLE. The Senator from Massachusetts is absolutely correct. First, to the point he made about relevancy, what our unanimous consent request would have done is simply allowed what we have attempted to negotiate with our Republican colleagues now for months, which is to allow a good debate about this issue and allow the opportunity for the Senate to decide on relevant amendments.

This may be one of the most comprehensive and most complicated medical issues that the Senate will address for a long period of time. It is impossible for us to address it in the way that has been suggested by some on the other side, that we have an up-or-down vote on two simple bills. There is nothing simple about them. These are very serious questions about holding health insurance companies accountable, about making sure that when a woman has a mastectomy she can be protected, about making absolutely certain that when you go into a pharmacy you have a drug that the doctor prescribed and not something that the health care company prescribed.

Those are the kinds of issues that we ought to have the opportunity to decide in a very careful way. So we offered a unanimous consent request that would have allowed for relevant amendments.

The Senator is absolutely right, as well, about the 170 organizations. In my time in the Senate on an issue of

any magnitude, I don't remember a time when over 170 organizations of all philosophical stripes were on board and said, yes, we want to pass this bill. That is phenomenal. That is historic. And so the Senator is right. I hope, regardless of whether it is today or tomorrow or sometime soon, we can have the kind of debate the Senator from Massachusetts and others have called for for a long period of time. We need time to do it.

Mr. KENNEDY. Will the Senator further yield?

Mr. DASCHLE. I would be happy to yield.

Mr. KENNEDY. I welcome the opportunity for those who support the Republican position to provide the Senate with the names of the medical organizations and the patient organizations that support their proposal. Yet I think this may not be possible, because I believe they do not exist.

But let me ask the Senator if I state this correctly. We debated the defense authorization bill for eight days and 124 amendments were offered; in fact, 10 were cosponsored by the majority leader and the assistant majority leader. We spent five days on agricultural appropriations with 55 amendments offered; seven days on the most recent budget resolution with 105 amendments; nineteen days on the highway bill with 100 amendments offered.

Does the Senator agree with me that we ought to be able to deal with patient protection legislation in a timely way that might not even come close to the time spent on other pieces of legislation that we have had here earlier in the year? Does the Senator think, given the fact we had spent 19 days on the highway bill, that we ought to be able to spend at least a few days on relevant amendments on something that affects every family in this country, affects their children, affects husbands and wives, affects grandparents in a very, very special and personal way? Does the Senator agree that this would not be a wasted period of time in terms of the remaining several weeks for debate? And would not the Senate minority leader be willing to work out a satisfactory kind of time frame so that we could have this debate?

Mr. DASCHLE. The Senator from Massachusetts is absolutely right. When you think about it, we spent a lot of good time on the highway bill, time we needed to spend on a bill that I supported. We all know that the highway bill has many complicated aspects to it; there wasn't any objection from the other side in that regard. The highway bill was complicated, and because it was, we offered, as the Senator noted, over 100 amendments. Now what they are saying on this particular bill is that even though it is every bit as complicated, they are only willing to provide three slots for amendments—not 100, not 75, not 50, but three slots on a bill that affects personally more people than even the highway bill.

That is what we are up against. That is the motivation in offering the unanimous consent request this afternoon.

I would be happy to yield to the Senator from North Dakota.

Mr. DORGAN. I wanted to ask the Senator to yield for a question. This is a critically important issue that affects tens and tens of millions of Americans. It deals with the question of whether, when they show up and are ill and need health care treatment, they are going to be told by their attending physician who is working for a managed care organization all of their options for medical treatment or just the cheapest. We have talked day after day in this Chamber about how these issues deal with the life and death of patients.

We had one story here about a managed care organization that evaluated a young boy and determined that because he had only a 50 percent chance of being able to walk by age 5, it was determined insignificant and he shall not therefore be eligible for the therapy—a 50 percent chance of walking by age 5 is insignificant so don't help him. These are important issues.

Now, the question I ask the Senator from South Dakota, we have put together legislation, we have developed legislation that I think is very important and we have been working very hard to try to get it to the floor of the Senate. We spent days debating the renaming of an airport, but apparently we don't have time to deal with the issue of managed care reform and a Patients' Bill of Rights. How many months have we been trying to get a time to get this issue to the floor of the Senate so that we can debate it and deal with this issue? I ask the minority leader, how many months have we worked to try to get this issue to the floor of the Senate for debate?

Mr. DASCHLE. I think the Senator from North Dakota raises a very important point. This particular bill has been pending now for over 6 months. And as the Senator from Massachusetts noted, over that period of time, more and more groups from all over the country, the doctors, the nurses, people in health care delivery from virtually every facet and every walk of life, every one of them have said you put your finger on a problem that you have to solve. It is getting worse out there. And unless we address the situation meaningfully in public policy, it will continue to get worse. How long must we wait? Must we wait until next year or the year after? And how many millions of people will be adversely affected if we do not act? They are telling us to act. And I hope we will do it before the end of this session of Congress.

Mr. DORGAN. If the Senator will yield further, just another point. I regret that there is opposition to the request. It seems to me the request is appropriate. Do the appropriations bills, do the conference reports, but make time at least to do this issue. We have talked about in this Chamber the stories of someone whose neck was broken, taken to an emergency room, and told you can't get this covered because you didn't have prior approval, brought to the emergency room with a broken neck, unconscious. So I mean these issues go on and on and on, the stories go on forever, and the question is, Is the Congress going to address it? Is Congress going to deal with it? Does the Congress think it is an important issue? If it thinks it is an important issue, then we ought to be debating it on the floor of the Senate; we ought to make time and allow for discussion. That is what the Senate is about. I hope, I say to the Senator from South Dakota, the Democratic leader, I hope very much that we continue to push and continue to press, and we will not take no for an answer. We want this piece of legislation on the floor of the Senate for full and open debate so we can resolve this issue on behalf of all Americans.

I thank the Senator for yielding.

Mrs. BOXER. Will the Senator yield?

Mr. DASCHLE. I thank the Senator for his contribution.

I would be happy to yield to the Senator from California.

Mrs. BOXER. I thank my leader for making what I think is a very rational request, that we take up a Patients' Bill of Rights and we have the option of amending such a bill so that we can in fact help the majority of the American people who are telling us pretty unequivocally here they want quality health care. I have a brief comment and then a question for my colleague and my leader.

Mr. Leader, I want you to know about a story in my State. There are so many of them, and I have told many of them on the floor. This particular story, I think, is quite poignant because it has a good ending to it. But it makes a very important point and I think our Presiding Officer who is sitting in the Chair, our President of the day, would be interested in this as a physician.

A little girl named Carly Christie got a very rare type of cancer many years ago, about 9 years ago. It required some very delicate surgery that only a couple of specialists had ever really performed before. It was a cancerous tumor on her kidney. Her dad went to the HMO and said, ''Look, I know the doctors who know how to do this and I am going to go and have this operation done.''

The HMO said, ''No, you are not. We have a general surgeon, and the general surgeon can do this operation.''

''Well, has the general surgeon ever done such an operation before?''

''No.''

And Mr. Christie said, ''This is my flesh and blood. This is my child. I want her to live. I need to go to someone, a specialist, who knows how to do this operation.''

They said, ''No.''

He got the money, $50,000, I tell my leader, and she got the surgery. And

now, many years later—she was 9 at the time; she is 14—she is cancer free.

What would have happened to that little girl if she hadn't had an experienced specialist? I ask my leader, the bill we want to bring before this body, wouldn't that ensure that any little Carly or any other child, or any man or woman, would be able to get that specialist? I ask my colleague on that point.

Mr. DASCHLE. The Senator from California is right on the mark. That is exactly the essence of our legislation. We talk so often in statistical terms here on the Senate floor. Sometimes we have to put it in personal terms, in real terms. The Senator from California has just done so, so eloquently. In real terms, this bill would allow an individual, whether it is somebody in this Chamber today or anybody who may be watching, that they will have an opportunity to choose and be treated by a qualified specialist. They would have an opportunity to make sure that the specialist is competent, so they will get the best care for their personal set of circumstances, like young Carly.

That is what our bill is all about. That is why it is important to pass it this year. That is why we cannot wait until next year. I thank the Senator from California.

Mrs. BOXER. On behalf of all the Carlys, thank you, Mr. Leader. We will stand with you until we get this up before the American people.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Will the leader yield for a question?

Mr. DASCHLE. Before I yield to the Senator from Massachusetts, let me say the unanimous consent request that we made took into account the fact that the House has already acted on this issue. The House has passed a health care bill, not one that I would necessarily be excited about, but it passed a bill. What we are suggesting here is that we want to amend the House-passed bill. We want to complete the job. We want to put a Democratic imprint on a comprehensive health care bill that will do the job and get that bill signed.

There is another piece of legislation the House has now passed, campaign finance reform. That bill has also passed out of the House. The Shays-Meehan bill has passed, and that, too, is pending now in this Chamber. That, also, ought to be on our agenda. When can we take up the Shays-Meehan bill? It passed in the House. Let's pass it in the Senate.

I yield to the Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask the leader just to clarify for the record precisely the full measure of the request that he made.

It is my understanding the leader requested, not that we would not proceed to other legislation, but that we would simply create an opportunity, a fixed opportunity within the next 6 weeks during which time we would be able to debate the issue of health maintenance organization reform. Is that correct?

Mr. DASCHLE. The Senator from Massachusetts is correct. Basically, our unanimous consent request simply would have made as regular order, as the next bill to be considered, H.R. 4250, the House-passed health care reform bill. We would then offer, in the form of amendments, our bill and other relevant amendments that would be considered. We would give the majority leader, certainly, the authority to set that bill aside so long as other appropriations bills or conference reports on appropriations bills need to be considered. We would complete our work on patient protections, and it would be my expectation, following the successful conclusion of that debate, to offer a similar unanimous consent request on campaign finance reform. It seems to me, those two key issues are critical to the agenda of this country and critical to the business of the Senate—particularly given the fact, as I have just noted, that they both now have passed in the House of Representatives. I can't think of anything more important than to complete the work of this Congress on those two bills. That would be my intention.

Mr. KERRY. Mr. President, with respect to the campaign finance reform bill the leader mentions, it is clear, is it not, that bill ultimately passed after the repeated efforts of the membership of the House to make it clear that they would not accept leadership efforts to stop it? In other words, there were repeated efforts by the leadership, the Speaker of the House, to sidetrack campaign finance reform. But, for one of those rare instances where it happens, the popular will, the will of the American people to have the vote on campaign finance reform and to put into effect a reform that for years people have known we need—that won in the House of Representatives. Is that not correct?

Mr. DASCHLE. The Senator from Massachusetts is absolutely correct.

Mr. KERRY. So the only thing standing in the way of a similar expression of what we know to be a majority of the U.S. Senate prepared to vote for campaign finance reform, the only thing that stands in the way is the leadership of the Republican Party, that wants to say no, we are not going to give you this opportunity. Is that correct?

Mr. DASCHLE. To date, that is correct.

Mr. KERRY. With respect to the problem of the Patients' Bill of Rights, is that not the No. 1 issue of concern of Americans—young, old, middle aged, of all walks of life—that is the one thing most on the minds of the American people that they want the U.S. Congress to address?

Mr. DASCHLE. Mr. President, the Senator from Massachusetts is absolutely correct. The issue, as we have noted now several times, has probably the most elaborate array of support by health care organizations, organizations that deal with this every day. Organizations on the front line of health care delivery have said this must be our highest priority—not just in health care, but in the array of issues that are confronting this Congress. They say there is nothing more important than passing this legislation this year. I think they are right.

This is what the American people want. I might note, we just received a faxed letter from the President, from Moscow, on this very issue. I might just read one short paragraph.

As I mentioned in my radio address this past Saturday, ensuring basic patient protections is not and should not be a political issue. I was therefore disappointed by the partisan manner in which the Senate Republican Leadership bill was developed. The lack of consultation with the White House or any Democrats during the drafting of your legislation contributed to its serious shortcomings and the fact it has failed to receive the support of either patients or doctors. The bill leaves millions of Americans without critical patient protections, contains provisions that are more rhetorical than substantive, completely omits patient protections that virtually every expert in the field believes are basic and essential, and includes ''poison pill'' provisions that have nothing to do with a patients' bill of rights.

I ask unanimous consent the letter be printed in the RECORD.

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

MOSCOW,
September 1, 1998.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: Thank you for your letter regarding the patients' bill of rights. I am pleased to reiterate my commitment to working with you—and all Republicans and Democrats in the Congress—to pass long overdue legislation this year.

Since last November, I have called on the Congress to pass a strong, enforceable, and bipartisan patients' bill of rights. During this time, I signed an Executive Memorandum to ensure that the 85 million Americans in federal health plans receive the patient protections they need, and I have indicated my support for bipartisan legislation that would extend these protections to all Americans. With precious few weeks remaining before the Congress adjourns, we must work together to respond to the nation's call for us to improve the quality of health care Americans are receiving.

As I mentioned in my radio address this past Saturday, ensuring basic patient protections is not and should not be a political issue. I was therefore disappointed by the partisan manner in which the Senate Republican Leadership bill was developed. The lack of consultation with the White House or any Democrats during the drafting of your legislation contributed to its serious shortcomings and the fact it has failed to receive the support of either patients or doctors. The bill leaves millions of Americans without critical patient protections, contains provisions that are more rhetorical than substantive, completely omits patient protections that virtually every expert in the field believes are basic and essential, and includes ''poison pill'' provisions that have nothing to

do with a patients' bill of rights. More specifically, the bill:

Does not cover all health plans and leaves more than 100 million Americans completely unprotected. The provisions in the Senate Republican Leadership bill apply only to self-insured plans. As a consequence, the bill leaves out more than 100 million Americans, including millions of workers in small businesses. This approach contrasts with the bipartisan Kassebaum-Kennedy insurance reform law, which provided a set of basic protections for all Americans.

Lets HMOs, not health professionals, define medical necessity. The external appeals process provision in the Senate Republican Leadership bill makes the appeals process meaningless by allowing the HMOs themselves, rather than informed health professionals, to define what services are medically necessary. This loophole will make it very difficult for patients to prevail on appeals to get the treatment doctors believe they need.

Fails to guarantee direct access to specialists. The Senate Republican Leadership proposal fails to ensure that patients with serious health problems have direct access to the specialists they need. We believe that patients with conditions like cancer or heart disease should not be denied access to the doctors they need to treat their conditions.

Fails to protect patients from abrupt changes in care in the middle of treatment. The Senate Republican Leadership bill fails to assure continuity-of-care protections when an employer changes health plans. This deficiency means that, for example, pregnant women or individuals undergoing care for a chronic illness may have their care suddenly altered mid course, potentially causing serious health consequences.

Reverses course on emergency room protections. The Senate Republican Leadership bill backs away from the emergency room protections that Congress implemented in a bipartisan manner for Medicare and Medicaid beneficiaries in the Balanced Budget Act of 1997. The bill includes a watered-down provision that does not require health plans to cover patients who go to an emergency room outside their network and does not ensure coverage for any treatment beyond an initial screening. Those provisions put patients at risk for the huge costs associated with critical emergency treatment.

Allows financial incentives to threaten critical patient care. The Senate Republican Leadership bill fail to prohibit secret financial incentives to providers. This would leave patients vulnerable to financial incentives that limit patient care.

Fails to hold health plans accountable when their actions cause patients serious harm. The proposed per-day penalties in the Senate Republican Leadership bill fail to hold health plans accountable when patients suffer serious harm or even death because of a plan's wrongful action. For example, if a health plan improperly denies a lifesaving cancer treatment to a child, it will incur a penalty only for the number of days it takes to reverse its decision; it will not have to pay the family for all damages the family will suffer as the result of having a child with a now untreatable disease. And because the plan will not have to pay for all the harm it causes, it will have insufficient incentive to change its health care practices in the future.

Includes ''poison pill'' provisions that have nothing to do with a patients' bill of rights. For example, expanding Medical Savings Accounts (MSAs) before studying the current demonstration is premature, at best, and could undermine an already unstable insurance market.

As I have said before, I would veto a bill that does not address these serious flaws. I could not sanction presenting a bill to the American people that is nothing more than an empty promise.

At the same time, as I have repeatedly made clear, I remain fully committed to working with you, as well as the Democratic Leadership, to pass a meaningful patients' bill of rights before the Congress adjourns. We can make progress in this area if, and only if, we work together to provide needed health care protections to ensure Americans have much needed confidence in their health care system.

Producing a patients' bill of rights that can attract bipartisan support and receive my signature will require a full and open debate on the Senate floor. There must be adequate time and a sufficient number of amendments to ensure that the bill gives patients the basic protections they need and deserve. I am confident that you and Senator Daschle can work out a process that accommodates the scheduling needs of the Senate and allows you to address fully the health care needs of the American public.

Last year, we worked together in a bipartisan manner to pass a balanced budget including historic Medicare reforms and the largest investment in children's health care since the enactment of Medicaid. This year, we have another opportunity to work together to improve health care for millions of Americans.

I urge you to make the patients' bill of rights the first order of business for the Senate. Further delay threatens the ability of the Congress to pass a bill that I can sign into law this year. I stand ready to work with you and Senator Daschle to ensure that patients—not politics—are our first priority.

Sincerely,

BILL CLINTON.

Mr. KERRY. Mr. President, I ask further of the leader.

Mr. MCCONNELL addressed the Chair.

Mr. DASCHLE. I yield further to the Senator from Massachusetts.

Mr. KERRY. As we all know, the cynicism of the American people is, regrettably, growing with respect to their view as to how politics works in their own country. Increasingly, that is reflected in their attitude about campaigns and voting. And many, many people are aware of the enormous influence of money in American politics.

Regrettably, there appears, now, to already be a question arising within this Congress about the link of tobacco to some of the events that have taken place here. I wonder if the leader would not share with me the sense that the entire tobacco debate and the now-early investigative efforts taking place with respect to tobacco expenditures don't make even more compelling the notion that the U.S. Senate ought to deal with campaign finance reform as rapidly as possible?

Mr. DASCHLE. The Senator from Massachusetts is absolutely correct. There are so many areas that I believe ought to be clarified and ought to be rectified. I don't think there is any greater need than for clarification on the role of independent expenditures and what may happen, now, with regard to tobacco.

Passing Shays-Meehan would allow us to do that. We ought to let that happen. We ought to make that happen in the next 6 weeks.

Mr. KERRY. Let me just say, Mr. President, to the leader—and I know he shares this view—there are many of us prepared to adopt the same measure of militancy that was found in the House of Representatives in order to guarantee that the Senate has an opportunity to deal with campaign finance reform.

I hope the leadership on the other side will take note of the need to do the business of this Nation and to do the business of the Senate in a timely and orderly fashion, but that there is an absolute determination by a number of us to guarantee that we make the best possible effort to try to pass the Shays-Meehan bill in this body.

Mr. DURBIN. Will the Senator yield?

Mr. DASCHLE. I yield to the Senator from Illinois.

Mr. DURBIN. I thank the Senator for taking the floor this afternoon and making his unanimous consent request. I sincerely regret there was an objection to it. I would like to ask the minority leader a question, but first I would like to note that over this last break, I made a tour of my State, and I did an interesting thing I never had done before. I visited community hospitals, and I invited the professional nursing and medical staffs to come down and meet with me and talk about this issue. I wanted to find out if my impression of the importance of this issue—what I had seen in the mail, what I had heard from my colleagues—was felt in downstate Illinois, in a small town, in a community hospital.

I found it very interesting that many doctors came into the room to meet with me. They brought their beepers along. Some of them were called off to emergency calls and others with like requirements, but they met there because they wanted to take the time to tell me what they thought.

The stories they told me were amazing. I thought I heard it all on the floor of the Senate about what the insurance companies were doing to American families, how health care was being compromised and why this legislation, which the Senator from South Dakota has suggested, is so important. But when a doctor comes before me and says, ''I had to call the insurance company for approval to admit a patient and they said, 'No, we won't go along with your suggestion, your medical advice, send the patient home,''' this one doctor in Joliet said, ''I finally asked the person on the other end of the line, 'Are you a doctor?'''

He said, ''No.''

He said, ''Are you a nurse?''

He said, ''No.''

He said, ''Do you have a college degree?''

The man said, ''Well, no.''

He said, ''Well, what is your training?''

He said, ''Well, I have a high-school diploma, and I have the insurance company manual that I'm reading from.''

That is what it came down to, and a patient was sent home because this man, with literally no medical education, made a decision based on the insurance manual.

Another doctor told a story, which was just amazing and frightening to any parent, about how a mother brought a son in who had been complaining of chronic headaches on the left side of his head. The doctor examined him and said clearly, ''This is a situation where a CAT scan is warranted, because there may be a tumor present and let's decide very early if that is the case.''

He left the room and called the insurance company. The insurance company said, ''Under no circumstances does that policy allow a CAT scan of that little boy,'' who had been complaining of these headaches for such a long period of time.

The doctor said, ''Not only did they overrule me, but under my contract, when I went back in the room and faced the mother, I couldn't tell that mother that I had just been overruled by an insurance company clerk. I had to act as if it were my decision not to go forward with the CAT scan.''

That is what the gag rule is all about. We are restraining doctors from being honest with their patients, doctors from their honest relationship with parents bringing in children for care.

So when the Senator from South Dakota suggests this unanimous consent request to bring this issue up, I say that my experience in the last few weeks suggests this is a timely issue, an important issue, much more important in many ways than a lot of the things that we have discussed on the floor of the Senate.

My question of the Senator from South Dakota is this: I understand that he has said we must pass the appropriations bills. That is the responsible thing to do. That takes precedence. But he has also said let's move to this bill and allow amendments to it.

We have seen repeatedly here—the Republican leadership has stopped an effort to pass a tobacco bill. The Republican leadership has stopped an effort to pass campaign finance reform. And now it appears the Republican leadership is going to stop an effort to have a Patients' Bill of Rights and do something about managed care.

Can the Senator from South Dakota tell me what is it that is so pressing on this Senate agenda in the next 4 weeks that we cannot set aside even 1 day's time to discuss managed care reform? Is there something that perhaps the majority leader has told the Senator from South Dakota which we missed in the newspapers?

Mr. DASCHLE. The Senator from Illinois has made a very eloquent and poignant statement about circumstances that are very real, that are happening as we speak in Illinois, South Dakota, Massachusetts, and California. In every State, there are illustrations of how the system is broken, just as the Senator from Illinois has described.

But he really needs to direct his question to the majority leader. I don't know what could be more pressing than this issue. Obviously, by law, we have to address appropriations bills. Obviously, by law, we should be addressing the budget, but I am told the Republicans now may overlook the fact that the law requires a budget resolution by April 15. They are overlooking that. So we have already violated—they have violated the law with regard to the budget. But I would hope we can adhere to the law with regard to appropriations, because we know the consequences if we don't. We have already gone through that. I think they have learned their lesson on that. We don't want to shut the Government down, but I would direct your question to the majority leader when you have the opportunity.

Mr. DURBIN. I will be coming to the floor and taking that opportunity when I can. I ask one other question of the minority leader.

Is it not a fact that the Republican approach on this—should they call their legislation—on Patients' Bill of Rights—if you can characterize it as such—only protects 29 percent of all the American population from managed care abuses? Is it not true that the Republican approach, sponsored by Senator NICKLES, in fact, does not provide protection for those who are self-employed, employees in small companies, State and local government employees; it leaves out a wide swath of Americans who deserve the same kind of basic protection when it comes to health insurance? Is this not one of the reasons why we would like to offer amendments so that we can cover the vast majority of Americans rather than exclude the majority, as the Republican bill does in its current form?

Mr. DASCHLE. The Senator is absolutely right. They leave out over 100 million people; 100 million people won't be touched.

Mr. NICKLES. Will the Senator yield?

Mr. DASCHLE. So it is a sham. It is not a piece of legislation that can give confidence to any American today, not when the problems are as great as the ones suggested by the Senator from Illinois.

Mr. DURBIN. I say to the Senator from South Dakota——

Mr. NICKLES. Will the Senator yield?

Mr. DURBIN. If he will yield for one final question. What is it that is so—if the Senator knows—what is it that is so frightening to the majority that they will not allow this issue to come to the floor? We know it is timely. We know it is important. The Republican Senators have put forth a bill that they think should be considered. Why is it that this particular issue, involving massive insurance companies and health care across America, is so frightening to the Republican majority that they will not allow your unanimous consent request? Can the Senator from South Dakota give us some insight as to why this issue should be so frightening to the Republican majority?

Mr. DASCHLE. I wish I could. I appreciate the question offered by the Senator from Illinois. I have no clue. All I know is that the American people are expecting us to act responsibly and comprehensively on this issue. I hope we will, and we will be back, either in the form of amendments or additional unanimous consent requests, to give them the opportunity to change their mind.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the distinguished assistant majority leader is here and would like to say a few things about the issue that has just been before us.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first, I will make a couple comments concerning those made by some of our Democratic colleagues who said they want to bring up the Patients' Bill of Rights. We have offered throughout the month of July to bring up the Patients' Bill of Rights. I will make a unanimous consent request to do it again. Unfortunately, our Democratic colleagues haven't been able to take yes for an answer. In other words, I think they want to debate an issue, discuss an issue, have unlimited amendments, and we are not going to give them that.

We only have 22 days left in this legislative session. We tried to get this up and considered and done in July. They wouldn't accept that request.

In just a moment, I am going to make a unanimous consent request to bring it up with limited amendments. I will tell my colleagues, it will be three amendments a side. You can design any amendment any way you want. You can offer your proposal in any way that you want. We are going to give you an up-or-down vote on your proposal; we are going to have an up-or-down vote on our proposal. That is going to be in my request. You would have the right to do three amendments; we would have the right to do three amendments. It is the same request that we made in July. If you want this issue to be considered and passed, that is the way to do it. If you want to say we want to have this issue on the floor all month, as was the unanimous consent request made by the minority leader, that is not going to happen. Or to say that we are going to take up the House bill and work off the House bill, that is not going to happen.

So, again, I tell my colleagues, if you want to consider the bill, and if you want it passed, the Patients' Bill of Rights, we are willing to do it. What I hear our friends on the Democratic side say is, ''We know we don't have the votes so we want to talk about it.'' And sometimes I think it is important if you are going to talk about the issue

that you speak truthfully. Unfortunately, I do not think the President did that in his radio address.

The President, in his radio address on Saturday, frankly—I am going to come back to that issue shortly because I know my friend from Kentucky wants to go back to the bill. I am going to come back later to the floor and analyze the President's speech or his radio address where he talked about the Patients' Bill of Rights, and he characterized what the Republican bill did. And he was flat wrong. I think he should know the truth. And maybe his staff should do better work or they should quit trying to politicize this issue and he should speak factually what is in our bill and what is in his bill. Unfortunately, that did not happen on Saturday.

Mr. KENNEDY. Would the Senator yield?

Mr. NICKLES. No, I will not yield. I will yield in a moment.

Another thing that galls this Senator is if and when the President thinks he can legislate by radio address. The President is the Chief Executive Officer in the country, but under the Constitution he does not have legislative powers to legislate by Executive order or to legislate by radio address. I think, frankly, he crossed that line again on Saturday. That is unfortunate.

If he wants legislation, we are willing to consider legislation. The President talked about having internal appeals and so on. We have internal appeals in our bill. We have external appeals in our bill. So if the President likes that provision, he can take it up. And he should urge our colleagues on the Democratic side of the aisle to take this legislation up and pass it. We are giving a reasonable unanimous consent request to bring it up. So I just hope that, again, common sense would prevail and that we would take the legislation up under a reasonable time limit.

I mention that the counteroffer that we received in July was not three amendments a side; it was 20 amendments a side. That would be 40 amendments. That is ridiculous. That is not going to happen. I want to pass this legislation. Frankly, I have invested a lot of time in this legislation, as well as Senator FRIST and Senator COLLINS, Senator JEFFORDS, Senator GRAMM—many of our colleagues—Senator SANTORUM. We worked for months on this legislation.

I also want to take just a little issue with our friend from Illinois. He said, ''Isn't it true that the Republican bill left out millions of Americans?'' That is false. We gave every single American that has an employer-sponsored plan an internal appeal and external appeal. And that is not in current law. We believe it should be legislated, not deemed by Executive order. And so to say, ''Well, they don't have protections under the Republican bill'' is absolutely false.

We do not have 300-some mandates as proposed by the Democrat bill. We do not have 56 new causes of action where really it would say it would be health care by litigation. We have health care to be determined by physicians, not by trial attorneys.

So, yes, there is a difference between the bills. We are saying: Fine. You have a legislative proposal. We will let you offer it. We will find out where the votes are. We have a legislative proposal. We will offer it and find out where the votes are, and maybe offer a couple of amendments. And we can dispose of the bill. We can pass the bill. We can go to conference with the House, hopefully work out the differences with the House.

Mr. President, at this time I ask unanimous consent that the majority leader, after notification of the Democratic leader, shall turn to Senate bill S. 2330 regarding health care. I further ask that immediately upon its reporting, Senator NICKLES be recognized to offer a substitute amendment making technical changes to the bill, and immediately following the reporting by the clerk, Senator KENNEDY be recognized to offer his Patients' Bill of Rights amendment, with votes occurring on each amendment, with all points of order having been waived. I further ask that three other amendments be in order to be offered by each leader or their designee regarding health care, and following the conclusion of debate and following the votes with respect to the listed amendments, the bill be advanced to third reading, and the Senate proceed to H.R. 4250, the House companion bill, that all after the enacting clause be stricken, and the text of S. 2330, as amended, be inserted, and the Senate proceed to a vote. I further ask that following the vote, the Senate bill be returned to the calendar.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Is there objection?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Reserving the right to object, I think if I heard correctly, under the Senator from Oklahoma's proposal the Senate is going to return the bill to the calendar following the vote? Did the Senator say that?

Mr. NICKLES. Only the Senate version. What we would do is strike the House language and insert the Senate language—what we always do when we consider legislation. To respond to my colleague, the text of the Senate language would be sent over to the House under the H.R. number.

Mr. KENNEDY. Mr. President, further reserving the right to object, would this unanimous consent request permit debate and discussion on the principal concerns outlined in the President's letter to the majority leader? Would this request permit a full discussion and debate on each of these? They all appear to be relevant. And could we have the assurance that the minority leader would have the opportunity to formulate amendments and have a debate and discussion of at least these particular proposals?

Mr. NICKLES. I am happy to respond.

It would be very easy for my colleague to address those considerations in the letter, which I have not seen yet. You could put those in your amendment. You could put those in your substitute. You could have that in any combination and consider everything addressed in that letter.

Mr. KENNEDY. Do I understand further that the Senator would be willing to agree that we would have separate amendments on each of these measures that have been included in today's letter from the President to the majority leader on the Patients' Bill of Rights?

Mr. NICKLES. Again, to answer my colleague's question, I said you would have a substitute amendment. You could have three amendments, and certainly with your skillful legislative prowess, you could have all 10 things in that format.

Mr. KENNEDY. I appreciate, I am sure, what you intended to be a compliment, but I would like to know whether the leader or other Members would be able to at least raise for debate and discussion each of the rather thoughtful observations that have been made by the President of the United States to the majority leader. And I understand that the majority leader, or his spokesman, the Senator from Oklahoma, is not prepared to permit the observations and shortcomings of the Republican proposal to be considered, if I am not wrong, to be made individually.

Let me ask further, in the appeals procedures in the Republican proposal, you have put a strict limitation on the circumstances under which patients can appeal health plan decisions. It has to reach $1,000 in order to qualify for appeal. That would effectively rule out any child, for example, that might have had a bicycle accident or a hockey accident or football accident from being able to be guaranteed a right to an appeal under the Republican proposal.

Would we have an opportunity to debate this limitation and others in the appeals section of the Republican proposal?

Mr. NICKLES. Mr. President, one, I have a unanimous consent request pending at the table.

Mr. KENNEDY. I am reserving the right to object. I would like to find out if we are able to have a debate and discussion about the wisdom of putting dollar thresholds on the appeals that are in the Republican proposal.

Would we have an opportunity for the Senate to express itself on whether it wants a $1,000 threshold to exclude——

Mr. NICKLES. Regular order.

Mr. KENNEDY. Reserving the right to object. What is the regular order?

The PRESIDING OFFICER. We have a unanimous consent request.

Mr. KENNEDY. Reserving the right to object, Mr. President——

The PRESIDING OFFICER. Once the regular order has been called for, the Senator cannot reserve the right to object. The Senator must either object or not.

Mr. KENNEDY. For those reasons, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. NICKLES. Mr. President, I regret that my colleague from Massachusetts has objected to our unanimous consent request to bring this bill up. Obviously, he has some concerns, but he does not have the votes.

We have offered to vote on his proposal. He can draft his proposal any way he wants. We have drafted our proposal. We want to vote on our proposal. We want to pass our proposal. We will give him an up-or-down vote on his proposal. We will offer and have offered that he can have two or three amendments, and we can have two or three amendments. We can finish this bill. He can draft those amendments in any way, shape or form he wants to and address any and all issues he has addressed today that might be in this letter or another letter. I hope he will do better work in the letter than the President did in his radio address. He was factually incorrect in that. I happen to be offended by that. I just make that comment.

To reiterate, we offered to bring this up in July. My colleague from Tennessee and I and others wanted to finish it in July because we know we have a difficult conference with the House. This is not the easiest legislation to consider. So it is important to move sooner rather than later, as I think I heard my colleague from South Dakota mention. So I hope we will bring it up. But we are going to have to have cooperation from our colleagues. If they continue to insist on unlimited amendments, to where they can debate this issue all month, that is not going to happen. They will be successful in killing this bill, not the Republicans.

I yield to my colleague from Tennessee.

Mr. FRIST. As I understand the unanimous consent request, there would be the opportunity for either side to put into the bill they brought to the floor anything they wanted to. Is it correct, then, that whatever documents have been put forward or requested by the President could be brought forward to the floor in the original bill that the Democratic leader or the Senator from Massachusetts brought forward?

Mr. NICKLES. They could have it in the original bill or they could offer it in the form of an amendment.

Mr. FRIST. The unanimous consent would allow consideration of a bill presented by the Democratic leader and a bill that is presented by the Republican leader?

Mr. NICKLES. The Senator is correct.

Mr. FRIST. In the unanimous consent, you gave the opportunity for amendments to come forward. How many amendments on either side?

Mr. NICKLES. Three.

Mr. FRIST. In saying there could be only three amendments, you did not restrict what was in the original underlying bill so that any issue could be put forward—a bill of rights, or a recommendation by the President—is that correct?

Mr. NICKLES. That's correct.

Mr. FRIST. That has been denied.

Mr. NICKLES. Yes. It is unfortunate because my Democratic colleagues are not able to take yes for an answer. I regret that.

Mr. FRIST. One final question. The issue of the Patients' Bill of Rights is very important to me. As my colleague from Oklahoma has pointed out, we have collectively, as the U.S. Senate, spent a lot of time on this particular issue. Given the fact that we do have a number of bills—and I know we are anxious to get to the underlying bill right now—isn't it reasonable, given the opportunity, that we can put into these bills a Patients' Bill of Rights, or anything we want to, based on the unanimous consent right now? Isn't it reasonable to limit that discussion so that we can conduct the Senate's business, since we can put as much as we want into these bills right now and also allow them to be subjected to the amendments of the unanimous consent?

Mr. NICKLES. I agree. Particularly, if you want to see something become law, it is going to have to be this kind of structure, or it will never happen. We would still be talking toward the end of September. We might have a good debate or a political issue, but we won't have any legislative change. I happen to be interested in trying to make a significant legislative improvement that becomes law.

Mr. FRIST. I just hope we can come to agreement and a time agreement on this important issue, and that we can address this Patients' Bill of Rights.

Mr. NICKLES. I appreciate the leadership the Senator has shown in putting this bill together.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

PRIVILEGE OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that the privilege of the floor be extended to Dan Groeschen, a fellow from the Air Force, during the consideration of this bill.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Robert Streurer and Tam Somerville of my office be given the privilege of the floor.

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

Mr. MCCONNELL. Mr. President, the pending business is the foreign operations appropriations bill. There are very few amendments left to be dealt with. I ask the Chair what amendment is pending.

The PRESIDING OFFICER. The current amendment pending is No. 3006 offered by the Senator from Pennsylvania.

Mr. MCCONNELL. The Senator from California has been waiting patiently to offer a couple of amendments, which I am cosponsoring. It looks to me, I say to my friend, as if we are now ready to deal with those. I ask unanimous consent that the pending amendment be temporarily set aside.

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

The Senator from California is recognized.

AMENDMENT NO. 3507

(Purpose: To state United States support for a peaceful economic and political transition in Indonesia)

Mrs. FEINSTEIN. 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 California [Mrs. FEINSTEIN], for herself and Mr. MCCONNELL, PROPOSES AN AMENDMENT NUMBERED 3507.

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

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

The amendment is as follows:

At the appropriate place in title V, insert the following:

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

(1) Indonesia is the World's 4th most populous nation, with a population in excess of 200,000,000 people.

(2) Since 1997, political, economic, and social turmoil in Indonesia has escalated.

(3) Indonesia is comprised of more than 13,000 islands located between the mainland of Southeast Asia and Australia. Indonesia occupies an important strategic location, straddling vital sea lanes for communication and commercial transportation including all or part of every major sea route between the Pacific Ocean and the Indian Ocean, more than 50 percent of all international shipping trade, and sea lines of communication used by the United States Pacific Command to support operations in the Persian Gulf.

(4) Indonesia has been an important ally of the United States, has made vital contributions to the maintenance of regional peace and stability through its leading role in the Association of South East Asian Nations (ASEAN) and the Asia Pacific Economic Cooperation forum (APEC), and has promoted United States economic, political, and security interests in Asia.

(5) In the 25 years before the onset of the recent financial crisis in Asia, the economy of Indonesia grew at an average rate of 7 percent per year.

(6) Since July 1997, the Indonesian rupiah has lost 70 percent of its value, and the Indonesian economy is now at a near standstill characterized by inflation, tight liquidity, and rising unemployment.

(7) Indonesia has also faced a severe drought and massive fires in the past year which have adversely affected its ability to produce sufficient food to meet its needs.

(8) As a consequence of this economic instability and the drought and fires, as many as 100,000,000 people in Indonesia may experience food shortages, malnutrition, and possible starvation as a result of being unable to purchase food. These conditions increase the potential for widespread social unrest in Indonesia.

(9) Following the abdication of Indonesia President Suharto in May 1998, Indonesia is in the midst of a profound political transition. The current president of Indonesia, B.J. Habibie, has called for new parliamentary elections in mid-1999, allowed the formation of new political parties, and pledged to resolve the role of the military in Indonesian society.

(10) The Government of Indonesia has taken several important steps toward political reform and support of democratic institutions, including support for freedom of expression, release of political prisoners, formation of political parties and trade unions, preparations for new elections, removal of ethnic designations from identity cards, and commitments to legal and civil service reforms which will increase economic and legal transparency and reduce corruption.

(11) To address the food shortages in Indonesia, the United States Government has made more than 230,000 tons of food available to Indonesia this year through grants and so-called ''soft'' loans and has pledged support for additional wheat and food to meet emergency needs in Indonesia.

(12) United States national security interests are well-served by political stability in Indonesia and by friendly relations between the United States and Indonesia.

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

(1) the decision of the Clinton Administration to make available at least 1,500,000 tons of wheat, wheat products, and rice for distribution to the most needy and vulnerable Indonesians is vital to the well-being of all Indonesians;

(2) the Clinton Administration should work with the World Food Program and nongovernmental organizations to design programs to make the most effective use of food donations in Indonesia and to expedite delivery of food assistance in order to reach those in Indonesia most in need;

(3) the Clinton Administration should adopt a more active approach in support of democratic institutions and processes in Indonesia and provide assistance for continued economic and political development in Indonesia, including—

(A) support for humanitarian programs aimed at preventing famine, meeting the needs of the Indonesian people, and inculcating social stability;

(B) leading a multinational effort (including the active participation of Japan, the nations of Europe, and other nations) to assist the programs referred to in subparagraph (A);

(C) calling on donor nations and humanitarian and food aid programs to make additional efforts to meet the needs of Indonesia and its people while laying the groundwork for a more open and participatory society in Indonesia;

(D) working with international financial institutions to recapitalize and reform the banking system, restructure corporate debt, and introduce economic and legal transparency in Indonesia;

(E) urging the Government of Indonesia to remove, to the maximum extent possible, barriers to trade and investment which impede economic recovery in Indonesia, including tariffs, quotas, export taxes, nontariff barriers, and prohibitions against foreign ownership and investment;

(F) urging the Government of Indonesia to—

(i) recognize the importance of the participation of all Indonesians, including ethnic and religious minorities, in the political and economic life of Indonesia; and

(ii) take appropriate action to assure the support and protection of minority participation in the political, social, and economic life of Indonesia;

(iii) release individuals detained or imprisoned for their political views.

(G) support for efforts by the Government of Indonesia to cast a wide social safety net in order to provide relief to the neediest Indonesians and to restore hope to those Indonesians who have been harmed by the economic crisis in Indonesia;

(H) support for efforts to build democracy in Indonesia in order to strengthen political participation and the development of legitimate democratic processes and the rule of law in Indonesia, including support for organizations, such as the Asia Foundation and the National Endowment for Democracy, which can provide technical assistance in developing and strengthening democratic political institutions and processes in Indonesia;

(I) calling on the Government of Indonesia to repeal all laws and regulations that discriminate on the basis of religion or ethnicity and to ensure that all new laws are in keeping with international standards on human rights; and

(J) calling on the Government of Indonesia to establish, announce publicly, and adhere to a clear timeline for parliamentary elections in Indonesia.

(c) REPORT.—(1) Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit to Congress a report containing the following:

(A) A description and assessment of the actions taken by the Government of the United States to work with the Government of Indonesia to further the objectives referred to in subsection (b)(3).

(B) A description and assessment of the actions taken by the Government of Indonesia to further such objectives.

(C) An evaluation of the implications of the matters described and assessed under subparagraphs (A) and (B), and any other appropriate matters, for relations between the United States and Indonesia.

(2) The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that that amendment be temporarily set aside.

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

AMENDMENT NO. 3508

(Purpose: To condemn the rape of ethnic Chinese women in Indonesia and the May 1998 riots in Indonesia)

Mrs. FEINSTEIN. 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 California [Mrs. FEINSTEIN], for herself and Mr. MCCONNELL, proposes an amendment numbered 3508.

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

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

The amendment is as follows:

At the appropriate place in title V, insert the following:

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

(1) In May 1998, more than 1,200 people died in Indonesia as a result of riots, targeted attacks, and violence in Indonesia. According to numerous reports by human rights groups, United Nations officials, and the press, ethnic Chinese in Indonesia were specifically targeted in the riots for attacks which included acts of brutality, looting, arson, and rape.

(2) Credible reports indicate that, between May 13 and May 15, 1998, at least 150 Chinese women and girls, some as young as 9 years of age, were systematically raped as part of a campaign of racial violence in Indonesia, and 20 of these women subsequently died from injuries incurred during these rapes.

(3) Credible evidence indicates that these rapes were the result of a systematic and organized operation and may well have continued to the present time.

(4) Indonesia President Habibie has stated that he believes the riots and rapes to be ''the most inhuman acts in the history of the nation'', that they were ''criminal'' acts, and that ''we will not accept it, we will not let it happen again.''.

(5) Indonesian human rights groups have asserted that the Indonesia Government failed to take action necessary to control the riots, violence, and rapes directed against ethnic Chinese in Indonesia and that some elements of the Indonesia military may have participated in such acts.

(6) The Executive Director of the United Nations Development Fund for Women has stated that the attacks were an ''organized reaction to a crisis and culprits must be brought to trial'' and that the systematic use of rape in the riots ''is totally unacceptable. . . and even more disturbing than rape war crimes, as Indonesia was not at war with another country but caught in its own internal crisis''.

(7) The Indonesia Government has established the Joint National Fact Finding Team to investigate the violence and allegations of gang rapes, but there are allegations that the investigation is moving slowly and that the Team lacks the authority necessary to carry out an appropriate investigation.

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

(1) the mistreatment of ethnic Chinese in Indonesia and the criminal acts carried out against them during the May 1998 riots in Indonesia is deplorable and condemned;

(2) a complete, full, and fair investigation of such criminal acts should be completed by the earliest possible date, and those identified as responsible for perpetrating such criminal acts should be brought to justice;

(3) the investigation by the Government of Indonesia, through its Military Honor Council, of those members of the armed forces of Indonesia suspected of possible involvement in the May 1998 riots, and of any member of the armed forces of Indonesia who may have participated in criminal acts against the people of Indonesia during the riots, is commended and should be supported;

(4) the Government of Indonesia should take action to assure—

(A) the full observance of the human rights of the ethnic Chinese in Indonesia and of all other minority groups in Indonesia;

(B) the implementation of appropriate measures to prevent ethnic-related violence and rapes in Indonesia and to safeguard the physical safety of the ethnic Chinese community in Indonesia;

(C) prompt follow through on its announced intention to provide damage loans to help rebuild businesses and homes for those who suffered losses in the riots; and

(D) the provision of just compensation for victims of the rape and violence that occurred during the May 1998 riots in Indonesia, including medical care;

(5) the Clinton Administration and the United Nations should provide support and assistance to the Government of Indonesia, and to nongovernmental organizations, in the investigations into the May 1998 riots in Indonesia in order to expedite such investigations; and

(6) Indonesia should ratify the United Nations Convention on Racial Discrimination, Torture, and Human Rights.

(c) SUPPORT FOR INVESTIGATIONS.—Of the amounts appropriated by this Act for Indonesia, the Secretary of State, after consultation with Congress, shall make available such funds as the Secretary considers appropriate in order to provide support and technical assistance to the Government of Indonesia, and to independent nongovernmental organizations, for purposes of conducting full, fair, and impartial investigations into the allegations surrounding the riots, violence, and rape of ethnic Chinese in Indonesia in May 1998.

(d) REPORT.—(1) Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit to Congress a report containing the following:

(A) An assessment of—

(i) whether or not there was a systematic and organized campaign of violence, including the use of rape, against the ethnic Chinese community in Indonesia during the May 1998 riots in Indonesia; and

(ii) the level and degree of participation, if any, of members of the Government or armed forces of Indonesia in the riots.

(B) An assessment of the adequacy of the actions taken by the Government of Indonesia to investigate the May 1998 riots in Indonesia, bring the perpetrators of the riots to justice, and ensure that similar riots do not recur.

(C) An evaluation of the implications of the matters assessed under subparagraphs (A) and (B) for relations between the United States and Indonesia.

(2) The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

Mrs. FEINSTEIN. Mr. President, I rise on behalf of the distinguished chairman of the subcommittee and myself to address the two amendments that I have just sent to the desk. The first amendment addresses the political, economic, and social turmoil now facing Indonesia, one of our most important allies, and calls for a more active U.S. role in supporting a peaceful economic and political transition in Indonesia.

The second amendment expresses my concern and condemnation over the allegations regarding the brutal treatment and rape of ethnic Chinese women in Indonesia during the riots that occurred this past May, a situation that, if left unaddressed, threatens to undermine the other progress that Indonesia is making.

Taken together, I believe that these two amendments provide a solid framework for U.S. policy towards this vital country.

Indonesia is a country of great significance for the United States, and we have a great deal riding on the outcome of the current period of economic and political transition.

Indonesia is the world's fourth-most populous nation, and its ethnic and religious diversity boasts the world's largest Muslim population;

Indonesia is comprised of over 13,000 islands which span important sea lanes, including 50 percent of volume of all international shipping and every major route between the Indian and Pacific Oceans;

Indonesia has served as a vital engine of East Asian economic growth. It possesses vast natural resources, including oil and gas. Before the disruption caused by the current global financial crisis, the World Bank in 1997 estimated that Indonesia would possess the world's 6th largest economy by early in the new century, and Indonesia has been an active proponent of more liberal trade measures in the Asia-Pacific region;

As the largest member of ASEAN, and a founder of the Asian Regional Forum, Indonesia has been a linchpin of regional security, and has worked with the United States on many key regional security concerns;

In short, the United States has a profound national interest in the emergence of a stable, prosperous and democratic Indonesia from its current period of instability.

Let me briefly recap some of the issues currently facing Indonesia and the developments which underscore, I believe, the need for these two Amendments.

First, in response to public pressure to step down, earlier this year President Suharto resigned after thirty-two years in office. Following an orderly transfer of power, the new President, B.J. Habibie, assembled a cabinet, took some initial steps towards political reform, and pledged new elections.

Several dangers still lie ahead. Indonesia lacks a system with strong and capable democratic institutions and has a long history of regional, religious and ethnic tensions. The road to a more open and democratic political system will be long and hazardous.

Second, at the same time as Indonesia must make progress in this political transition, it is imperative that the Habibie government also take action to address the economic crisis that continues to buffet Indonesia.

In other words, it is in the national interest of the United States that there be a stable, prosperous and democratic Indonesia and that it come out of its current period of instability.

The first amendment before this body addresses the political, economic, and the social turmoil now facing Indonesia, and it calls for a more active U.S. role in supporting a peaceful economic and political transition and for America to lead a major humanitarian effort. Mr. President, today, at least 7½ million people are facing starvation in that country.

The second amendment is a sense of the Senate that expresses the concern and condemnation regarding allegations for the brutal mistreatment of the ethnic Chinese community within that country. That community totals about 6 percent of Indonesia's population. It is an entrepreneurial mercantile class. Once before, in the 1960s, during a pro-Communist revolution, the Chinese ethnic community was made a scapegoat, and literally tens of thousands of people were killed. This time, once again, there was a brutal outbreak against this community, and this resolution condemns it in no uncertain terms.

Mr. President, I believe that Indonesia is extraordinarily important economically. As I said, the rupiah has fallen by over 70 percent in value in the past year. The country is saddled with about $80 billion in private debt and the prospect of a fall of 10 percent in its gross domestic product and a drop of over 25 percent of its manufacturing output. The economy is at a standstill. Inflation is threatening to reach triple digits and unemployment is rising rapidly.

While I believe that Indonesia has the long-term capacity to work its way back to prosperity, in the short term the pain will likely get worse as the full effect of the financial crisis works its way through the economy.

Finally, Indonesia is on the brink of a profound humanitarian crisis.

In the past year Indonesia has faced severe droughts and massive fires, with the end result being that Indonesia is now unable to produce sufficient food to meet the needs of its people—food shortages which have been exacerbated by the current economic crisis.

In a somewhat limited assessment earlier this year, the World Food Program estimated that more than 7.5 million Indonesians in the Eastern areas faced severe food shortages, malnutrition, and starvation as a result of the drought and fires. Others have estimated that with the effects of the economic crisis compounding the natural disasters, upwards of 100 million people across all of Indonesia may soon face acute food shortages.

The Administration, I believe, is to be commended for its handling of the situation thus far. President Clinton's meeting with Suharto at APEC last fall, Special Presidential Envoy Mondale's session with Suharto in March, Secretary Albright's numerous discussions with Foreign Minister Alatas, and Assistant Secretary Roth's many trips to Jakarta have provided the United States an opportunity to encourage and support Indonesian political and economic reform.

The Administration has also made important pledges of food aid—more than 230,000 tons this year through grants and ''soft'' loans, with much more promised if and as the crisis deepens.

In assessing the challenges facing Indonesia, however, I believe that the United States must do more to assist the people of Indonesia to take advantage of the challenges and opportunities of a post-Suharto era.

Indeed, beyond the ''macro'' questions of political and economic reform,

hard-won gains made over the past thirty years in such areas as nutrition, sanitation and public health are all under threat, while, crime, child labor, and poverty are on the rise. Ordinary Indonesians are suffering as a result of this crisis.

First, in recognition of the need to help alleviate that suffering, this Amendment supports the Administration's pledges of humanitarian food assistance. Moreover, it calls on the United States to take a leading role in the international community in developing and implementing efforts to meet Indonesia's humanitarian and food needs, with the goal of assuring that programs are put in place which will prevent famine and which will meet the basic needs of Indonesia's people.

I believe it is extraordinarily important that the United States lead a major international effort at humanitarian relief to see that the people of Indonesia avoid starvation. And this sense of the Senate, the first resolution, puts this body in support of the administration's actions and urges the administration to go a step further and lead a major international humanitarian relief effort.

Second, this amendment supports Indonesia's efforts to move forward with economic reforms. As I have already said, while I am encouraged by some of the positive signs we have seen thus far, the key question is whether the Habibie government will be more successful than its predecessor in carrying through on its economic reform commitments.

To that end this amendment calls on the United States to adopt a more aggressive approach to working with Indonesia to implement serious and far reaching economic and fiscal reform: To restructure corporate debt, reform bankrupt and corrupt economic structures, implement transparent legal and banking systems, and open its economy to greater international trade.

At the same time, this amendment recognizes that such economic reform can not come without considerable disruption to the lives of many Indonesians, and it thus supports efforts by the Government of Indonesia to cast a wide social safety net to provide relief to those in need.

Finally, given President Habibie's public affirmation of the importance of moving on political reform and economic recovery in tandem—an approach I agree with—this amendment also calls on the Administration to take a more activist approach to working to develop democratic institutions and processes in Indonesia, to see that the human rights of all Indonesians are respected and protected, and for the Government of Indonesia to adhere to its commitment to hold elections.

In sum, this amendment seeks to encourage the development of more active and engaged U.S. approach to Indonesia, and a U.S. policy which will work the Indonesian government to develop and lead a reform process that is deep and wide, reaches out to all Indonesians, and lays the groundwork for restored confidence in Indonesia's political and economic future.

The second amendment which I have offered today speaks to a specific situation in Indonesia which I fear, if left unaddressed, runs the risk of undermining the progress which Indonesia has made and the goals articulated by my first amendment: The question is the treatment of its ethnic Chinese minority during the riots of this May, and specifically what appears to be systematic rape against the female population as an instrument of terror.

Mr. President, in all too many places and in all too many conflicts in recent years we have witnessed the use of rape and sexual torture as an instrument of war and ethnic cleansing. Although, I am sad to say, some incidents of rape have always accompanied war and turmoil in human history, the record of the past few years, with the use of organized, systematic campaigns of rape as a tool of terror, is almost as though a new chapter in the barbarity of human history has been opened.

I was therefore deeply troubled when I learned that there are serious and credible allegations that rape was used as an instrument of terror in targeted attacks on the ethnic Chinese community in Indonesia during the riots this past May.

According to credible reports, at least 168 cases of rape occurred in Jakarta alone during the riots of May 13–15, 1998 as part of a pattern of political violence targeted against ethnic Chinese in Indonesia.

An investigative report published in Asiaweek on July 24, 1998 describes incidents documented by Rosita Noer, an Indonesian physician and human rights activist. For example, ''In three Chinese areas of west Jakarta, between 5 and 8 pm, dozens of men dragged a hundred or so girls on to the streets, stripped them and forced them to dance before a crowd. Twenty were raped, then some burned alive, says Noer. She examined six other victims attacked in their homes in different areas of Jakarta. The girls were between the ages of 14 and 20; four of them had been raped by seven men.''

In light of such reports, I was encouraged by President Habibie's decision two months ago to set up a national committee of inquiry to investigate the rapes, and his branding these rapes as criminal, inhumane actions.

I have been troubled, however, by the lack of clear and decisive action taken by the Government of Indonesia over the past three months to investigate these rapes and bring the perpetrators to justice.

Just this past weekend, for example, Indonesian Women's Affairs Minister Tutty Alawiah, one of the leaders of the government investigation, was reported in the press to have stated that ''The team has been conducting an investigation for 1½ months now but has found no women who fell victim to gang rape or who claimed to have been raped during the May riots.''

Minister Tutty Alawiah's statement, and those of other leading Indonesian political figures have also been quoted in the press as doubting the veracity of the rapes, fly in the face of the voluminous credible findings of independent groups, such as the Indonesian Human Rights Commission, as well as numerous reports in the media, which have found considerable evidence of the these criminal, inhuman, rapes.

For example, in an August 3, 1998 story Business Week reported that ''On May 14, trucks loaded with muscular men raced to shopping centers and housing projects owned by ethnic Chinese. The men doused the shops and houses with gasoline and set off devastating fires. At least 182 women were raped or sexually tortured, some of them repeatedly, by men with crewcuts whom the victims believed to be soldiers. At least 20 women are confirmed to have died as a result.''

''Confirmed to have died.'' I do not want to cast aspersions on the government's official investigation, but I can not help but find it curious that a journalist can find evidence of the rapes and the aftermath yet one of the leaders of the government's investigation can not.

I find this particularly troubling in light of an August 1, 1998 Agence France-Presse news story which reported that ''At least 22 victims and witnesses of rapes during the widespread rioting in Indonesia in May have talked to a team set up by the government to probe violence during the unrest.''

What has become of the evidence provided by these 22 victims and witnesses, that Minister Tutty Alawiah claims that no evidence of the rapes can be found and that no victims have come forward?

The Chicago Tribune, on July 29, 1998, carried a story featuring ''Aileen'', a still-hospitalized 24 year old ethnic Chinese women raped by a group of men and left in a pool of blood.

Are the government investigators unwilling or unable to find this women, and the many others like her, so easily found and interviewed by an American journalist?

Perhaps most telling, a July 13, 1998 report by the Volunteers Team for Humanity, headed by Father Sandyawan, a respected Indonesian human rights activist, found ample documentation of systematic and organized rapes targeted at Indonesia's ethnic Chinese community.

The report contains locations of rapes, the modus operandi of the perpetrators, dates of the rapes, and quotes from victims and witnesses, among other documentary evidence.

Indeed, it is ironic to note that the authors of this July 13 report undertook their documentary efforts precisely because they feared that there

would be efforts to ''cover the case up as if it never happened.''

What has become of this credible volume of documentation gathered by a respected independent group in the context of the government investigation?

In short, there appears to be ample evidence that these rapes occurred, and that the director of the United Nations Development Fund for Women was well-founded in her belief when she stated that these rapes occurred as part of an ''organized reaction to crisis.''

I realize that the Indonesian government investigation is not yet complete. But I find it deeply troubling that there are signs that the official government investigation of these incidents may be guided more by political considerations then by a commitment to the truth and to justice.

We all know that there are numerous problems that arise with efforts to investigate and document rape. Many women are afraid to speak to investigators. There is embarrassment and great social stigma.

And, in a case like Indonesia, where there are allegations that members of the armed forces may have been involved in the riots and rapes, there is a special need to assure that any victims who cooperate with the investigation receive protection.

But given the ability of others—independent groups and the media—to compile significant and credible evidence of the rapes which appeared to have occurred during the May riots, it is unsettling, to say the least, to be faced with the prospect that the government may try to deny that the rapes occurred at all, let alone to bring to justice those responsible.

Thus, the second Amendment which I have offered here today condemns in no uncertain terms the rapes and mistreatment of the ethnic Chinese community during the May riots.

Moreover, it urges a full, fair, and complete investigation of the rape allegations and calls for those responsible to be brought to justice.

It calls on the Government of Indonesia to assure that the human rights of the ethnic Chinese community—indeed of all Indonesians—should be respected and protected; that the reparations the government has pledged to those who lost property in the May riots should be expedited, and that rape victims should receive just compensation as well, including medical care where still-needed.

The Amendment also calls on the Administration to provide support and assistance to the Indonesian government and the independent human rights groups investigating these allegations, in the interest of assuring full, fair, and complete investigations.

Lastly, it calls for the administration to provide Congress with a report evaluating the allegations surrounding these rapes, the actions taken by the Government of Indonesia, and the implications for U.S.-Indonesian relations.

Essentially what the resolution does is condemn these acts, calls on the administration to work with the Indonesian government committee investigating these acts in hopes that the investigation will be forthcoming and straightforward and will take adequate measures to bring to justice those responsible for these riots and these rapes.

To those in Indonesia who may misinterpret my intent with this Amendment let me be clear: I do not offer this Amendment as an attack on the Government of Indonesia. Just the opposite. I offer it because I understand how difficult it can be to face up to misdeeds and take necessary and responsible action to rectify the situation, and I want the people of Indonesia to know that as they move forward and deal with this difficult issue that if they do the right thing their friends will be there to offer support and assistance.

It is my belief that if Indonesia does not take adequate measures to bring to justice those responsible for the May riots and rapes, it may well set itself down a course in which political and economic reform, democratization, respect for human rights—in short, many of the measures which Indonesia so desperately needs to undertake to work itself out of the present crisis—become all but impossible. That would be a great tragedy for the people of Indonesia, and a great disappointment to those of us here in the Senate who consider ourselves friends of the Indonesian people.

Mr. President, Indonesia is undergoing a dramatic transformation. The transition to a more pluralistic system will likely be lengthy and difficult. The United States has long sought to promote a more open and tolerant Indonesia. I believe that the United States must continue to work closely with Indonesia during this critical transition period, while acknowledging that only the Indonesian people can determine their future. It is my hope that the two amendments which I have offered today can contribute to this process.

I thank the chairman of the committee, the distinguished Senator from Kentucky, for his support of these two amendments to the bill.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I commend my friend and colleague from California for these two amendments, and I am proud to be a principal cosponsor of them.

I think the amendments both define the core problems which afflict Indonesia, as well as offer clear support for the organizations and initiatives which will return Indonesia to a path of economic growth as Jakarta launches on a new democratic political course.

The road ahead for Indonesia will not be easy, but I am confident of two things—first, what happens in Jakarta is of enormous strategic importance to the United States. Second, we should take note that the political changes underway are a direct result of the efforts of the Indonesian people. As they suffer an acute economic crisis causing dislocation, devastation and pain, they have managed to drive and direct political transition which I am hopeful will lead to an elected and truly democratic government.

This course has not been without its horror stories. Let me speak to one of the two amendments which focuses on the ethnic violence which exploded in the Spring. For decades, the Indonesian Chinese community has played an important role in generating the exceptional economic growth which improved the quality of life for a majority of Indonesians. Although only six million strong, most have deep roots reaching back many generations and consider Indonesia their home.

Tragically, for many Indonesian Chinese their place in Indonesia's rich life came to a shocking and sudden end in the violence which erupted in May. Indonesian Chinese homes, shops, and businesses were clearly targeted, burned, looted and destroyed in the riots which broke out. While it was difficult for the police to restore stability any where, it seemed to many no effort was made to protect Indonesian Chinese communities and their citizens. Most shocking of all were allegations of rape and attacks on women and young girls. Unfortunately, there are even allegations that police officers and army troops may have engaged in these atrocities. Non-government organizations have estimated that more than 160 women and girls were victims of these awful crimes, many of them Indonesian Chinese.

While this violence has a very human face and toll, a number of news accounts have called attention to the crippling economic impact of this ethnic violence. Not only did Indonesian Chinese withdraw their capital, Southeast Asian Chinese in Hong Kong, Taiwan and elsewhere have pulled out and are reluctant to return. One expert has estimated it will be at least five years before the community is confident enough to resume investment—a fact that contributes to Indonesia's already grave economic woes. And, who could blame them?

This amendment condemns the violence against ethnic Indonesian Chinese, encourages prompt full action by the government and provides for U.S. support for the effort to investigate and bring to justice those responsible for these outrageous acts. As Indonesia proceeds on its path to build a democratic and free nation, it is essential that the rights of minorities are respected and protected. I believe the government must take steps to fully investigate the violence suffered by the Indonesian Chinese community over the past several months and clearly support efforts to rebuild homes, businesses and lives. I was encouraged by

President Habibe's decision to turn responsibility for the investigation over to the National Human Rights Commission which has pledged to conduct a prompt, complete investigation of all allegations of attacks and crimes.

I welcomed the Commission Vice Chairman's response to suggestions that foreign media were generating false accounts of events. He said,

These crimes are so serious they need no exaggeration and we must not lose sight of that. We want to work carefully and methodically and I can tell you that the evidence we are obtaining so far is very strong, and, yes, it is apparent there were gang rapes, and yes, some were very violent.

The Vice Chairman has also confirmed that 20 victims of rape have since died, most by suicide and some within hours of the offenses.

Since these preliminary positive signs, there was a report that the Commission was not able to reach any conclusions on the scale or pattern of attacks. I hope that Commission and our embassy will work hard to make sure all of the concerns raised by the Indonesian Chinese community are addressed before declaring their work done.

Some observers seem to have an impression that this ethnic community is so wealthy they can and should leave Indonesia, but, that is simply not the case. As Jusef Wannadi, a prominent member of the community, noted, ''The majority of Indonesia Chinese—poor laborers, farmers, fishermen and small shop owners—have no option but to try to survive in Indonesia.''

His sentiments were echoed by a father of three:

The worst thing is that you can't really stay but there is nowhere else to live. They tell me I am an Indonesian national, yet I am starting to feel homeless as well as stateless. Tell me, why should I have to leave my home?

It is going to take a great deal of effort by a credible, elected government to heal these deep rifts dividing Indonesia which makes the process and prospects of political reform all the more urgent. The second amendment focuses on how the United States can expand and accelerate our support for this reconciliation and recovery. As I made clear in my opening statement, the Administration has been consistently behind the curve in supporting such an effort.

Although AID's Administrator has pledged an expansion of food, medical and humanitarian relief very little has actually been made available, in part because the real needs are still a matter of guess work. Altough I have pressed since March, AID still hasn't conducted a nation-wide estimate of food shortages or other social safety net requirements. I am also disappointed by the slow pace of AID efforts to work and build upon Indonesia's vast Muslim community organizational networks. Two national organizations have clinics, schools, and community centers which already reach out to a majority of the population. Although they have expressed interest in working with AID, cooperation has been slow to materialize.

AID must also expand support for political reforms. Media training and technical support, political party building and legal reforms are all urgently needed to secure the foundation for democratic institutions to constructively shape Indonesia's future. The bill, report and this amendment encourage improvements, and require a report on the conditions and status of our efforts in meeting national needs.

The bill's commitment of $100 million along with these amendments sets a course for improving our relations and support for the important transition underway in a nation of criticial importance to the United States. Instability in Indonesia continues to be the undertow dragging down regional economic recovery. And, the Secretary of Defense has been very persuasive in making the case that a further decline into chaos in a country of more than 200 million people, a nation which staddles vital global shipping lanes, in a scenario he believes we should make every effort to prevent.

Our support and Indonesian effort are the key to what lies ahead—to success—to building investor confidence—to recoverying capital which has fled—to protecting minorities—to restarting the engines of economic growth—to rebuilding American markets—to helping a key ally set a democratic course.

Again, I commend the Senator from California for her interest and hard work to restore the vital partnership we share with Indonesia.

As far as I know, Mr. President, there are no objections to these amendments on either side of the aisle, and I recommend that we proceed to passage.

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

If not, the question is on agreeing to the two amendments offered by the Senator from California. Without objection, they will be considered en bloc.

The amendments (Nos. 3507 and 3508) were agreed to.

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

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, the Senator from Washington has an amendment which we have cleared on both sides of the aisle, and I would like to give him an opportunity to send that amendment to the desk at this time.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

AMENDMENT NO. 3509

(Purpose: To express the sense of the Congress regarding IMF response to the economic crisis in Russia)

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

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 3509.

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

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

The amendment is as follows:

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

SEC. . SENSE OF CONGRESS REGARDING THE IMF RESPONSE TO THE ECONOMIC CRISIS IN RUSSIA.

(a) Congress finds that—

(1) Russia is currently facing a severe economic crisis that threatens President Boris Yeltsin's ability to maintain power;

(2) the Russian Communist Party may well soon be a part of the government of the Russian Republic and may be given real influence over Russian economic policies;

(3) the International Monetary Fund has continued to provide funding to Russia despite Russia's refusal to implement reforms tied to the funding;

(4) the Russian economic crisis follows a similar crisis in Asia;

(5) the International Monetary Fund imposed strict requirements on Republic of Korea and other democratic and free market nations in Asia;

(6) the International Monetary Fund has not imposed the same requirements on Russia; and

(7) Russia has not made the same commitment to free market economic principles as Republic of Korea and other Asian nations receiving assistance from the International Monetary Fund.

(b) It is the sense of Congress that the International Monetary Fund should not provide funding to a Russian government whose economic policies are significantly affected by the Russian Communist Party, or under significantly less free market conditions than those imposed on the Republic of Korea and other democratic, free market nations in Southeast Asia.

Mr. GORTON. Mr. President, at an earlier date, on the bill similar to this relating to foreign policy, I discussed some of the policies of the International Monetary Fund in that connection with respect to Indonesia while Indonesia was still ruled by the Suhartos. That amendment, or a modification of that amendment, was included in the original passage of the International Monetary Fund refurbishment and, in fact, is included in this bill, although it is close to irrelevant now that the Government of Indonesia is in different hands and in considerable need of aid, as was indicated by some of the debate on the previous amendment.

This amendment deals with my deep concern, a concern I believe widely shared, with respect to the way in which the International Monetary Fund is handling the problems in Russia. The amendment—a sense of the Senate directed at the International Monetary Fund—makes two points in that connection. The first cautions the International Monetary Fund against funding any Russian Government in which the Communist Party of Russia plays a significant role with respect to economic policy. We know that the

Russian Government is in chaos at the present time after the firing of one Prime Minister by President Yeltsin and the substitution for him, at least at the behest of the President, of Mr. Chernomyrdin, a previous Prime Minister of Russia. His nomination was just rejected yesterday by the Russian Duma. We don't know where it will go. What we do know is that the Government of Russia was very close to an agreement with the Russian Communist Party, under which the Communist Party would play a major role in the Government and a major role in its economic policies, that major role being to reverse free market reforms and return to state control of the economy. It would be foolishness exemplified, were we to fund such a change in the Russian Government through the International Monetary Fund, and this amendment cautions against it.

It also deals with another subject, the subject of all of the billions of dollars that the International Monetary Fund has granted to Russia already on condition that it move more decisively toward a free market economy. While the International Monetary Fund has dealt very firmly with respect to free market conditions in dealing with the crisis in Southeast Asia—with the Republic of Korea, with Thailand, with Malaysia, with Indonesia and the like—it has consistently operated with a double standard with respect to Russia. The double standard has not only wasted money, the double standard has created justified unhappiness, justified bitterness in the Southeast Asian countries that see the International Monetary Fund imposing a double standard: One very tough standard on them and far more lax standards or, rather, standards that are consistently ignored with respect to Russia.

So this amendment, the sense-of-the-Senate amendment, also calls for a single standard with respect to International Monetary Fund funding of Russia, even in a noncommunist government, and the similarly situated countries in Southeast Asia. As the chairman of the subcommittee said, I think this represents a broadly held point of view. I am not sure that it should not be a part of the bill as a mandate on the way in which we deal with the International Monetary Fund, but because I cannot see the future, it is merely a sense of the Senate at this point.

I ask unanimous consent to have printed in the RECORD an article about this double standard called ''The IMF's $22.6 billion failure in Russia,'' from the Heritage Foundation.

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

[From the Heritage Foundation Executive Memorandum, August 24, 1998]

THE IMF'S $22.6 BILLION FAILURE IN RUSSIA

(By Ariel Cohen, Ph.D., and Brett D. Schaefer)

On August 17, just three days after President Boris Yeltin unequivocally stated that the ruble would not be devalued, Russia's Prime Minister announced that the government would allow the ruble to be devalued by 34 percent by the end of this year. He also declared a 90-day foreign debt moratorium. It is now painfully clear that the $22.6 billion bailout package orchestrated by the International Monetary Fund (IMF) has not rescued Russia.

Commenting on the Russian devaluation and debt moratorium on August 17, Michel Camdessus, the Fund's Managing Director, concluded that ''Implementation of [Russia's economic] program has been satisfactory.'' Camdessus, however, never explains how something as disastrous as a currency devaluation of this scope can be deemed ''satisfactory.'' Even he admits that, despite the IMF bailout, ''confidence in financial markets has not been reestablished and as a result Russia has continued to lose reserves, and asset prices have fallen sharply.'' If this is ''satisfactory,'' Camdessus must have a very high tolerance for failure.

What was the purpose of the July IMF bailout of Russia, and who is responsible for its failure?

THE PURPOSE OF THE IMF BAILOUT

On July 20, the IMF Executive Board approved its portion ($11.2 billion) of a $22.6 billion international bailout. This emergency package was intended to help Russia maintain the value of the ruble while the government implemented reforms necessary to create long-term stability. IMF First Deputy Managing Director Stanley Fischer outlined this strategy on July 13:

The underlying problem [in Russia] is the budget and the financing needs. So if you devalue, you sort of relieve the pressure on the markets for a while, causing difficulties, but unless you got the budget in shape, and the devaluation wasn't going to do anything for the budget, you would be back in this situation.

Indeed, the IMF plan specifically stated that ''exchange rate policy should remain broadly unchanged during the remainder of 1998.'' After only four weeks, however, it is clear that the massive bailout failed in both of its missions: The ruble was devalued, and reforms are not likely to be implemented.

On August 17, Prime Minister Sergei Kiriyenko announced that the government would allow the ruble to fall from the former official rate of 6.3 to the U.S. dollar to 9.5 to the dollar. This devaluation and a 90-day foreign debt moratorium amount to an expensive policy debacle for Russia. The devaluation will make it much more expensive to repay foreign currency-denominated debt. The moratorium has frightened already leery investors and likely will dampen foreign investment for years to come.

The Russian Duma, moreover, is not likely to adopt the bulk of the IMF-sanctioned reform agenda. In fact, the Duma's communist majority already is urging the Russian government to backpedal on budgetary cuts, increase domestic spending instead of paying foreign debt, or nationalize the dollar-denominated debt of Russian banks.

WHO IS RESPONSIBLE?

Both Russia and the IMF are responsible for the Russian debacle. Russia's fault lies in the government's chronic refusal to reform. The Russian government has been aware of the problems in its economy and what is needed to fix them for at least five years. Because of mismanagement, inertia, and outright corruption, such vital changes as trimming the budget, overhauling the tax code and tax collection, land reform, and otherwise providing conditions to step capital flight and attract foreign investment have not been implemented.

The fault of the IMF lies in its willingness to provide successive bailouts regardless of whether they achieve the desired results. When asked at a July 13 press conference whether the IMF would refrain from new lending because of reduced liquidity, IMF Treasurer David Williams responded, ''[W]e never say no.''

Russia is a prime example of how this can lead to disastrous results. Since 1992 (and before the most recent $22.6 billion bailout), the IMF lent Russia over $18 billion. With each loan, the IMF required Russia to adopt economic reforms. Even though Moscow rarely fulfilled its promises, the IMF continued to disperse tranche after tranche. In other words, the cheap credits allowed Russia to delay reforms, while the IMF rewarded Moscow for not reforming.

This pattern is being repeated in the current bailout. Despite the devaluation of the ruble and the Duma's refusal to pass the majority of IMF-mandated reforms, Michel Camdessus' August 17 statement merely remarked that [Russia's] measures and their potential impact will immediately be analyzed by the staff and management of the IMF . . . I hope that the government's economic program will continue to be implemented in full, so that the economic and financial situation will improve and the IMF can be in a position to disburse the second tranche . . .

CONCLUSION

Russia is now in an economic morass. The achievements of the Yeltsin administration—a stable currency and low inflation—have gone down the drain. The political cost to the Yeltsin government will be tremendous, as millions of workers and pensioners have not been paid for months and the price inflation will escalate. Before August 17, Russia had asked whether the international community were prepared to provide some additional financial support beyond the $22.6 billion finalized on July 20. Thus far, the G–7 leading industrial countries have prudently declined.

Both the IMF and Russia share the blame for the country's current crisis. Despite ample advice on how to shore up its economy, Russia has refused to implement the changes necessary to resolve the current crisis and create long-term economic health. The IMF has consistently permitted Russia to borrow despite Russia's refusal to reform its economy.

Congress should send a message to Russia that the United States will no longer send good money after bad. It can do so by refusing to approve additional funding for the IMF. An organization that cannot say ''no'' should not be given additional money to waste.

Mr. GORTON. With that, Mr. President, and with a view that I believe this amendment is agreed to, I yield the floor.

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

The amendment (No. 3509) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3510 THROUGH 3518, EN BLOC

Mr. MCCONNELL. Mr. President, there are eight amendments. My friend from Vermont is in the vicinity. There are eight amendments that he and I have cleared, two amendments by Senator ASHCROFT on the Congo and Palestinian Broadcast Corporation, a Lott

amendment on the Iraqi opposition, a Wellstone amendment on international sex trafficking, a Leahy amendment on information disclosure, a Dodd amendment on reporting requirements, a Kennedy amendment on Pan Am 103, and a Feingold amendment on Nigeria. I send those amendments to the desk and ask they be considered en bloc.

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

Mr. MCCONNELL. I would add one more amendment to this group, an amendment by Senator FEINSTEIN, added to this group currently being considered at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments numbers 3510 through 3518, en bloc.

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

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

The amendments (Nos. 3510 through 3518), en bloc, are as follows:

AMENDMENT NO. 3510

On page 109, strike lines 15–23, and insert in lieu thereof the following:

SEC. . PROHIBITION ON ASSISTANCE TO THE DEMOCRATIC REPUBLIC OF CONGO.

None of the funds appropriated or otherwise made available by this Act may be provided to the central Government of the Democratic Republic of Congo until such time as the President reports in writing to the Speaker of the House of Representatives, the Majority Leader of the Senate, the International Relations Committee of the House, the Foreign Relations Committee of the Senate, the Appropriations Committee of the Senate, and the Appropriations Committee of the House that the central Government of the Democratic Republic of Congo is—

(1) investigating and prosecuting those responsible for civilian massacres, serious human rights violations, or other atrocities committed in the Congo; and

(2) implementing a credible democratic transition program, which includes

(A) the establishment of an independent electoral commission;

(B) the release of individuals detained or imprisoned for their political views;

(C) the maintenance of a conducive environment for the free exchange of political views, including the freedoms of association, speech, and press; and

(D) the conduct of free and fair national elections for both the legislative and executive branches of government.

Notwithstanding the aforementioned restrictions, the President may provide electoral assistance to the central Government of the Democratic Republic of Congo for any fiscal year if the President certifies to the International Relations Committee of the House, the Foreign Relations Committee of the Senate, the Appropriations Committee of the Senate, and the Appropriations Committee of the House that the central Government of the Democratic Republic of Congo has taken steps to ensure that conditions in subsection 2 (A), (B), and (C) have been met.

Mr. FEINGOLD. Mr. President, I would like to explain an amendment related to U.S. development assistance to the Democratic Republic of the Congo (DROC) that the managers of this bill have agreed to accept. As the ranking Democrat on the Subcommittee on Africa, I am pleased to have been joined in this effort with the Chairman of that Subcommittee, my colleague from Missouri [Mr. ASHCROFT] as well as the junior Senator from North Carolina [Mr. FAIRCLOTH].

This amendment revises Section 574 of the foreign operations appropriations bill for fiscal year 1999 to define restrictions on aid to DROC. It mandates that no aid may be granted to the Democratic Republic of the Congo until the President certifies that the DROC government is investigating and prosecuting those responsible for human rights violations or atrocities and is taking specific steps to implement a credible democratic transition program.

When I originally began thinking about an amendment of this nature, I was concerned about the inability of the DROC government to follow up on what were really gross abuses of human rights committed during the takeover of the former Zaire by the rebel movement that became known as the Alliance of Democratic Forces for the Liberation of Congo (AFDL). During the takeover, which took place from late 1996 through the Spring of 1997, thousands of civilians, mostly Hutu refugees, were slaughtered reportedly by rebel troops, some of them possibly Rwandan or under Rwandan command. The facts have never been clear on these massacres, but credible information from human rights groups clearly indicate that massacres were carried out throughout the country—in Mbandaka, in the west; in Kisangani, in the middle of the country, and in the Kivu region in the east—leading even a casual observer to surmise it was a well planned military operation.

In July 1997, U.N. Secretary General Kofi Annan named an investigative team to investigate gross violations of human rights and international humanitarian law in Congo since March 1993. Not only was the team mandated to look into the general question of the massacres themselves, but also to establish responsibility for the massacres.

Unfortunately, the government of Laurent Kabila continually obstructed the work of the U.N. team—imposing various conditions, delaying meetings, harassing potential witnesses, refusing permission to deploy to certain sites, and apparently organizing demonstrations against the U.N. teams, to name a few. Eventually, in April 1998, Mr. Annan felt compelled to withdraw his teams since it became impossible for the team to conduct its work.

Nevertheless, it remains important that these atrocities be fully investigated and that those responsible be brought to justice. Our amendment calls for the investigation and prosecution of these abuses. This could mean that the government conduct its own transparent and credible investigation. It could mean that the DROC government cooperates with a future UN mission, if the UN decides to launch a new commission of inquiry. Or it could mean that the government cooperates fully with an appropriate judicial body, possibly an international tribunal, which would be charged with investigating the massacres. We have left the desired method intentionally vague so that all options might be considered.

The amendment also calls for the implementation of a credible democratic transition program, which includes the establishment of an independent electrical commission, the release of individuals detained or imprisoned for their political views, the establishment of an environment conducive to the free exchange of political views, and free and fair elections.

The discussion of both the investigation of past abuses and of the implementation of political reform may seem academic at a moment when we are watching Congo disintegrate into civil war for the second time in less than two years. A slightly different rebel movement is trying to recreate the ''success'' of the AFDL in 1996 by taking control of large portions of Eastern and Central Congo. However, the latest events only underscore the critical need for U.S. policy to focus on the protection of human rights, an end to impunity for gross abuses, and democratization in DROC. It has been precisely the lack of attention to these issues that fueled the conflicts throughout central Africa, and which now threaten the entire region.

Mr. President, let me take this opportunity to say unequivocally that I condemn actions by all the governments and other movements in the region to become involved in violent conflict in DROC. I am sorely disappointed that despite repeated efforts to discourage them, the governments of both Rwanda and Uganda sought early on to support the rebel movement. Now, the involvement of Zimbabwe, Angola and Namibia on the other side is no less constructive. In fact, we are now seeing an almost total regionalization of this conflict that risks bringing more and more African countries into it.

Clearly, this is no way to further the African ''renaissance'' that we had reason to believe was underway.

I hope the parties will quickly move to declare a cease-fire, and to try to negotiate an end to this terrible situation.

In the meantime, I thank the managers for the consideration of this amendment.

AMENDMENT NO. 3511

(Purpose: To prohibit assistance to the Palestinian Broadcasting Corporation)

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

SEC. . PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION.

None of the funds appropriated or otherwise made available by this Act may be used

to provide equipment, technical support, training, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation or any similar organization.

Mr. MCCONNELL. Mr. President, I ask unanimous consent a letter to Secretary Albright on the Palestinian Broadcasting Corporation be printed in the RECORD.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, May 19, 1998.

Hon. MADELEINE K. ALBRIGHT,
Secretary of State, Department of State, Washington, DC.

DEAR SECRETARY ALBRIGHT: We are writing to bring to your attention the very troubling issue of the United States assisting foreign entities which promote an agenda hostile to the interests of our country. We cite the example of the Palestinian Broadcasting Corporation (PBC), which has been benefitting from U.S. assistance while engaging in a campaign in support of violence and hatred against the United States, our ally Israel, and the goal of peace in the Middle East.

As you well known, U.S. foreign assistance programs are designed to promote democratic ideals and respect for human rights. U.S. agencies which have distributed U.S. assistance, however, have failed at times to determine beforehand if the organizations they are funding promote these basic ideals. In the specific case of the PBC, it is apparent that neither USAID, which has provided hundreds of thousands of dollars via interagency agreements to engage in programs with the PBC and other media outlets, nor USIA/USIS Jerusalem, which has been the recipient of much of the funding, has assessed the value of these programs for U.S. interests in the Middle East.

Despite its awareness of the PBC's activities and the resulting harm to U.S. interests, USIA committed the U.S. to pay for two TVRO satellite dishes for the PBC's use in exchange for their commitment to use seven hours of Worldnet broadcasting a week. Although we commend efforts to further the reach of Worldnet, we are concerned that the PBC's letter of acceptance for the equipment does not stipulate which programming will be shown and during what time periods. In essennce, we provided the PBC with equipment that could be used to import broadcasts from Iraq, Iran, Libya and other nations hostile to the United States in exchange for a commitment to show a sporting event at 3:00 a.m.

It is our belief that the U.S. should support a free and independent media around the world. As USIA/USIS has recognized, however, the PBC is the official broadcasting arm of the Palestinian Authority, which is engaged in a campaign to restrict a free press and promote violent progaganda. The PBC consistently broadcasts programming that attempts to undermine all the United States seeks to achieve in the Middle East.

Madame Secretary, we ask you to formulate a clear U.S. policy to terminate U.S. taxpayer support for the PBC, while encouraging programs that promote genuine press freedoms by supporting independent journalists. We will be working in the Senate to implement such a policy and feel that a unified response on this important issue is warranted.

We thank you for your consideration of this issue and look forward to working with you to advance U.S. interests in the Middle East more effectively.

Sincerely,

Representative Michael P. Forbes, Representative Jon D. Fox, Representative Jim Saxton, Representative Vince Snowbarger, Representative John Shimkus, Representative Kay Granger, Representative Tom A. Coburn, Representative Todd Tiahrt, Representative Tom DeLay, Representative Frank R. Wolf, Representative Bob Franks, Representative Frank A. LoBiondo, Representative Dave Weldon, Representative Steve Chabot, Representative Michael Pappas, Representative Richard W. Pombo, Representative Kevin Brady.

Representative Brad Sherman, Representative Pete Sessions, Representative J.C. Watts, Jr., Representative Sue W. Kelly, Representative Bob Barr, Representative Ken Calvert, Representative Robert B. Aderholt, Representative Charles E. Schumer, Representative Martin Frost, Representative Michael R. McNulty, Representative Henry Hyde, Representative Charles T. Canady, Representative Roy Blunt, Representative Asa Hutchinson, Representative Phil English, Representative Richard K. Armey.

Senator John Ashcroft, Senator Arlen Specter, Senator Ben Nighthorse Campbell, Senator Jesse Helms, Senator Don Nickles, Senator Dan Coats, Senator Thad Cochran, Senator Ernest F. Hollings, Senator Wayne Allard, Senator James M. Inhofe, Senator Jeff Sessions, Senator Jon Kyl, Senator Alfonse M. D'Amato, Senator Sam Brownback, Senator Charles E. Grassley, Senator Dirk Kempthorne, Senator Olympia J. Snowe.

Senator Christopher S. Bond, Senator Susan M. Collins, Senator Mike DeWine, Senator Bob Smith, Senator Ron Wyden, Senator Harry Reid, Senator Larry E. Craig, Representative Jerry Weller, Representative Ileana Ros-Lehtinen, Representative Dan Burton, Senator Tim Hutchinson, Senator Paul Coverdell.

AMENDMENT NO. 3512

(Purpose: To support the Iraqi democratic opposition)

At the appropriate place in the bill insert the following:

''Notwithstanding any other provision of law, of the amounts made available under Title II of this Act, not less than $10,000,000 shall be made available only for assistance to the Iraqi democratic opposition for such activities as organization, training, communication and dissemination of information, and developing and implementing agreements among opposition groups; *Provided*, that any agreement reached regarding the obligation of funds under the previous proviso shall include provisions to ensure appropriate monitoring on the use of such funds; *Provided further* that of this amount not less than $3,000,000 shall be made available as a grant to Iraqi National Congress, to be administered by its Executive Committee for the benefit of all constituent groups of the Iraqi National Congress; provided further that of the amounts previously appropriated under section 10008 of Public Law 105–174 not less than $2,000,000 shall be made available as a grant to INDICT, the International Campaign to Indict Iraqi War Criminals, for the purpose of compiling information to support the indictment of Iraqi officials for war crimes; *Provided further* that of the amounts made available under this section, not less than $1,000,000 shall be made available as a grant to INDICT, the International Campaign to Indict Iraqi War Criminals, for the purpose of compiling information to support the indictment of Iraqi officials for war crimes; *Provided further* that of the amounts made available under this section, not less than $3,000,000 shall be made available only for the conduct of activities by the Iraqi democratic opposition inside Iraq; *Provided further* that within 30 days of enactment of this Act the Secretary of State shall submit a detailed report to the appropriate committees of Congress on implementation of this section.''

AMENDMENT NO. 3513

(Purpose: Relating to the trafficking in women and children)

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

SEC. . TRAFFICKING IN WOMEN AND CHILDREN.

The Secretary of State, in consultation with the Attorney General and appropriate nongovernmental organizations, shall—

(1) develop curricula and conduct training for United States consular officers on the prevalence and risks of trafficking in women and children, and the rights of victims of such trafficking; and

(2) develop and disseminate to aliens seeking to obtain visas written materials describing the potential risks of trafficking, including—

(A) information as to the rights of victims in the United States of trafficking in women and children, including legal and civil rights in labor, marriage, and for crime victims under the Violence Against Women Act; and

(B) the names of support and advocacy organizations in the United States.

AMENDMENT NO. 3514

(Purpose: To express the sense of Congress that information relevant to the December 2, 1980 assault and murder of four American churchwomen in El Salvador should be made public to the fullest extent possible and that circumstances under which any individuals involved in either the murders or the cover-up of the murders obtained residence in the United States be reviewed by the Attorney General)

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

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

(1) The December 2, 1980 brutal assault and murder of four American churchwomen by members of the Salvadoran National Guard was covered up and never fully investigated;

(2) On July 22 and July 23, 1998, Salvadoran authorities granted three of the National Guardsmen convicted of the crimes early release from prison;

(3) The United Nations Truth Commission for El Salvador determined in 1993 that there was sufficient evidence that the Guardsmen were acting on orders from their superiors;

(4) In March 1998, four of the convicted Guardsmen confessed that they acted after receiving orders from their superiors;

(5) Recently declassified documents from the State Department show that United States Government officials were aware of information suggesting the involvement of superior officers in the murders;

(6) United States officials granted permanent residence to a former Salvadoran military official involved in the cover-up of the murders, enabling him to remain in Florida; and

(7) Despite the fact that the murders occurred over 17 years ago, the families of the four victims continue to seek the disclosure of information relevant to the murders.

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

(1) information relevant to the murders should be made public to the fullest extent possible;

(2) the Secretary of State and the Department of State are to be commended for fully releasing information regarding the murders to the victims' families and to the American public, in prompt response to Congressional requests;

(3) the President should order all other Federal agencies and departments that possess relevant information to make every effort to declassify and release to the victims'

families relevant information as expeditiously as possible;

(4) in making determinations concerning the declassification and release of relevant information, the Federal agencies and department should presume in favor of releasing, rather than of withholding, such information; and

(5) the President should direct the Attorney General to review the circumstances under which individuals involved in either the murders or the cover-up of the murders obtained residence in the United States, and the Attorney General should submit a report to the Congress on the results of such review not later than January 1, 1999.

Mr. LEAHY. Mr. President, this amendment expresses the sense of Congress that information relevant to the murders of four American churchwomen in El Salvador be made public to the fullest extent possible. My understanding is that it is acceptable to both sides.

It was 18 years ago, but the 1980 brutal murders of four American churchwomen by members of the Salvadoran National Guard is seared in our memory. Since that time the victims' families have sought answers to questions about the nuns' untimely deaths. Some have been answered, many have not. It is unfortunate that after so many years, it is still necessary to offer an amendment to urge the administration to release any information that would shed light on what happened in this case. It should have been done years ago.

To its credit, the State Department did promptly respond to Congressional requests and fully release information about these horrific crimes. Other agencies have not. Far too often in this case and others like it, the response to requests for information has come grudgingly, and then only in the form of heavily redacted documents with a few lines of practically meaningless text.

I appreciate the need to protect intelligence sources and methods, but these American citizens were murdered almost two decades ago.

For years there have been allegations and evidence to indicate that the National Guardsmen convicted of these crimes acted after receiving orders from their superiors.

In March 1998, after 14 years of silence, four of the convicted men confessed that this was the case. Recently, it has become known that even though U.S. officials had reason to believe these crimes were ordered and covered up by higher authorities, at least one of those Salvadoran officers was granted permanent residence and is reportedly living in Florida.

In addition to calling for the release of information, this amendment also directs the Attorney General to review the circumstances under which individuals connected with these crimes obtained residence in the United States. It is a tragic irony that with so many people legitimately seeking asylum upon our shores, we may have opened our doors to individuals who belong behind bars.

AMENDMENT NO. 3515

(Purpose: To require a consolidated report on all U.S. military training provided to foreign military personnel)

At the appropriate place in the bill add the following new section:

SEC. . (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by January 31, 1999, a report on all overseas military training provided to foreign military personnel under programs administered by the Department of Defense and the Department of State during fiscal years 1998 and 1999, including those proposed for fiscal year 1999. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House.

Mr. DODD. Mr. President, as we consider the Foreign Operations Appropriations bill today, many of my colleagues may think that by reviewing the provisions of the bill with respect to funding for International Military Education and Training (IMET) they will have a full picture of the total U.S. spending for the training of foreign military personnel that is proposed for fiscal year 1999. Based on that review, they might conclude that the Administration will spend approximately $50 million for training of military personnel from some 113 countries, or roughly the same as has been spent on IMET during the current fiscal year. However, that conclusion would not be accurate.

While it is true that the Congress gets a very detailed accounting of the nature and level of IMET spending annually, a recent series of articles that appeared in the Washington Post revealed that a great deal more training of foreign military personnel was ongoing totally outside the framework of IMET programs.

The fact of the matter is that training of foreign military personnel is now being undertaken using funds from a variety of other accounts under the control of the State Department or the Defense Department. Some of these accounts have no reporting requirements associated with them and therefore little or no Congressional oversight is possible.

What is even more significant, is that more foreign military personnel may be being trained outside of the traditional framework of IMET programs than is within such programs. I do know for example that during Fiscal Year 1997 IMET funds were used to train approximately 192 Mexican Military Personnel—a modest number. During that same time period, so called Section 1004 authorized funds, paid for out of the Fiscal 1997 Defense Appropriations Act, were used to train some 829 Mexican military personnel—roughly four times as many individuals as were trained under the auspices of IMET.

Mr. President, I am one who believes that United States National interests can be served by U.S. training foreign military personnel on the appropriate roles for national militaries in civil society. However, I also believe that certain kinds of training are inappropriate for military institutions that may have poor track records with respect to respecting the human rights of their own citizens. It is imperative that the Department of Defense and State work closely together to ensure that the United States is conveying a consistent message with respect to United States policy as it undertakes various programs with foreign military leaders. I do not believe that currently enough consultation takes place in this regard.

At the moment, there is no single office or report that one can turn to obtain a comprehensive overview of the training that is ongoing abroad. It is for that reason that I have offered the pending amendment, which requires a detailed report on this issue. The amendment requires the Secretary of Defense and the Secretary of State to jointly provide to the Congress by January 31, 1999, a report on all overseas military training of foreign military personnel under programs administered by the Department of Defense and the Department of State during fiscal years 1998 and 1999, including those proposed for fiscal year 1999.

Specifically, the report would include the following for each such military training activity: a foreign policy justification and purpose for the activity; location and cost; the number of foreign students trained and their units of operation. The report would also identify the United States military units involved in the activities and an explanation of the benefits to United States personnel derived from each such training activity. If deemed necessary and appropriate, the report may include a classified annex.

If Congress is going to be able to carry out responsible oversight to taxpayer funded programs, such a report is vital. I also believe that such a report will be beneficial to Executive Branch officials and civilian government authorities in the countries where training is ongoing.

It is my understanding that the Administration has no opposition to this amendment. I urge its adoption.

AMENDMENT NO. 3516

(Purpose: To express the sense of Congress on the trial in the Netherlands of the suspects indicted in the bombing of Pan Am Flight 103)

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

SEC. ___. SENSE OF CONGRESS REGARDING THE TRIAL IN THE NETHERLANDS OF THE SUSPECTS INDICTED IN THE BOMBING OF PAN AM FLIGHT 103.

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

(1) On December 21, 1988, 270 people, including 189 United States citizens, were killed in a terrorist bombing on Pan Am Flight 103 over Lockerbie, Scotland.

(2) Britain and the United States indicted 2 Libyan intelligence agents—Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah—in 1991 and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this heinous terrorist act.

(3) The United Nations Security Council called for the extradition of the suspects in Security Council Resolution 731 and imposed sanctions on Libya in Security Council Resolutions 748 and 883 because Libyan leader, Colonel Muammar Qadaffi, refused to transfer the suspects to either the United States or the United Kingdom to stand trial.

(4) The sanctions in Security Council Resolutions 748 and 883 include a worldwide ban on Libya's national airline, a ban on flights into and out of Libya by other nations' airlines, a prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a freeze on Libyan government funds in other countries.

(5) Colonel Qaddafi has continually refused to extradite the suspects to either the United States or the United Kingdom and has insisted that he will only transfer the suspects to a third and neutral country to stand trial.

(6) On August 24, 1998, the United States and the United Kingdom proposed that Colonel Qadaffi transfer the suspects to the Netherlands, where they would stand trial before a Scottish court, under Scottish law, and with a panel of Scottish judges.

(7) The United States-United Kingdom proposal is consistent with those previously endorsed by the Organization of African Unity, the League of Arab States, the Non-Aligned Movement, and the Islamic Conference.

(8) The United Nations Security Council endorsed the United States-United Kingdom proposal on August 27, 1998, in United Nations Security Council Resolution 1192.

(9) The United States Government has stated that this proposal is nonnegotiable and has called on Colonel Qadaffi to respond promptly, positively, and unequivocally to this proposal by ensuring the timely appearance of the two accused individuals in the Netherlands for trial before the Scottish court.

(10) The United States Government has called on Libya to ensure the production of evidence, including the presence of witnesses before the court, and to comply fully with all the requirements of the United Nations Security Council resolutions.

(11) Secretary of State Albright has said that the United States will urge a multilateral oil embargo against Libya in the United Nations Security Council if Colonel Muammar Qadaffi does not transfer the suspects to the Netherlands to stand trial.

(12) The United Nations Security Council will convene on October 30, 1998, to review sanctions imposed on Libya.

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

(1) Colonel Qadaffi should promptly transfer the indicted suspects Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah to the Netherlands to stand trial before the Scottish court;

(2) the United States Government should remain firm in its commitment not to negotiate with Colonel Qadaffi on any of the details of the proposal approved by the United Nations in United Nations Security Council Resolution 1192; and

(3) if Colonel Qadaffi does not transfer the indicted suspects Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah to the Netherlands by October 29, 1998, the United States Permanent Representative to the United Nations should—

(A) introduce a resolution in the United Nations Security Council to impose a multilateral oil embargo against Libya;

(B) actively promote adoption of the resolution by the United Nations Security Council; and

(C) assure that a vote will occur in the United Nations Security Council on such a resolution.

Mr. LAUTENBERG. Mr. President, today, Senator KENNEDY and I join together, as we have in the past, in a ceaseless effort to provide some degree of justice for the families of the victims of the terrorist attack on Pan Am 103. This flight was brought down over Lockerbie, Scotland on December 21, 1988. 259 people on the plane and 11 others on the ground were killed. Most of the victims were Americans, making it the most fatal terrorist atrocity in American history.

Two Libyan security agents have been charged with this heinous crime. They must be held accountable before a United States or United Kingdom court. The United Nations Security Council has imposed sanctions in an effort to make this happen, but for years this has brought no results.

Recently, Secretary of State Albright proposed that the two suspects in the bombing of Pan Am 103 be tried in a Scottish court, under Scottish law, with a panel of Scottish judges, but physically located in the Netherlands. Libyan authorities have publicly accepted this proposal while calling for negotiations.

I remain skeptical of Libya's willingness to cooperate with the international community in bringing terrorists to justice. But I also remain hopeful that the families of the victims will soon be able to end their painful wait for justice. I therefore believe we should give this potential solution an opportunity to work, while remaining determined to see the indicted terrorists brought to trial.

The amendment we are introducing today therefore sets a reasonable time limit for action. It also calls for the imposition of additional multilateral sanctions measures, even including an embargo on oil exports, if Libya fails to turn over the bombing suspects for trial.

The families of the victims of the Pan Am 103 bombing understand that nothing will bring back their loved ones. Nothing we do here can change that. But by adopting this resolution today we send the clear message that we are determined to see justice served and we will continue to increase international pressure on Libya until that happens.

Mr. KENNEDY. Mr. President, I sent this amendment to the desk on behalf of myself and Senators LAUTENBERG, D'AMATO, and TORRICELLI.

Mr. President, ten years ago, in December 1988, 270 people, including 189 Americans were killed in the terrorist bombing of Pan Am Flight 103 over Lockerbie, Scotland. As a result of the intense and skillful investigation that followed, Britain and the United States indicted 2 Libyan intelligence agents.

The leader of Libya, Colonel Muammar Qadafi, refused to extradite the suspects to either the United States or the United Kingdom to stand trial. As a result, the international community, acting through the United Nations Security Council, imposed economic sanctions on Libya. The sanctions include a worldwide ban on Libya's national airline and a ban on flights into and out of Libya by the airlines of other nations. They also include a prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a freeze on Libyan Government funds in other countries.

Despite these sanctions, Colonel Qadafi has refused to turn over the suspects to either the United States or the United Kingdom. He has said, however, that he will transfer them to a third country to stand trial.

A week ago, in a major development in this case, the United States and the United Kingdom proposed that Colonel Qadafi transfer the suspects to the Netherlands to stand trial before a Scottish court, under Scottish law, and with a panel of Scottish judges. Last Thursday, the United Nations Security Council endorsed this proposal and called on Colonel Qadafi to transfer the suspects promptly.

The Administration has told Colonel Qadafi that this is a take-it-or-leave-it proposal and that it is non-negotiable. Secretary of State Albright has said that the United States will urge a worldwide oil embargo against Libya in the United Nations Security Council if Colonel Qadafi rejects this offer and refuses to transfer the suspects to the Netherlands to stand trial. The Security Council is scheduled to conduct the next periodic review of Libyan sanctions on October 30. All of us hope that Colonel Qadafi will accept this plan before that date.

To send a clear message to Colonel Qadafi, this resolution calls on him to transfer the indicted suspects to the Netherlands promptly, so that they can stand trial before the Scottish court in the Netherlands. The resolution supports the commitment by the United States Government not to negotiate with Colonel Qadafi on the details of the proposal. If Colonel Qadafi fails to transfer the suspects to the Netherlands before the end of October, the resolution calls on the United States Permanent Representative to the United Nations to introduce a resolution in the Security Council to impose a worldwide embargo against Libya and actively seeks its enactment.

The families of the victims of Pan Am 103 have waited too long for justice. The Administration's plan is a reasonable opportunity to end the long

impasse over these suspects, and achieve a significant victory in the ongoing battle against international terrorism.

I urge my colleagues to approve this resolution.

AMENDMENT NO. 3517

(Purpose: Relating to the development of a new strategy for United States bilateral assistance for Nigeria)

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

SEC. ___. DEVELOPMENT ASSISTANCE IN NIGERIA.

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

(1) The bilateral development assistance program in Nigeria has been insufficiently funded and staffed, and the United States has missed opportunities to promote democracy and good governance as a result.

(2) The recent political upheaval in Nigeria necessitates a new strategy for United States bilateral assistance program in that country that is focused on promoting a transition to democracy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President, acting through the United States Agency for International Development, should—

(1) develop a new strategy for United States bilateral assistance for Nigeria that is focused on the development of civil society and the rule of law and that involves a broad cross-section of Nigerian society but does not provide for any direct assistance to the Government of Nigeria, other than humanitarian assistance, unless and until that country successfully completes a transition to civilian, democratic rule;

(2) increase the number of United States personnel at such Agency's office in Lagos, Nigeria, from within the current, overall staff resources of such Agency in order for such office to be sufficiently staffed to carry out paragraph (1); and

(3) consider the placement of such Agency's personnel elsewhere in Nigeria.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the President, acting through the United States Agency for International Development, shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report on the strategy developed under subsection (b)(1).

Mr. FEINGOLD. Mr. President, I am pleased that the managers of the foreign operations appropriations bill have agreed to accept my amendment regarding development assistance to Nigeria.

My amendment expresses the sense of the Senate that the assistance program in Nigeria has not been sufficient and should be expanded, and that the recent political upheaval in the country requires a new strategy for development assistance. The amendment specifies that no direct aid shall be provided to the government ''unless and until that country successfully completes a transition to civilian, democratic rule.'' It also encourages the development of a more robust presence in Nigeria, including placing development personnel outside of Lagos, the capital. Finally, it requires the President to submit a report to Congress on the new strategy.

This amendment reiterates part of the basic policy expressed in a bill I introduced earlier this year, S. 2102, the Nigeria Democracy and Civil Society Empowerment Act of 1998. That bill declares that the United States should encourage the political, economic and legal reforms necessary to ensure the rule of law and respect for human rights in Nigeria and should aggressively support a timely and effective transition to democratic, civilian government for the people of Nigeria. The bill codifies many existing sanctions, authorizes the President to impose new sanctions if conditions sour in Nigeria, and would provide for $37 million in development assistance over three years to support democracy and governance programs and the activities of the U.S. Information Agency.

My amendment would pick up on the development assistance provisions of S. 2102 without specifying an amount. Like S. 2102, this amendment authorizes no new money. All spending in Nigeria would come out of existing USAID appropriations.

The United States Agency for International Development has already, correctly, noted that its program in Nigeria needs considerable re-thinking. It recently submitted a notification to certain congressional committees for some $5 million to support an immediate and effective transition to democracy. But activities under this notification were not fully defined, and approval would have granted USAID broad leeway in its budgeting for this project, so the Congress has asked USAID to provide additional details.

My amendment would require the administration to submit a report with a more defined strategy for its Nigeria program within 90 days of enactment of the Foreign Operations bill. I would hope that the preparation of this report will help the administration focus its development efforts in Nigeria, so that we do not receive such vague notifications in the future.

With the replacement of longtime ruler General Abacha by the current military leader, Gen. Abdulsalam Abubakar, there has been reason to be optimistic about Nigeria's future. Although General Abubakar has not yet moved to repeal the repressive decrees that place severe restrictions on the basic freedoms of Nigerians, he has taken some positive steps, including the release of several prominent political prisoners, and has indicated a willingness to move his country once and for all in the direction of democracy. But he had yet to deal with some of the more vexing issues related to such a transition, which were further complicated by the untimely death last May of Chief Moshood Abiola, the presumed winner of the 1993 elections.

These are not easy times in Nigeria, nor for U.S.-Nigeria relations. As the Ranking Member of the Senate Subcommittee on Africa, and as someone who has watched Nigeria over the past several years, I look forward to working with the administration on the development of a coherent Nigeria policy, beginning with a more robust development assistance presence.

AMENDMENT NO. 3518

(Purpose: To improve the prohibition on United States arms export transactions to foreign governments that do not cooperate fully with United States antiterrorism efforts)

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

SEC. ___. Section 40A of the Arms Export Control Act (22 U.S.C. 2781) is amended—

(1) in subsection (a), by striking ''that the President'' and all that follows and inserting ''unless the President determines and certifies to Congress for purposes of that fiscal year that the government of the country is cooperating fully with the United States, or is taking adequate actions on its own, to help achieve United States antiterrorism objectives.'';

(2) by redesignating subsection (b) as subsection (e);

(3) by inserting after subsection (a), as so amended, the following new subsections (b), (c), and (d):

''(b) REQUIREMENT FOR CONTINUING COOPERATION.—(1) Notwithstanding the submittal of a certification with respect to a country for purposes of a fiscal year under subsection (a), the prohibition in that subsection shall apply to the country for the remainder of that fiscal year if the President determines and certifies to Congress that the government of the country has not continued to cooperate fully with United States, or to take adequate actions on its own, to help achieve United States antiterrorism objectives.

''(2) A certification under paragraph (1) shall take effect on the date of its submittal to Congress.

''(c) SCHEDULE FOR CERTIFICATIONS.—(1) The President shall, to the maximum extent practicable, submit a certification with respect to a country for purposes of a fiscal year under subsection (a) not later than September 1 of the year in which that fiscal year begins.

''(2) The President may submit a certification with respect to a county under subsection (a) at any time after the date otherwise specified in paragraph (1) if the President determines that circumstances warrant the submittal of the certification at such later date.

''(d) CONSIDERATIONS FOR CERTIFICATIONS.—In making a determination with respect to the government of a country under subsection (a) or subsection (b), the President shall consider—

''(1) the government's record of—

''(A) apprehending, bringing to trial, convicting, and punishing terrorists in areas under its jurisdiction;

''(B) taking actions to dismantle terrorist organizations in areas under its jurisdiction and to cut off their sources of funds;

''(C) condemning terrorist actions and the groups that conduct and sponsor them;

''(D) refusing to bargain with or make concessions to terrorist organizations;

''(E) isolating and applying pressure on states that sponsor and support terrorism to force such states to terminate their support for terrorism;

''(F) assisting the United States in efforts to apprehend terrorists who have targeted United States nationals and interests;

''(G) sharing information and evidence with United States law enforcement agencies during the investigation of terrorist attacks against United States nationals and interests;

''(H) extraditing to the United States individuals in its custody who are suspected of participating in the planning, funding, or

conduct of terrorist attacks against United States nationals and interests; and

''(I) sharing intelligence with the United States about terrorist activity, in general, and terrorist activity directed against United States nationals and interests, in particular; and

''(2) any other matters that the President considers appropriate.''; and

(4) in subsection (e), as so redesignated, by striking ''national interests'' and inserting ''national security interests''.

Mr. MCCONNELL. Mr. President, Senator LEAHY and I have cleared this block of amendments.

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

The amendments (Nos. 3510 through 3518), en bloc, were agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. TORRICELLI. Mr. LEAHY, I know that you join me in welcoming the progress that the citizens of Northern Ireland and the Republic have made toward implementing a peace agreement. I would like to thank you and the members of the Appropriations Committee for the tremendous work you have done this year, including funding the International Fund for Ireland (IFI) at the full amount President Clinton requested in FY 1999. At this critical point in time, this Senate, and the United States as a whole, must begin to study our relationship with Northern Ireland and do our best to ensure that peace takes hold in the region. Dramatic cuts in the budget, particularly foreign aid, have made this task more challenging. Understanding both the need to support peace in Northern Ireland and dealing with budget cuts, I would like to request your support for consideration of adding any additional funding to the IFI, should it become available at a later time. It is important that we consider ways to meet the needs of the people of Northern Ireland and the Republic, and I hope you will join me in this effort.

Mr. LEAHY. As a fellow supporter of the peace process in Northern Ireland, I want to assure you that, should additional funds become available at a later date, we will consider increasing the amount available to the IFI.

Mr. D'AMATO. Mr. Chairman, I would like to join my colleague in expressing my support for the work the Appropriations Committee has done this year. It is important that we maintain our strong support for Northern Ireland and the Republic, and the funds made available to the IFI in the upcoming fiscal year are a critical step. In the wake of the passage of the Good Friday Accords, I have been working with Senator TORRICELLI over the past several months to determine a method that will best express the United States' support for peace in Northern Ireland. At this point in time, I would like to request your support for consideration of additional funding to the IFI, should it become available in the future.

Mr. MCCONNELL. I join Mr. LEAHY in assuring you that we will consider adding funds to the IFI, should they become available at a later date, so that we may bolster peace in the region.

Mr. BINGAMAN. Mr. President, I am very concerned about a provision in the FY 1999 Foreign Operations, Export Financing, and Related Programs Appropriation bill regarding military assistance for the Baltic nations that, according to the Committee report, is intended to accelerate the integration of the Baltic States into NATO. Although the Administration has assured the Congress that consideration of the Baltic nations for membership in NATO would proceed in a deliberate fashion in consultation with our NATO allies subject to the procedures already established, designating military assistance to the Baltic nations in accordance with the language contained in the Committee report would circumvent those assurances. I wish to advise my colleagues that the allocation of any military assistance provided in this bill to the Baltic nations will not assure their admission into NATO.

Mr. President, I recall that during the recent debate on enlarging NATO last April, many senators expressed their concern about extending our military commitments beyond the limits which are already straining our ability to meet worldwide contingencies. I believe that providing military assistance to the Baltic nations in order to accelerate their membership into NATO could lead us into a de facto security commitment to that region that might strain our resources even further, and therefore, be harmful to our national security interests as well as those of our NATO allies. Many of my colleagues here in the Senate as well as the distinguished Dr. Henry Kissinger who testified last spring before the Armed Services Committee question our ability to respond effectively to military contingencies in the Baltic region.

In addition, Mr. President, I am very concerned about the state of relations between the United States and Russia at this vulnerable time in international relations. Providing military assistance to the Baltic nations for the express reason of accelerating their membership in NATO is likely to exacerbate the uneasy state of our relations with the current Russian government as well as many influential Russian leaders who oppose that nation's current leadership. I do not believe it is in our interest to create unnecessarily greater difficulties with Russia than we already have. I believe this provision of the bill as discussed in the Committee report could cause significant problems with Russia and unfounded expectations among the Baltic nations for whom there is no assured membership in NATO.

I have spoken with Senators LEAHY, HUTCHISON, and ROBERTS about my concerns and they share these sentiments.

Mr. LEAHY. Thank you, Senator BINGAMAN. I too am concerned that providing military assistance to the Baltic nations with the expressed intent to accelerate their membership into NATO is premature and should not prejudice consideration for their membership into NATO when a decision to do so might occur.

Mrs. HUTCHISON. Mr. President, I agree with my colleagues on this very important national security issue. In particular, I agree that the words in the Committee report for this bill should not be taken to mean that membership in NATO by the Baltic states is going to be considered until there is a complete debate on the matter, that the Senate's responsibility for advice and consent on treaties is in any way predetermined in the case of the Baltic countries.

Mr. ROBERTS. Thank you, Mr. President. I would like to add my reservations to those of my colleagues. I am very concerned about overextending our military commitments without sufficient resources to handle the additional tasks we might assume. Enlarging NATO should be a step by step deliberate process that should not be circumvented in any way.

Mr. BINGAMAN. I appreciate the supportive words of my colleagues on this important matter of national security.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent Joan Wadelton, a State Department fellow on the staff of the Committee on Foreign Relations, be accorded the privilege of the floor during the pendency of S. 2334.

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

The Senator from Kentucky.

Mr. MCCONNELL. I know both Senators from New Jersey are anxious to make a statement on another matter, but Senator LEAHY and I now have a finite list of amendments which we believe will bring us to final passage.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

CONGRATULATING THE TOMS RIVER EAST AMERICAN LITTLE LEAGUE TEAM

Mr. LAUTENBERG. Mr. President, I thank the manager and ranking member on the Foreign Operations Subcommittee for giving us these few minutes of time. This is kind of a happy moment in New Jersey. One of our communities, Toms River, has produced a special group of young people who have won the Little League World Series. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 268) congratulating the Toms River East American Little League team of Toms River, New Jersey, for winning the Little League World Series.

The Senate proceeded to consider the resolution.

Mr. LAUTENBERG. Mr. President, I rise to introduce that resolution along with my colleague, Senator TORRICELLI, expressing our pride and our admiration for that very special group of youngsters from New Jersey. New Jersey has a national philosopher who dwells in its boundaries. His name is Yogi Berra. He is often quoted and I quote him now. I recall he said, ''It's like deja vu all over again.''

For another time, a New Jersey Little League team has won the prestigious Little League World Series championship, a group of exciting youngsters under the age of 12, vigorous sports figures now. I have seen them on television. I understand the 11-year-old pitcher got a request for marriage from an admirer. I don't think that is what he was striving for, but it happened. The honors accorded this group have been spectacular.

This past Saturday, the Toms River East American Little League team clinched the honor, defeating Kashima, Japan, by a score of 12 to 9 to win the 52nd annual Little League World Series Championship. They are affectionately known as ''The Beasts of the East,'' these little guys. They are pretty good. They received a hero's welcome Sunday upon return home from the five-game series in Williamsport, PA, where they defeated teams from Jenison, MI, Cyress, CA, Tampa, FL, and Greenville, NC, before their final game with Japan. They are the fourth New Jersey team in history to win the Little League World Series and the first U.S. team in 5 years to win this title.

Toms River East American has brought pride to its community and the entire State of New Jersey. They join the ranks of the New Jersey teams from Hammonton, the 1949 Little League champions; Wayne, NJ, the 1970 champions; and Lakewood, champs in 1975.

All of the young men on the team deserve hearty congratulations for an incredible season. I give you their names: Mike Belostock, Eric Campesi, Chris Cardone, Chris Crawford, Scott Fisher, Brad Frank, Joe Franceschini, Todd Frazier, Tom Gannon, Casey Gaynor, Gabe Gardner and R.J. Johansen.

These 12 young men are not only fine athletes, but they are also outstanding young people. They showed poise and dignity, and if one saw them in that game on national TV, unparalleled enthusiasm under pressure.

Their manager, Mike Gaynor, and coaches, Ken Kondek and Joe Franceschini, Sr., all volunteers, shepherded these youngsters through a 28-game season. I commend them for their hard work and their dedication on behalf of Toms River's children. But I also must congratulate the parents, the families and the fans of the team's players who supported these young sluggers through thick and thin. They traveled long distances to root for their children, and they are truly the heroes behind the champions.

Mr. President, I am pleased that the entire U.S. Senate will have a chance to join with me and Senator TORRICELLI in recognizing the accomplishments of not only the Toms River East American team, but also the greater Toms River community. New Jersey and the Nation owe a debt of gratitude to the ''Beasts from the East,'' their parents, families, friends and fans for allowing us to celebrate this important achievement.

As Yogi Berra said, ''I'd like to thank all of those who made this night necessary.''

With that, I yield the floor.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I am very proud to join with my colleague, Senator LAUTENBERG, in offering this resolution of congratulations. With all the rancor and discord of our times, it is worth the Senate taking a moment to note that in small towns and cities across America, there are values that endure.

On Saturday, 12 young men, no more than 11 and 12 years old, reminded us of some of those values. They became the first American team in 5 years to win the Little League World Series. It is a process that began a year ago when 7,000 different teams across America and in several other nations began to compete for this honor. The culmination was on Saturday when, by a score of 12 to 9, they defeated Kashima, Japan.

There is no denying the athletic prowess of each of the 12 young men who produced this victory. An 11- or 12-year-old boy to hit a baseball more than 210 feet in repeated home runs is as much an achievement in its own way as Mark McGwire racing for a home run title.

But in truth, there is more to this success than simple athletic prowess. Behind each and every one of these young men was a parent, a coach, a teacher, a neighbor, an umpire—someone who gave something of themselves, not simply to teach an athletic skill, but character, values, the qualities of determination that are so very American.

In this way, each of the 46,000 people of Toms River were a part of this victory; indeed, in a special sense, so was every American a part of this victory.

The lesson learned is that sacrifice and humility are an essential part of victory. How else does one explain a Mike Belostock who, in a championship game at a principal moment of his life, discovers that his eye is scratched from a contact lens and tells his mother he has decided not to play because the eye damage could have sacrificed the chances of his team.

Or persistence: Chris Cardone who replaced Belostock in the lineup and hit a game-winning home run, his first in 28 games, and only his second hit of the tournament. Or Todd Frazier who not only struck out the final Japanese batter, but who also batted a perfect 4 for 4 in the game.

Those are all sources of pride, but when the game was over and the team came home, there was something that impressed me even more. Every parent made it very clear that on Monday morning, every superstar of the ''Beasts from the East'' would be at school promptly and ready for work when school resumed.

Mr. President, I join my colleagues in congratulating Chris Cardone, Todd Frazier, Scott Fisher, Gabe Gardner, Joe Franceschini, Casey Gaynor, Eric Campesi, R.J. Johansen, Mike Belostock, Brad Frank, Tom Gannon, Chris Crawford and their coaches, Mike Gaynor and Ken Kondek, for a job well done.

Toms River is a town of champions, those who were on the field and those who were off. For those of us in the Senate and across America who watched their achievement with pride, we are reminded that there are values in our children as quintessentially American as baseball itself. Toms River, congratulations and well done.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the resolution congratulating the Toms River East American Little League.

The resolution (S. Res. 268) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 268

Whereas on Saturday, August 29, 1998, the Toms River East American Little League team defeated Kashima, Japan, by 12 runs to 9 runs to win the 52d annual Little League World Series championship;

Whereas Toms River East American team is the first United States team to win the Little League World Series championship in 5 years, and the fourth New Jersey team in history to win Little League's highest honor; and

Whereas the Toms River East American team has brought pride and honor to the State of New Jersey and the entire Nation: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Toms River East American Little League Team and its loyal fans on winning the 52d annual Little League World Series championship;

(2) recognizes and commends the hard work, dedication, determination, and commitment to excellence of the team's members, parents, coaches, and managers; and

(3) recognizes and commends the people of Toms River, New Jersey, and the surrounding area for their outstanding loyalty and support for the Toms River East American Little League team throughout the team's 28-game season.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3506

Mr. McCONNELL. Mr. President, I believe the amendment of the Senator from Pennsylvania may be pending.

The PRESIDING OFFICER. The Senator from Pennsylvania does have the pending amendment. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

Mr. President, I outlined the purpose of this amendment earlier today. What it does is provide for some $28.9 million of funding for the Comprehensive Test Ban Treaty Preparatory Commission. There is not a problem with the funding coming out of unobligated funds of prior years.

The Comprehensive Test Ban Treaty is pending before the U.S. Senate. Senator BIDEN and I had submitted a resolution sponsored by some 36 Senators which called for hearings before the Foreign Relations Committee and a vote by the Senate on ratification of the constitutional procedure.

The matter now pending is somewhat different, and that is to provide funding for the Preparatory Commission. The problem with testing, which is going on now, has become very acute during the course of the past several months—when India initiated nuclear testing, followed by Pakistan—those two countries with all of their controversy are on the verge of real problems.

I said earlier this morning that when Senator Brown and I traveled to India back in August of 1995 and talked to Prime Minister Rao, he was interested in having the subcontinent nuclear-free. Shortly thereafter, we visited Pakistan and saw their political leader, Prime Minister Benazir Bhutto, who had a similar view, but that situation has deteriorated materially.

In asking for a vote on this matter, it is not only to strengthen the position in conference where we know that on a voice vote, sometimes the position in conference is not as strong. But, also in the absence of the Senate taking up the Treaty, to have a show of support for the Treaty as I think will be reflected at least in part; although, you could support this amendment without necessarily committing to the Treaty.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, as I outlined earlier, my cosponsor is the distinguished Senator from Delaware, Senator BIDEN. He has come to the floor. At this time, I yield to him.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Delaware.

Mr. BIDEN. Mr. President, I will not take much of the Senate's time. I think this debate is about the easiest debate the Senate can face. There is one simple reason to support the Specter amendment, of which I am a cosponsor, and the U.S. contribution to the Comprehensive Test Ban Treaty Preparatory Commission. It is real simple. It is in the national security interest of the United States. I reiterate what the Senator from Pennsylvania said. This is true whether or not you favor the test ban treaty or oppose it.

Most of the funding requested for the Preparatory Commission is to be devoted to capital expenditures on the international monitoring system, the ability to monitor. Improving our nuclear test monitoring capabilities is clearly of benefit to the United States—again, whether you are for or against this treaty—as well as to the benefit of the world community.

The recent nuclear weapons tests in India and Pakistan are a stark reminder of the importance of monitoring. The international monitoring system should improve the seismic monitoring of nuclear tests in India and Pakistan by nearly a full order of magnitude. That will lower the threshold of detectable yields by a factor between 5 and 10, depending on the test-site geology.

So if the detection threshold is a yield of 200 tons today, it would be 20 to 40 tons a few years from now. Let me say that again. If the threshold at which we can detect today is 200 tons, if this monitoring system is improved, as we fully expect it would be assuming we fund our part, it would reduce that to be able to detect 20 to 40 tons—but only if we pay our contribution.

The international monitoring system will also provide these improved monitoring capabilities in a more cost-effective manner than we can achieve them unilaterally. Countries other than the United States will bear roughly 75 percent of the costs. Where I come from, that is a pretty good deal. We pay three-quarters less than we would have to pay in order to be able to get 5 times the accuracy in terms of information, as much as 10 times the resolution we need to know if anybody has set off a nuclear test.

In addition, some of the improvement is literally unattainable through U.S.-sponsored monitoring alone, as some of the international monitoring sites will be in countries that refuse to contribute to a U.S. unilateral monitoring system.

The Preparatory Commission, Mr. President, is investing—is investing—now in an international monitoring system, even though the Comprehensive Nuclear Test Ban Treaty might not come into force for some years.

There are two important reasons to support this. First, if we do consent to U.S. ratification of the treaty, we will want to be able to verify compliance as soon as the treaty enters into force. Any delay in funding the international monitoring system would translate into a delay in achieving the needed verification capabilities. Second, the improved monitoring achieved through new or upgraded sensor sites will contribute to U.S.—and world—monitoring capabilities as soon as they are in place, not just after the treaty enters into force.

U.S. agencies need to monitor possible nuclear weapons tests worldwide whether or not we ratify the treaty. Even so, opponents of ratification should support this funding. What would we do if we were here on the floor and said, ''You know, there's going to be no test ban treaty. We just want to know what's going on in the rest of the world. We want to know. And guess what? A whole bunch of nations will join in with us to increase the capability of monitoring a test by roughly tenfold, a minimum of fivefold. And all we have to do is contribute, in this case, one-quarter of the cost''?

Would we conclude not to do that? Would we sit here and say, ''No, no, no, we don't want to know; we don't want to pay 25 percent of the cost to increase our ability to detect testing that is up to 10 times more sensitive than what our capability now is''?

What are we talking about here? I mean, what rationale can there possibly be? I suspect my friends will say, ''Well, you know, if we go ahead and do this, then we're on a slippery slope to ratifying that God awful treaty.'' I think it is a good treaty, but that is the best argument you can come up with unless you say, ''We don't want to know. We don't want to know whether or not a nation is detonating a nuclear device that is in the 20 to 40 ton range. We're satisfied knowing all they can do is under 200 tons. Once they get above that, that is when we'll pay attention to it.''

Mr. President, in sum, the international monitoring system will make a real contribution to U.S. monitoring capabilities. That contribution will be much less expensive than sustaining those sites unilaterally. And it will come on line as soon as the equipment is installed.

Lest anybody have to be reminded, we live in a very dangerous world. The proliferation of nuclear weapons is occurring and it is a real risk. It seems to me, Mr. President, again, whether or not you are for the test ban treaty, the national interests requires these monitoring investments. So I strongly urge—strongly urge—all of my colleagues to support this amendment.

Mr. President, I yield the floor.

Mr. JEFFORDS. Mr. President, the Senator from Pennsylvania has raised

a very important issue, one that has not been given sufficient attention by this body this year—that of the Comprehensive Test Ban Treaty (CTBT). Ratification of the CTBT is one of the single most important steps the Senate could take today to improve our national security and reduce the future threat of a missile attack. This treaty exists only because the United States made it a priority and put a lot of energy into its formulation. Entry into force of the treaty will now occur only if the U.S. Senate engages these issues directly and begins the ratification debate. I realize that many of my colleagues do not support the treaty. But I think most Senators would agree that this is an important debate, one that should not be allowed to slip off the Senate's fall agenda.

The amendment before the Senate would fully fund the Administration's request for $28.9 million to cover the U.S. contribution to the Comprehensive Test Ban Preparatory Commission. This organization will be responsible for coordinating the efforts of the CTBT signatories to monitor compliance with the treaty and seek to prevent break-out of the treaty. The organization plans to build 171 monitoring stations around the world, greatly enhancing the ability of the U.S. and other countries to detect a nuclear explosion.

Not only is this function critically important to our national security, it comes at a bargain price: the U.S. pays only 25 percent of the cost of the Preparatory Commission. The remainder is borne by the other signatories to the treaty. As we struggle to stretch every defense dollar a bit further, I don't think we can afford to let this bargain escape us.

Mr. President, I know there are many obstacles to entry into force of the CTBT. And without active, engaged U.S. leadership, it might never happen. But we have a lot at stake here, both for today's security needs and to prevent future nuclear weapons threats. It is much easier to prevent the emergence of such threats than it is to protect against them once they have been developed. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MCCONNELL. Mr. President, would the Senator from Oregon withhold just for a minute?

Is the debate completed on the Specter amendment? I was thinking, since Mr. SMITH of Oregon is here——

Mr. SPECTER. Mr. President, I thank the distinguished chairman. No one has risen to speak in opposition to the amendment as of this point. And in the event nobody does, I think the debate is concluded. The distinguished Senator from Delaware spoke; and I have spoken on two occasions. I think the issue is before the body. So, in the absence of any opposition, I think we are ready to go to a vote when that is convenient for the managers.

Mr. MCCONNELL. I thank the Senator.

I ask unanimous consent that the Specter amendment be temporarily set aside.

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

Mr. SMITH of Oregon addressed the Chair.

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

Mr. SMITH of Oregon. Mr. President, I send two amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. Are the amendments offered en bloc?

Mr. SMITH of Oregon. They are not, Mr. President. They are separate.

The PRESIDING OFFICER. Does the Senator from Oregon ask unanimous consent that they be considered together?

Mr. SMITH of Oregon. I think they need to be considered separately. They are on entirely different issues.

The PRESIDING OFFICER. Which amendment does the Senator wish to present to the body at this time?

Mr. SMITH of Oregon. If the clerk will read the first one before him, I will proceed with that.

AMENDMENT NO. 3520

The PRESIDING OFFICER. The clerk will report the first amendment.

The legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH], for himself, Mr. THOMAS, Mr. BROWNBACK, Mr. ALLARD, Mr. BOND, Mr. GRAMS, Mr. DODD, Mr. SESSIONS, Ms. COLLINS, Mr. WYDEN and Mr. D'AMATO, proposes an amendment numbered 3520.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section, and renumber the remaining sections accordingly:

SECTION 1. SHORT TITLE.

This section may be cited as the ''Equality for Israel at the United Nations Act of 1998''.

SEC. 2. EFFORT TO PROMOTE FULL EQUALITY AT THE UNITED NATIONS FOR ISRAEL.

(a) CONGRESSIONAL STATEMENT.—It is the sense of the Congress that—

(1) the United States must help promote an end to the inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nations region blocs, which serve as the basis for participation in important activities of the United Nations, including rotating membership on the United Nations Security Council; and

(2) the United States Ambassador to the United Nations should take all steps necessary to ensure Israel's acceptance in the Western Europe and Others Group (WEOG) regional bloc, whose membership includes the non-European countries of Canada, Australia, and the United States.

(b) REPORTS TO CONGRESS.—Not later than 60 days after the date of the enactment of this legislation and on a semiannual basis thereafter, the Secretary of State shall submit to the appropriate congressional committees a report which includes the following information (in classified or unclassified form as appropriate):

(1) Actions taken by representatives of the United States, including the United States Ambassador to the United Nations, to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc;

(2) efforts undertaken by the Secretary General of the United Nations to secure Israel's full and equal participation in that body;

(3) specific responses solicited and received by the Secretary of State from each of the nations of Western Europe and Others Group (WEOG) on their position concerning Israel's acceptance into their organization; and

(4) other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations.

Mr. SMITH of Oregon. Mr. President, I rise today to offer an amendment requiring the Secretary of State to report on actions taken by our Ambassador to the United Nations to push the nations of the Western Europe and Others Group to accept Israel into their group.

As you may know, Israel is the only nation among the 185 member states that does not hold membership in a regional group. Membership in a regional group is the prerequisite for any nation to serve on key United Nations bodies such as the Security Council.

In order to correct this inequality, I am introducing ''The Equality for Israel at the United Nations Act of 1998.'' I believe that this legislation will prompt our United Nations Representative to make equality for Israel at the United Nations a high priority.

I am proud to be joined by Senators BROWNBACK, ALLARD, BOND, GRAMS, DODD, SESSIONS, COLLINS, WYDEN, D'AMATO and THOMAS as original cosponsors of this important legislation.

Mr. President, Israel has been a member of the United Nations since 1949, yet it has been continuously precluded from membership in any regional bloc. Most member states from the Middle East would block the vote needed to join their own regional group.

The Western Europe and Others Group, however, has accepted countries from other geographical areas such as the United States and Australia, for example.

This year United Nations Secretary General Kofi Annan announced that ''It's time to usher in a new era of relations between Israel and the United Nations * * * One way to rectify that new chapter would be to rectify an anomaly: Israel's position as the only Member State that is not a member of one of the regional groups, which means it has no chance of being elected to serve on main organs such as the Security Council or the Economic and Social Council. This anomaly would be corrected.''

I believe it is time to back Secretary General Annan's idea with strong support from the United States Senate and I ask all my colleagues to join me in sending this message to the UN to stop this discrimination against Israel.

AMENDMENT NO. 3521

Mr. SMITH of Oregon. 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 Oregon [Mr. SMITH], for himself, Mr. BIDEN, Mr. D'AMATO, and Mr. JOHNSON, proposes an amendment numbered 3521.

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

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

The amendment is as follows:

At the appropriate place, add the following:

SEC. . SANCTION AGAINST SERBIA-MONTENEGRO.

(a) CONTINUATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions listed in subsection (b) shall remain in effect until January 1, 2000, unless the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations of the House of Representatives a certification described in subsection (c).

(b) APPLICABLE SANCTIONS.—

(1) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to the government of Serbia-Montenegro.

(2) The Secretary of State should instruct the United States Ambassador to the Organization for Security and Cooperation in Europe (OSCE) to block any consensus to allow the participation of Serbia-Montenegro in the OSCE or any organization affiliated with the OSCE.

(3) The Secretary of State should instruct the United States Representative to the United Nations to vote against any resolution in the United Nations Security Council to admit Serbia-Montenegro to the Untied Nations or any organization affiliated with the United Nations, to veto any resolution to allow Serbia-Montenegro to assume the United Nations' membership of the former Socialist Federal Republic of Yugoslavia, and to take action to prevent Serbia-Montenegro from assuming the seat formerly occupied by the Socialist Federal Republic of Yugoslavia.

(4) The Secretary of State should instruct the United States Permanent Representative on the Council of the North Atlantic Treaty Organization to oppose the extension of the Partnership for Peace program or any other organization affiliated with NATO to Serbia-Montenegro.

(5) The Secretary of State should instruct the United States Representatives to the Southeast European Cooperative Initiative (SECI) to oppose and to work to prevent the extension of SECI membership to Serbia-Montenegro.

(c) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) the representatives of the successor states to the Socialist Federal Republic of Yugoslavia have successfully negotiated the division of assets and liabilities and all other succession issues following the dissolution of the Socialist Federal Republic of Yugoslavia.

(2) the government of Serbia-Montenegro is fully complying with its obligations as a signatory to the General Framework Agreement for Peace in Bosnia and Herzegovina.

(3) the government of Serbia-Montenegro is fully cooperating with and providing unrestricted access to the International Criminal Tribunal for the Former Yugoslavia, including surrendering persons indicted for war crimes who are within the jurisdiction of the territory of Serbia-Montenegro, and with the investigations concerning the commission of war crimes and crimes against humanity in Kosova.

(4) the government of Serbia-Montenegro is implementing internal democratic reforms.

(5) Serbian, Serbian-Montenegrin federal governmental officials, and representatives of the ethnic Albanian community in Kosova have agreed on, signed, and begun implementation of a negotiated settlement on the future status of Kosova.

(d) STATEMENT OF POLICY.—It is the sense of the Congress that the United States should not restore full diplomatic relations with Serbia-Montenegro until the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations in the House of Representatives the certification described in subsection (c).

(e) EXEMPTION OF MONTENEGRO.—The sanctions described in subsection (b)(1) should not apply to the Government of Montenegro.

(f) DEFINITION.—The term ''international financial institution'' includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(g) WAIVER AUTHORITY.—

(1) The President may waive the application in whole or in part, of any sanction described in subsection (b) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs or to achieve a negotiated settlement of the conflict in Kosova that is acceptable to the parties.

(2) Such a waiver may only be effective upon certification by the President to Congress that the United States has transferred and will continue to transfer (subject to adequate protection of intelligence sources and methods) to the International Criminal Tribunal for the former Yugoslavia all information it has collected in support of an indictment and trial of President Slobodan Milosevic for war crimes, crimes against humanity, or genocide.

(3) In the event of a waiver, within seven days the President must report the basis upon which the waiver was made to the Select Committee on Intelligence and the Committee on Foreign Relations in the Senate, and the Permanent Select Committee on Intelligence and the Committee on International Relations in the House of Representatives.

Mr. SMITH of Oregon. Mr. President, we have all watched the events in Kosovo with alarm and distress over the past several months. The situation on the ground continues to deteriorate and no progress has been made on a negotiated solution to the conflict.

Serb paramilitary groups and Yugoslav army units are conducting offensives in Kosovo that have the effect of driving tens of thousands of Kosovar Albanians from their homes. Innocent civilians have been killed. Villages throughout the province have been razed. Humanitarian workers in Kosovo are in great danger as they try to fulfill their mission of delivering food, medicine, and other necessities to the refugee population.

In fact, just recently, in a despicable act, three aid workers with the Mother Theresa Society in Kosovo were deliberately killed by Serbian forces as they attempted to deliver humanitarian assistance to Kosovars that had been displaced by the conflict. Fighting has occurred on the border with Albania, highlighting the potential for this conflict to spread throughout the Balkans, and even involve Greece and Turkey, two of our NATO allies.

Mr. President, I lay the blame of this disaster on the shoulders of one man: Slobodan Milosevic. Mr. Milosevic, currently President of the Federal Republic of Yugoslavia, rose to power in 1989 by exploiting and manipulating Serbian nationalism in Kosovo—a process that led directly to the horrific war in Bosnia and resulted in the death of tens of thousands of Bosnians of all ethnic groups. In his desperate effort to hold onto power, Milosevic has reverted to his old tricks: he is using the status of Kosovo—a province which is overwhelmingly populated by ethnic Albanians—to consolidate and perpetuate his authority and position.

The six-nation Contact Group charged with monitoring events in the former Yugoslavia has issued various sets of demands since the crisis began in February—demands which Milosevic repeatedly ignores. I am aware of the diplomatic effort underway to start the process of negotiating a settlement. Yet no solution will endure that does not guarantee the Albanians in Kosovo their full political rights and civil liberties.

Mr. President, for several years, the Clinton Administration has maintained a policy of upholding the so-called ''outer wall'' of sanctions against the Federal Republic of Yugoslavia. The FRY is what remains of socialist Yugoslavia, and consists of two republics, Serbia and Montenegro.

The outer wall denies United States' support of FRY membership in international organizations. It denies United States' support for FRY access to economic assistance provided by international financial institutions. And the outer wall withholds full United States diplomatic relations with the FRY.

The Administration has stated that the FRY and Mr. Milosevic must fulfill five conditions before the outer wall of sanctions is lifted. The amendment that we have before us today requires the President to certify these five conditions are met before any action is taken to lift or to weaken the outer wall.

These five conditions as laid out by senior officials of the Clinton Administration are as follows. First, all succession issues due to the break-up of the Socialist Federal Republic of Yugoslavia—in particular, the division of assets and liabilities—must be resolved

with the other republics that emerged from the dissolution of that country. Second, the FRY must comply with all of its obligations as a signatory of the Dayton Accords. Third, the FRY must cooperate with the War Crimes Tribunal that is investigating and prosecuting war criminals in the former Yugoslavia. Fourth, the FRY must make substantial progress in implementing democratic reforms. And finally, the FRY must make progress in resolving the situation in Kosovo.

When discussing ''progress'' in Kosovo, I want to emphasize that progress does not mean the end of the Serbian policy of ethnic cleansing in Kosovo. Nor does it mean Serbian paramilitary forces ceasing their operations directed at civilians in Kosovo. That is not progress. Progress is a negotiated settlement that allows ethnic Albanians to exercise their political rights.

Let me be clear: the problem here is Mr. Milosevic, not the Serbian people. The Serbian people must not be blamed for the irrational policies promoted by Milosevic. I want to be helpful to those in Serbia who are courageously opposing the detrimental policies propounded by him. These individuals are trying to establish independent media that will provide unbiased reporting to the Serbian people; they are working to strengthen the democratic opposition, small though it is, to Milosevic's stronghold on power; they are trying to develop a civil society based on the rule of law. They need our help—and they deserve our help.

But Mr. Milosevic—and the Serbian people—must understand that Milosevic either needs to comply with the five conditions laid out by the Administration or his country will continue to be isolated into the next century.

Before continuing, Mr. President, I must take note of the positive developments that have occurred this year in Montenegro, Serbia's partner in the FRY. Montenegro has made great strides in implementing necessary reforms to make the transition from a socialist state with a centrally planned economy to a free market democracy.

Events in Montenegro prove that democracy can take root and flourish in the FRY, but requires leaders that are committed to a pluralistic, multi-ethnic state. It is in our interests to support Montenegrin President Djukanovic in his effort to consolidate and accelerate the democratic reform process. Though Mr. Milosevic has made every attempt to frustrate President Djukanovic's efforts, the Montenegrin people have spoken—and their choice is democracy.

Mr. President, the amendment we have before us clearly states exactly what Mr. Milosevic needs to do for his country to join the family of Western nations. This is not a secret to him. It has been the position of this Administration for several years. What is new, however, is that this amendment prohibits the FRY from joining international organizations, such as the United Nations and the Organization for Security and Cooperation in Europe, and prohibits the FRY from gaining access to assistance from international financial institutions until each of these five conditions are met.

What we are asking for is responsible behavior. Before lifting the outer wall of sanctions—which in effect is a reward for Serbia—we should expect nothing less.

I urge my colleagues to support this amendment.

Mr. President, I understand that these amendments may be accepted by the managers of the bill. So I will not ask for the yeas and nays.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the Smith amendments are cleared on both sides.

The PRESIDING OFFICER. Is there further debate?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I will not take any more of the Senate's time. I learned a long time ago from a former chairman named Russell Long that when you are about to accept something, let it be accepted.

I rise to cosponsor an amendment that codifies the so-called outer wall of sanctions on the government of Serbia-Montenegro.

Mr. President, as we know, for the last decade Slobodan Milosevic has pursued his mad dream of a Greater Serbia. The result has been hundreds of thousands dead, millions made homeless, and centuries-old Serbian culture eradicated from sections of the former Yugoslavia.

And Milosevic is continuing his murderous policies in Kosovo, while playing games with us in Bosnia and frustrating democratic reforms in Serbia.

The amendment that Senator SMITH, Senator D'AMATO, Senator JOHNSON, and I are proposing codifies five categories of sanctions.

First, the Secretary of the Treasury is to instruct the U.S. executive directors of the international financial institutions to work in opposition to and vote against, any extension by these institutions of any financial or technical assistance or grants of any kind to the government of Serbia. Montenegro's reformist government is exempted from these sanctions.

Second, the Secretary of State is to instruct the U.S. Ambassador to the OSCE—the Organization for Security and Cooperation in Europe—not to join any consensus to allow the participation of Serbia-Montenegro in the OSCE.

Third, the Secretary of State is to instruct the Representative to the United Nations to vote against any resolution in the U.N. Security Council to admit Serbia-Montenegro to the U.N.

Fourth, the U.S. is to oppose the extension of the Partnership for Peace program to Serbia-Montenegro.

Fifth, the U.S. is to oppose the extension of membership in the Southeast European Cooperative Initiative to Serbia-Montenegro.

How might Milosevic avoid these sanctions?

The amendment would drop these sanctions if the President certifies that Serbia-Montenegro has taken five steps.

First, Serbian representatives must be negotiating in good faith with the other successor states of the former Yugoslavia on the division of assets and liabilities and other succession issues.

Second, the government of Serbia-Montenegro must be complying fully with its obligations as a signatory to the Dayton Accords.

Third, the government of Serbia-Montenegro must be cooperating fully with, and providing unrestricted access to, the International Criminal Tribunal for the former Yugoslavia.

Fourth, the government of Serbia-Montenegro must be implementing internal democratic reforms, including progress in the rule of law and independent media. In this regard it is worth noting that the government of the Republic of Montenegro is already in compliance.

Fifth, the government of Serbia-Montenegro must meet the requirements on Kosovo enumerated elsewhere in this Act.

Mr. President, Slobodan Milosevic has jerked this country around long enough. This amendment makes clear to him what he has to do in order to have the outer wall of sanctions removed.

The ball is squarely in his court.

I urge my colleagues to vote for this amendment.

I thank the Chair and yield the floor.

Mr. President, I compliment my friend from Oregon in leading the way on this. I think the balance here is real. I think it is very important. I think it is totally consistent with the direction we have been going in the way the Senate should act relevant to the sanctions and the exceptions we grant the President for other reasons relating to other than that very high bar of the national security test.

I compliment him. I thank him for the modification.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendments of the Senator from Oregon?

Does the Senator from Oregon wish them to be voted on en bloc?

Mr. SMITH of Oregon. Yes. Mr. President, I would make that request.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the two amendments of the Senator from Oregon.

The amendments (No. 3520 and No. 3521) were agreed to.

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

Mr. SMITH of Oregon. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thought we were ready for a finite list of amendments, but apparently we are not. The Senator from Oklahoma has been waiting patiently for a couple of hours. The Senator from New York also would like to make just a brief comment on the IMF provision. I know that the Senator from Idaho has brief comments to make as well. I wonder if it is all right with the Senator from Oklahoma, since his amendment is going to be a contentious amendment, if we dispose of comments of the Senator from New York and the Senator from Idaho, which I understand are going to be quite brief.

Mr. INHOFE. I have no objection.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, may I thank the distinguished manager of the legislation and my colleague and friend from Oklahoma for his courtesy.

Mr. President, the Foreign Operations Appropriations bill before us addresses a matter of the utmost urgency: the need to replenish the resources of the International Monetary Fund.

Title VI of the bill provides $14.5 billion—the amount of the United States' quota increase—which will augment the general funds available to the IMF. The need for this measure is undeniable: the Fund's resources have been seriously depleted as a result of the Asian financial crisis—specifically, the $36.1 billion in assistance committed to Indonesia, Thailand, and Korea—and now nearly drained by ominous developments in Russia. Not to mention the potential ''contagion'' effect. The bill also approves the United States' $3.36 billion contribution to the New Arrangements to Borrow—a new fund that will provide additional resources to respond to financial crises of such consequence that they threaten the stability of the international monetary system. Unfortunately, we have entered a period in which crises of such magnitude are upon us.

Action on the IMF funding request is surely overdue. The President sought these funds in his requested supplemental appropriation for Fiscal Year 1998. The Senate readily agreed, approving the IMF funding amendment offered by the distinguished floor manager, the Senator from Kentucky, by a resounding vote of 84–16. That was on March 26. Regrettably and incomprehensibly, the measure was then dropped in conference at the urging of the House. It is now more than five months later, with no action by the other body, and global financial markets are in yet more precarious positions.

I spoke this morning with our esteemed Secretary of the Treasury, Secretary Rubin, who reiterated the importance of immediate action on this legislation. There is no end in sight to the Asian financial crisis, which began more than a year ago in Thailand. The President today is in Russia, which is on the brink of financial collapse. These events, particularly those in Russia in recent days, ought to convince us that this is not the time to put into jeopardy the IMF as an active participant in world financial matters.

It is true that the Russian economy is small. As pointed out in Saturday's New York Times, the drop last week in the value of stocks on the Tokyo Stock Exchange—some $241 billion—was roughly the size of the entire annual output of the Russian economy at present exchange rates. Western Europe's exports to Russia account for well under 0.4 percent of their GDP. And for the United States, the amount is minuscule. Total U.S. exports to Russia in 1997 reached $3.4 billion, a mere 0.04 percent of our GDP.

But it would be a serious mistake to minimize the potential impact of the current crisis in Russia. As The Financial Times pointed out last weekend, in its August 29–30, 1998 issue,

> Events in Moscow have moved with bewildering speed. The rouble and stock market are plunging, and there is a run on the banks. Most of the reformers seem to be out of the government, replaced by politicians who can be relied on only to set policies to meet the desires of Russia's oligarchs. . . . However, it is already clear that the impact of this crisis will be greatly disproportionate to Russia's size. At worst, the crisis could trigger a new round of contagion, sending western stock markets crashing, and the world into recession . . .

And yet, the economic consequences of the current turmoil in Russia are not nearly as serious as the potential political consequences, which may have profound implications for the people of Russia—and indeed for the entire globe in this nuclear age.

For instance, Dr. Murray Feshbach, who warned so presciently in the early 1980s about the troubles afflicting the Soviet Union, continues to document frightening Russian public health problems. The life expectancy of Russian men dropped from 62 years in 1989 to 57 years in 1996. There is no historical equivalent. It has increased slightly in the last year, but remains at appalling levels. A century ago, a 16 year-old Russian male had a 56 percent chance of surviving to age 60. In 1996, a 16 year-old Russian male had only a 54 percent chance of surviving to age 60. Two percent less than he would have had he been born a century earlier!

The military is not spared the problems afflicting the Russian economy or the health of its citizens. Last month, an army major in central Russia took to the streets with a tank to protest the failure to pay wages. The first rule of government is pay the army. Russian soldiers are reduced to begging for food. The decrepit state of the military leaves Russia, for the most part, undefended. Except, Sir, for nuclear weapons, of which it has over 20,000.

A recent National Security Blueprint, issued by President Boris Yeltsin on December 17, 1997, is a remarkable document. It is a 14,500-word assessment of Russian national security published openly in an official paper. It acknowledges the ethnic tensions which exist in Russia and notes how the weak economy exacerbates those forces. It states:

> The critical state of the economy is the main cause of the emergence of a threat to the Russian Federation's national security. This is manifested in the substantial reduction in production, the decline in investment and innovation, the destruction of scientific and technical potential, the stagnation of the agrarian sector, the disarray of the monetary and payments system, the reduction in the income side of the federal budget, and the growth of the state debt.

It goes on to warn:

> The negative processes in the economy exacerbate the centrifugal tendencies of Russian Federation components and lead to the growth of the threat of violation of the country's territorial integrity and the unity of its legal area.
>
> The ethnic egotism, ethnocentrism, and chauvinism that are displayed in the activities of a number of ethnic social formations help to increase national separatism and *create favorable conditions for the emergence of conflict in this sphere.*
>
> (Emphasis supplied.)

Mr. President, the IMF, with its emphasis on economic reform, has a role to play here. Now is not the time to call into question the United States' commitment to that institution. We can debate whether the amounts provided in this bill will be enough. Indeed, a persuasive article in this morning's Washington Post by Susan Eisenhower, chairman of the Center for Political and Strategic Studies here in Washington, states:

> Simply put: The IMF multiyear ''bailouts'' were enough to obligate Russia to implement Western-designed programs, but not enough to do the job. Total Western assistance to Russia has been a fraction of what West Germany has spent in East Germany since unification.

It may be time for us to concede that the situation in Russia merits a much more aggressive assistance program, on the order of the Marshall Plan that was so effective in reviving Western Europe. Fifty years ago, from 1948–1952, the United States gave about $3 billion a year to fund the Marshall Plan. A comparable contribution in round numbers, given the current size of the United States economy, would be about $100 billion a year for five years. And yet, the United States' total bilateral assistance to Russia in the five-year period from fiscal years 1992 through 1996 was merely $3.1 billion.

Certainly the 20,000 nuclear weapons in Russia's hands ought to persuade us that a more serious approach to Russia's economic problems is required. Without question, the first order of business must be the passage of this legislation, to secure funding for the IMF. And after that, we ought to begin a serious debate on what more can and should to be done.

Mr. President, I thank the Chair. I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, thank you, very much. May I also thank the Senator from Oklahoma for his patience. He has an amendment to offer.

I rise to thank the chairman, the Senator from Kentucky, and the ranking member, the Senator from Vermont, for his help on two amendments which I placed in this foreign ops bill, and also some very important language that they worked out with me with regard to the IMF.

By way of explanation, the amendments require U.S. directors of international institutions (such as the IMF and Agency for International Development, AID) to use the voice and vote of the United States to encourage purchase of American products, commodities and equipment. This legislation requires that our directors of international organizations use their influence to encourage purchase of U.S. ag commodities.

The amendments also require the Secretary of the Treasury to report to Congress annually on the efforts of the heads of federal agencies and the U.S. executive directors of international financial institutions to promote the purchase of American commodities. We can't just tell these directors to promote our products, we must also have some accountability, so we can encourage and see the results of U.S. agricultural commodities actually being purchased.

This is strong, unambiguous language. The concept and language of this amendment affecting surplus commodities should be applied to the equally important issue that funds made available through this bill should purchase American agricultural products.

If we are going to ask American farmers and ranchers to pay their taxes to support the financial assistance provided in this bill, then we should ask their American representatives in these international financial institutions to urge the purchase of American agriculture commodities with the funds made available with this bill.

The foreign operations bill also attempts to increase exports of American products and also seeks to make sure that the International Monetary Fund will not subsidize the foreign semiconductor industry to the detriment of American semiconductor companies. Specifically, the provisions require the Secretary of Treasury to certify to Congress that no IMF resources will support semiconductor and other key industries in any form, and that the Secretary of the Treasury will instruct the U.S. Executive Director of the IMF to use the voice and vote of the United States to oppose disbursement of further funds if such certification is not given.

Mr. President, I thank the chairman and the ranking member again for working with me on this particular language which is critically important to the semiconductor industry. Senator CRAIG and I have met with a number of individuals from the U.S. Treasury, including the Secretary of Treasury, Robert Rubin, prior to his trip to Asia. I believe that he delivered a very strong message to the countries in Asia.

As we have talked about the semiconductor business, the transparency issue of the International Monetary Fund, as well as agriculture, they are all linked together because when we met with a number of the national ag commodity groups, they all said there is a crisis that exists in agriculture today, and one of the elements that they stressed that was important was to see the recovery of economies around the world, certainly in Asia so that those markets, again, are available to U.S. agricultural commodities.

So, again, I thank the Senator from Kentucky for his great help and leadership on this issue.

Mr. MCCONNELL. Mr. President, I, too, thank and congratulate the Senator from Idaho for his amendments and his good work in this regard.

Now, the long-suffering Senator from Oklahoma is next.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I thank the Chair. I thank the distinguished Senator for yielding.

AMENDMENT NO. 3366

(Purpose: To require a certification that the signing of the Landmine Convention is consistent with the combat requirements and safety of the armed forces of the United States)

Mr. INHOFE. 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 Oklahoma [Mr. INHOFE] proposes an amendment numbered 3366.

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

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

The amendment is as follows:

On page 82, line 16, after the end period insert: ''This subsection shall not apply unless the Joint Chiefs of Staff and the unified combatant commanders certify in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that the signing of the Convention is consistent with the combat requirements and safety of the armed forces of the United States.''.

Mr. INHOFE. There is some language that was put on this bill by the very distinguished Senator from Vermont. I will read that language to you. The language states:

Statement of Policy. It is the policy of the United States Government to sign the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction as soon as practicable.

My amendment merely agrees to that language but adds, provided ''the Joint Chiefs of Staff and the unified combatant commanders certify in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that'' such a step ''is consistent with the combat requirements and safety of the armed forces of the United States.''

So essentially what we are doing is saying that we agree that the language is—even though I would prefer the language not be in there, the language remain in there, but it be qualified. I am always a little bit confused and disturbed when I see the qualifier ''as practicable.'' I don't know what ''as practicable'' means, and so I think this actually would improve the language that was put in by the Senator from Vermont giving some qualifications.

I think also that the Senator from Vermont has a lot of passion on this issue. I certainly understand that. When I was a freshman, I was seated up there where the President is seated right now and listened to his comments for about an hour. I know his concern comes from the heart. I think he is also equally concerned about the safety of troops deployed overseas, thousands of troops in South Korea and troops all around the world.

A statement that was made by the Senator from Vermont, referring to the Ottawa Treaty, was: I think we can get to it sooner, and I and others will be pushing to do so. So I think there is going to be an ongoing effort to get to this treaty sooner than some of us would want to do that.

The fact is that our senior military commanders, both those currently in uniform and many of those now in retirement, have already put us on notice: The U.S. military requires the ability to make responsible use of self-destructing APLs. This is particularly true in those situations where American forces are forced to operate in hostile territory, often severely outnumbered. The alternative to the responsible use of antipersonnel landmines is to have their positions overrun, to beachhead loss and heavy casualty loss unnecessarily sustained.

So, Mr. President, here is what every Member of the Joint Chiefs of Staff and every one of the unified combatant commanders wrote last year, and I am quoting right now.

Self-destructing landmines are particularly important to the protection of early entry and light forces which must be prepared to fight outnumbered during the initial stages of deployment. The lives of our sons and daughters should be given the highest priority when deciding whether or not to ban unilaterally the use of self-destructing APLs.

I ask unanimous consent to have the full text of this extraordinary letter dated July 10 of 1997 printed in the RECORD.

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

THE JOINT CHIEFS OF STAFF,
Washington, DC, July 10, 1997.

Hon. STROM THURMOND,
Chairman, Senate Armed Services Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We are seriously concerned about the new legislative proposal to permanently restrict the use of funds for new deployment of antipersonnel landmines (APL) commencing January 1, 2000. Passing this bill into law will unnecessarily endanger U.S. military forces and significantly restrict the ability to conduct combat operations successfully. As the FY 1998 Defense Authorization Bill and other related legislation are considered, your support is needed for the Service members whose lives may depend on the force protection afforded by such landmines.

We share the world's concern about the growing humanitarian problem related to the indiscriminate and irresponsible use of a lawful weapon, non-self-destructing APL. In fact we have banned non-self-destructing [dumb] APL, except for Korea. We support the President's APL policy which has started us on the road to ending our reliance on any anti-personnel landmines. Having taken a great step toward the elimination of APL, we must at this time, retain the use of self-destructing APL in order to minimize the risk to U.S. soldiers and marines in combat. However, we are ready to ban all APL when the major producers and suppliers ban theirs or when an alternative is available.

Landmines are a ''combat multiplier'' for U.S. land forces, especially since the dramatic reduction of the force structure. Self-destructing landmines greatly enhance the ability to shape the battlefield, protect unit flanks, and maximize the effects of other weapons systems. Self-destructing landmines are particularly important to the protection of early entry and light forces, which must be prepared to fight outnumbered during the initial stages of a deployment.

This legislation, in its current form, does not differentiate between non-self-destructing and self-destructing APL. Banning new deployments of APL will prevent use of most modern U.S. remotely delivered landmine systems to protect U.S. forces. This includes prohibiting use of most antitank landmine systems because they have APL embedded during production. Self-destructing APL are essential to prevent rapid breaching of antitank mines by the enemy. These concerns were reported to you in the recent ''Chairman of the Joint Chiefs of Staff Report to Congress on the Effects of a Moratorium Concerning Use by Armed Forces of APL.'' Also of concern is that the bill's definition of an APL jeopardizes use of other munitions essential to CINC warplanes.

We request that you critically review the new APL legislation and take appropriate action to ensure maximum protection for our soldiers and marines who carry out national security policy at grave personal risk. Until the United States has a capable replacement for self-destructing APL, maximum flexibility and warfighting capability for American combat commanders must be preserved. The lives of our sons and daughters should be given the highest priority when deciding whether or not to ban unilaterally the use of self-destructing APL.

Sincerely,

Joseph W. Ralston, Vice Chairman of the Joint Chiefs of Staff; Dennis J. Reimer, General, U.S. Army, Chief of Staff; Ronald R. Fogleman, General, USAF, Chief of Staff; J.J. Sheehan, General, USMC, Commander in Chief, U.S. Atlantic Command; James L. Jamerson, General, USAF, U.S. Deputy Commander in Chief, Europe; Henry H. Shelton, General, U.S. Army, Commander in Chief, U.S. Special Operations Command; Howell M. Estes, III, General, USAF, Commander in Chief, NORAD/USSPACECOM; Walter Kross, General, USAF, Commander in Chief, U.S. Transportation Command.

John M. Shalikashvili, Chairman of the Joint Chiefs of Staff; Jay L. Johnson, Admiral, U.S. Navy, Chief of Naval Operations; C.C. Krulak, General, U.S. Marine Corps, Commandant of the Marine Corps; J.H. Binford Peay, III, General, U.S. Army, Commander in Chief, U.S. Central Command; J.W. Prueher, Admiral, U.S. Navy, Commander in Chief, U.S. Pacific Command; Wesley K. Clark, General, U.S. Army, Commander in Chief, U.S. Southern Command; Eugene E. Habiger, General, USAF, Commander in Chief, U.S. Strategic Command; John H. Tilelli, Jr., General, U.S. Army, Commander in Chief, United Nations Command/Combined Forces Command.

Mr. INHOFE. As I said, I don't want to change the language. I don't think I want to change the intent of the language of the Senator from Vermont, but nonetheless this does put language in there that would take our troops out from harm's way.

I know that the Senator from Vermont has some comments to make perhaps in opposition to this amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thought the Senator was going to be speaking longer.

Mr. President, I would like to read what is in the bill. It says:

It is the policy of the U.S. Government to sign the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction as soon as practicable.

That is a convention that has now been signed by some 129 nations, including every one of our NATO allies except Turkey and every other Western Hemisphere country except Cuba. It says we will sign it as soon as practicable. It does not set a deadline. Other nations far less powerful than the United States have said they can sign it, but we have not signed it. We have said that even though we are the most powerful nation history has ever known, we are not powerful enough to sign the anti-landmine treaty, but we wish other nations would. And we have encouraged other nations to give up their landmines, in laudatory fashion—nations nowhere near as powerful as we, nations that face a lot more threats on their borders than we.

Mr. President, I happen to disagree with the President of the United States in that regard. I do agree with my friend from Oklahoma that both he and I are concerned about the men and women that we send into combat. My son is a marine. He is a rifleman in the Marine Corps. When he was called up for Desert Storm, his MOL was carry the SAW, light machine gun, and he was listed as a ''casualty replacement,'' encouraging terminology for parents of all young marines who are so listed—the idea that they are the ones who go first into combat carrying a gun with others behind them to pick up the guns, the weapons, and so on, if the first one falls, which in this instance would have been our son.

Now, we are fortunate the war ended so quickly that neither he nor the others in his unit ended up in harm's way. But I have to assume he may be called up again. And as a parent and a U.S. Senator, the last thing in the world I want to do is anything that increases the threat to our own troops or that in any way diminishes our ability to defend ourselves.

But having said that, I am also struck by the number of generals, the number of combat leaders, including the retired commander in chief in Korea, including the former supreme allied commander of NATO in Europe, including a number of others who have called for such a ban on landmines because it has become such a double-edged sword, aside from the fact that most people who are killed by landmines today are civilians, not combatants.

The United States was the first Nation in the world to actually pass landmine ban legislation, legislation that banned the export of landmines from this country, something hotly contested in this Chamber. And in a roll-call vote, 100 Senators voted for that amendment, voted for the Leahy law, and it became law—100 U.S. Senators across the political spectrum. In fact, many have said that that legislation was the trigger that got us to where we are today, where 129 nations have signed the Ottawa Treaty.

We expect 40 ratifications by next month. That is the fastest that any international humanitarian law or arms control treaty has ever in history come into force. I think that shows the tremendous international support and momentum for this treaty and for the end to the endless slaughter of innocent people by landmines.

Now, the United States has not signed it, and even if the United States does sign it, even if the United States does sign it, it then has to come to the Senate where two-thirds of the Senators present and voting have to vote to approve such a treaty before the President can ratify it. The President of the United States cannot ratify such a treaty unless two-thirds of the Senators present and voting vote to allow him to ratify it. And actually, if we did, he still doesn't have to ratify it but, of course, would.

Mr. President, even though a majority of the Senators in this body have signed legislation, cosponsored legislation that would ban United States use of anti-personnel mines except in Korea, in an attempt to work closely with the Department of Defense, the Joint Chiefs of Staff and particularly General Ralston for whom I have immeasurable respect, the President of

the United States, the Secretary of Defense, and the National Security Adviser, I worked hard to agree on an approach that was acceptable to everyone. The language in this bill, which the Senator from Oklahoma wants to modify, is consistent with that agreement. My language simply says it is our policy to sign the treaty as soon as practicable. And that reflects the understanding that the administration is searching aggressively for alternatives to landmines. And General Ralston has assured me that they are doing that and I have confidence in him.

Incidentally, several types of landmines we use are not prohibited by the Ottawa Treaty, neither command detonated Claymore mines, nor anti-tank mines. But I am concerned that my friend from Oklahoma now wants to give a veto to a whole lot of other people. The fact of the matter is, no treaty is going to come up here with any chance of being approved by two-thirds of the Senate unless the President, the Secretary of Defense, the Joint Chiefs of Staff, and everybody else support it. But the Senator from Oklahoma wants to require that each of the unified combatant commanders has to agree—it apparently isn't enough that the Commander in Chief, or the Secretary of Defense, agrees.

I have dealt in good faith with the Joint Chiefs of Staff and the President and the National Security Adviser and the Secretary of Defense. My language reflects that. And I agreed not to oppose a waiver of my moratorium legislation, and other things that the Pentagon wanted. The amendment by the Senator from Oklahoma places that agreement in jeopardy.

I know there may be others who wish to speak. I will give a longer tutorial on the landmines issue later today or tomorrow. But let's be clear. My language does not have us ratifying the Ottawa Treaty or anything like that. We are not ratifying it here, even though 40 of those nations will have done so very shortly, the fastest that any international law or arms control treaty has ever been agreed to come into force. No. Even with my language, the United States is still one of the lone holdouts in the world. Certainly among our NATO allies we are the most significant holdout.

I tell my friend from Oklahoma, if he went to some of the parts of the world where we use the Leahy War Victims Fund and saw the numbers of civilians blown apart by landmines, he would understand my concerns. And if he received the letters or talked to the military officers I have talked to who have been injured, or seen their fellow soldiers killed or wounded by our own landmines, he would understand. And if he had heard some of the speeches by our allies who ask why the most powerful nation on Earth wants them to give up their landmines but refuses to give up ours, then he would also understand my concern.

Mr. President, I will have more to say and I suggest the absence of a quorum.

I withhold that, Mr. President, if the Senator from Oklahoma wishes to speak. I withhold the suggestion of the absence of a quorum.

Mr. INHOFE. I thank the Senator from Vermont. Most of the things he stated so eloquently I do agree with. I would like to discuss a couple of them, however.

The 125 nations or so that we are talking about that he referred to who signed this Ottawa Treaty—obviously, we have not. I don't think it is good policy for us to say that we didn't sign it ourselves but we encourage others to do it.

I have not seen any documentation of that. If I did, it wouldn't really be too meaningful to me.

Mr. LEAHY. Will the Senator yield?

Mr. INHOFE. Of course.

Mr. LEAHY. We have encouraged others to give up their landmines. We have done this around the world, as we should. In the Ottawa Treaty, no; in fact, in the Ottawa Treaty, when it was being negotiated in Oslo, the United States came in at the last minute and expressed some interest but we did everything possible to thwart it up to that point.

Mr. INHOFE. I thank the Senator for that clarification.

A statement that was made by the Senator from Vermont was that, if you go to parts of the world where you can see the damage inflicted by these, you perhaps will feel differently. I suggest to the Senator, I have been there, and I remember the problems we had in Nicaragua and Honduras. There is nothing that is more repugnant, nothing that is sadder than seeing the effect of landmines on individuals. However, what we are talking about now is many of those landmines were not U.S. landmines. Those were landmines that were made in other parts of the world. We are talking about self-destructing landmines, self-disarming landmines, and landmines that, in the opinion of our military leaders, are necessary to save the lives of Americans.

As far as the alternatives, I hope that we are going to be able to come up with alternatives to landmines, even smart landmines. I will be the first one, when that time comes, to stand here on the floor of the Senate and change our policy so that we can more accurately use and effectively use these landmines. However, we can always change the law when that time comes.

In addition, the statement that I read was endorsed by every member of the Joint Chiefs of Staff and every one of the unified combatant commanders, which was:

> Self-destructing landmines are particularly important to the protection of early entry and light forces which must be prepared to fight outnumbered during the initial stages of deployment. The lives of our sons and daughters should be given the highest priority when deciding whether or not to ban unilaterally the use of destructive APLs.

I think some of the same language was used by our Commander in Chief when the President said, it was a year ago this month I believe, Mr. President, he said:

> As Commander in Chief, I will not send our soldiers to defend the freedom of our people and the freedom of others without doing everything we can to make them as secure as possible. There is a line that I simply cannot cross and that line is the safety and security of our men and women in uniform.

Mr. KYL. Will the Senator from Oklahoma yield for a question?

Mr. INHOFE. Yes.

Mr. KYL. I have a copy of what I believe is the amendment that the Senator from Oklahoma has offered. I wonder if this is the amendment, and I am going to read what I have:

> This subsection shall not apply unless the Joint Chiefs of Staff and the unified combatant commanders certify in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that the signing of the Convention is consistent with the combat requirements and safety of the armed forces of the United States.

Is that the Senator's amendment?

Mr. INHOFE. That is the language.

Mr. KYL. Mr. President, it seems that we would all want the military leaders of our country to agree that any policy that we adopt is commensurate with both combat requirements and the safety of the Armed Forces of the United States. And if they are not willing to certify that, then I certainly wouldn't want to be on record as supporting a policy or a treaty or a law that they felt was inimical to the safety of the Armed Forces of the United States. I guess I am really wondering what the controversy is about. Maybe there isn't much controversy.

Mr. INHOFE. I respond to the Senator from Arizona, at the very beginning when we opened our remarks, I said the language the Senator from Vermont put in this appropriations bill is left intact, but this one proviso is there. When we try to use the argument you are not going to be able to get the Joint Chiefs and the CINCs to agree, if they don't agree, I don't want to invoke this.

I will say, yes, that is the intent and the letter of this amendment. It is very simple, and I can't imagine anyone will want to go on record saying that we want to stop the use of any kind of landmines if it is not in the best interest of our fighting troops over there as certified by the Joint Chiefs and the CINCs.

Mr. KYL. Mr. President, if I can again ask the Senator from Oklahoma to yield, I certainly agree with that assessment. It seems to be a very reasonable proposition. I certainly hope our colleagues will agree with the amendment because of that.

Mr. INHOFE. I thank the Senator from Arizona.

I would like to comment on a couple of other things. In addition to the letter that was sent by the Joint Chiefs, here is a letter that was sent to the

President last July by 24 of the Nation's most distinguished retired four-star ground combatant commanders, including a former Chairman of the Joint Chiefs of Staff, a former supreme allied commander, Secretary of State, six former combatants of the Marine Corps, two former Chiefs of Staff of the Army, two recipients of the Congressional Medal of Honor and four service Vice Chiefs of Staff.

This is what they said. A month ago this letter was received by the President:

Studies suggest that U.S. allied casualties may be increased by as much as 35 percent if self-destructing mines are unavailable, particularly in the halting phase—

The halting phase, we are talking about should the North Koreans come down south of the DMZ, we would have a phase where we would not be as prepared.

They said:

—particularly in the halting phase of operations against aggressors. Such a cost is especially unsupportable since the type of mines utilized by U.S. forces and the manner in which they are employed by those forces do not contribute to the humanitarian problem that impels diplomatic and legislative initiatives to ban APLs.

I find it difficult right now in light of what happened this last week, in terms of the missiles that were launched from North Korea and the accuracy of those missiles with two phases, that we can question whether or not there is a threat out there.

These are the words that came from 24 of the Nation's most distinguished retired four-star ground combatant officers.

They went on to say:

Unfortunately, a ban on future deployment of APLs will in no way diminish the danger imposed by tens of millions of dumb landmines that have been irresponsibly sown where they inflict terror and devastation on civilian populations. Only the United States military and those of other law-abiding nations will be denied a means through the use of marked or monitored mine fields of reducing the costs and increasing the probability of victory in future conflicts.

Mr. President, I ask unanimous consent to have the full text of the letter from the retired generals dated July 21, 1997, printed in the RECORD.

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

AN OPEN LETTER TO PRESIDENT CLINTON

JULY 21, 1997.

Hon. WILLIAM CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We write to express our strong opposition to U.S. participation in any international agreement that would prohibit the defensive use by American forces of modern, self-destructing anti-personnel landmines (APLs) and/or the use of so-called ''dumb mines'' in the Korean demilitarized zone. In our experience, such responsible use of APLs is not only consistent with the Nation's humanitarian responsibilities; it is indispensable to the safety of our troops in many combat and peacekeeping situations.

We are also concerned about the implications of legislation that would unilaterally deny the U.S. military the ability to deploy any kind of anti-personnel landmines (except command-detonated Claymores and, provisionally, those in the Korean DMZ). We agree with the Joint Chiefs of Staff who have—as stated by their Chairman, General John Shalikashvili—declared that a legislatively imposed moratorium on APL use: ''. . . constitutes an increased risk to the lives of U.S. forces, particularly in Korea and Southwest Asia, and threatens mission accomplishment. It is the professional military judgment of the Joint Chiefs of Staff and the geographic Combatant Commanders that the loss of APL which occurs as a result of this moratorium, without a credible offset, will result in unacceptable military risk to U.S. forces.'' In fact, studies suggest that U.S./allied casualties may be increased by as much as 35% if self-destructing mines are unavailable—particularly in the ''halting phase'' of operations against aggressors. Such a cost is especially unsupportable since the type of mines utilized by U.S. forces and the manner in which they are employed by those forces do not contribute to the humanitarian problem that impels diplomatic and legislative initiatives to ban APLs.

Unfortunately, a ban on future deployments of APLs will in no way diminish the danger posed by tens of millions of ''dumb'' landmines that have been irresponsibly sown where they will inflict terror and devastation on civilian populations. Detecting and clearing such mines should continue to receive urgent attention from our government and others. The unverifiability and unenforceability of a ban on production of such devices, however, virtually ensures that this practice will continue in the future. Only the U.S. military—and those of other law-abiding nations—will be denied a means, through the use of marked and monitored minefields, of reducing the costs and increasing the probability of victory in future conflicts.

Mr. President, we have fought our Nation's wars and our battlefield experience causes us to urge you to resist all efforts to impose a moratorium on the future use of self-destructing anti-personnel landmines by combat forces of the United States.

Sincerely,

Robert H. Barrow, General, U.S. Marine Corps (Ret.), Former Commandant.

Walter E. Boomer, General, U.S. Marine Corps (Ret.), Former Assistant Commandant.

Leonard F. Chapman, Jr., General, U.S. Marine Corps (Ret.), Former Commandant.

George B. Crist, General, U.S. Marine Corps (Ret.), Former Commander-in-Chief, U.S. Central Command.

Raymond G. Davis, General, U.S. Marine Corps (Ret.), Former Assistant Commandant, and Medal of Honor Recipient, (Korea).

Michael S. Davison, General, United States Army, (Ret.), Former Commander-in-Chief, U.S. Army, Europe.

John W. Foss, General, United States Army, (Ret.), Commanding General, U.S. Army, Training and Doctrine Command.

Alfred M. Gray, General, U.S. Marine Corps (Ret.), Former Commandant.

Alexander M. Haig, Jr., General, United States Army (Ret.), Former Supreme Allied, Commander, Europe, Former Secretary of State.

P.X. Kelley, General, U.S. Marine Corps (Ret.), Former Commandant.

Frederick J. Kroesen, General, United States Army (Ret.), Former Commander-in-Chief, U.S. Army, Europe.

Gary E. Luck, General, United States Army (Ret.), Former Commander-in-Chief, United Nations, Command/Combined Forces, Command, Korea.

David M. Maddox, General, United States Army (Ret.), Former Commander-in-Chief, U.S. Army, Europe.

Carl E. Mundy, General, U.S. Marine Corps (Ret.), Former Commandant.

Glenn K. Otis, General, United States Army (Ret.), Former Commander-in-Chief, U.S. Army, Europe.

Robert W. FisCassi, General, United States Army (Ret.), Former Vice Chief of Staff.

Crosbie E. Saint, General, United States Army (Ret.), Former Commander-in-Chief, U.S. Army, Europe.

Donn A. Starry, General, United States Army (Ret.), Former Commanding General, U.S. Army Readiness Command.

Gordon R. Sullivan, General, United States Army (Ret.), Former Chief of Staff.

John W. Vessey, General, U.S. Army (Ret.), Former Chairman, Joint Chiefs of Staff.

Louis C. Wagner, Jr., General, U.S. Army, Former Commanding General, Army Materiel Command.

Joseph J. Went, General, U.S. Marine Corps (Ret.), Former Assistant Commandant.

William C. Westmoreland, General, United States Army (Ret.), Former Chief of Staff.

Louis H. Wilson, General, U.S. Marine Corps (Ret.), Former Commandant and Medal of Honor Recipient (World War II).

Mr. INHOFE. Mr. President, more recently, 16 of those generals have written a powerful open letter to the Senate opposing Senator LEAHY's effort to legislate U.S. compliance with the Ottawa Treaty. They said in part:

In our experience as former senior military commanders of American ground forces, such a decision would likely translate into the needless and unjustifiable death of many of this country's combat personnel and possibly jeopardize our forces' ability to prevail on the battlefield.

I again ask unanimous consent that the full text of the letter from the generals dated June 16, 1997, be printed in the RECORD.

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

AN OPEN LETTER TO THE SENATE

JUNE 16, 1998.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: We understand that the Senate may shortly be asked to consider an amendment to the FY 1999 Defense Authorization bill that would have the effect of creating a statutory requirement for the U.S. military to cease all use of anti-personnel landmines (APLs) by 2006, if not before. In our professional opinion as former senior commanders of American ground forces, such a decision would likely translate into the needless and unjustifiable death of many of this country's combat personnel—and possibly jeopardize our forces' ability to prevail on the battlefield.

As you may know, we were among the twenty-four retired four-star general officers who expressed to President Clinton our concerns about such an initiative last summer. In an open letter to the President dated July 21, 1997, we wrote: ''In our experience, [the] responsible use of APLs is not only consistent with the Nation's humanitarian responsibilities; it is indispensable to the safety of our troops in many combat and peacekeeping situations.'' The open letter went on to note that:

''Studies suggest that U.S./allied casualties may be increased by as much as 35% if self-destructing mines are unavailable—particularly in the 'halting phase' of operations against aggressors. Such a cost is especially unsupportable since the type of mines utilized by U.S. forces and the manner in which

they are employed by those forces do not contribute to the humanitarian problem that impels diplomatic and legislative initiatives to ban APLs.

''Unfortunately, a ban on future deployments of APLs will in no way diminish the danger posed by tens of millions of 'dumb' landmines that have been irresponsibly sown where they will inflict terror and devastation on civilian populations. Detecting and clearing such mines should continue to receive urgent attention from our government and others. The unverifiability and unenforceability of a ban on production of such devices, however, virtually ensures that this practice will continue in the future. Only the U.S. military—and those of other law-abiding nations—will be denied a means, through the use of marked and monitored minefields, of reducing the costs and increasing the probability of victory in future conflicts.'' (Emphasis added.)

We were deeply troubled to learn that President Clinton has recently agreed to impose constraints on and, within a few years, to ban outright the use of even self-destructing anti-personnel landmines. This is all the more remarkable given the opposition previously expressed by the Joint Chiefs of Staff and the Nation's Combatant Commanders to such limitations and President Clinton's own statement of September 17, 1997 when he announced his opposition to the Ottawa treaty banning APLs, declaring:

''As Commander-in-Chief, I will not send our soldiers to defend the freedom of our people and the freedom of others without doing everything we can to make them as secure as possible. . . . There is a line that I simply cannot cross, and that line is the safety and security of our men and women in uniform.''

We urge you and your colleagues to reject any legislative initiative that would have the effect of crossing the line—whether by endorsing new ''operational concepts'' (read, accepting more U.S. casualties) or other measures—that would jeopardize the safety and security of our men and women in uniform by impinging upon the U.S. military's ability to make responsible use of self-destructing/self-deactivating anti-personnel landmines and long-duration APLs in Korea.

Sincerely,

Robert H. Barrow, General, U.S. Marine Corps (Ret.), Former Commandant.

Raymond G. Davis, General, U.S. Marine Corps (Ret.), Former Assistant Commandant and Medal of Honor Recipient (Korea).

Michael S. Davison, General, U.S. Army (Ret.), Former Commander-in-Chief, U.S. Army, Europe.

John W. Foss, General, U.S. Army (Ret.), Commanding General, U.S. Army Training and Doctrine Command.

Alfred M. Gray, General, U.S. Marine Corps (Ret.), Former Commandant.

Alexander M. Haig, Jr., General, U.S. Army (Ret.), Former Supreme Allied Commander, Europe, Former Secretary of State.

P.X. Kelley, General, U.S. Marine Corps (Ret.), Former Commandant.

Frederick J. Kroesen, General, U.S. Army (Ret.), Former Commander-in-Chief, U.S. Army, Europe.

David M. Maddox, General, U.S. Army (Ret.), Former Commander-in-Chief, U.S. Army, Europe.

Carl E. Mundy, General, U.S. Marine Corps (Ret.), Former Commandant.

Robert W. RisCassi, General, U.S. Army (Ret.), Former Vice Chief of Staff.

Donn A. Starry, General, U.S. Army (Ret.), Former Commanding General, U.S. Army Readiness Command.

Gordon R. Sullivan, General, U.S. Army (Ret.), Former Chief of Staff.

Louis C. Wagner, Jr., General, U.S. Army (Ret.), Former Commanding General, Army Material Command.

Joseph J. Went, General, U.S. Marine Corps (Ret.), Former Assistant Commandant.

Louis H. Wilson, General, U.S. Marine Corps (Ret.), Former Commandant and Medal of Honor Recipient (World War II).

Mr. INHOFE. Mr. President, my concern here is that those individuals who are concerned—genuinely concerned—about the problems that exist over there are concerned about damage that is inflicted by these landmines, and certainly I am one of these individuals, are also concerned about the saving of American lives. We certainly should not contemplate doing so unless the Joint Chiefs of Staff and the unified combatant commanders formally change their minds and agree such a step can be taken without jeopardizing the U.S. forces.

I also have written a letter to the Chairman of the Joint Chiefs of Staff, General Shelton. This is just in the last few days. I have a letter back from General Shelton in which he talks about his opinion. In his response he said:

In your third question, you noted General Norman Schwarzkopf, who has been widely portrayed as a supporter of a complete ban on antipersonnel landmines, has been quoted in an interview with the Baltimore Sun as saying, ''I favor a ban on the dumb ones. Those are the ones that are causing humanitarian problems. I think the smart ones are a military capability we can use.''

Further quoting General Shelton, he said:

My view again is that our smart mixed ATAV munitions are critical to our efforts to protect our men and women in the field.

I ask unanimous consent that this letter also be printed in the RECORD.

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

U.S. SPECIAL OPERATIONS COMMAND,
OFFICE OF THE COMMANDER IN CHIEF,
Macdill AFB, FL, September 13, 1997.

Hon. JAMES M. INHOFE,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR INHOFE: Thank you for your letter of 12 September in which you state your concern about the compatibility of the emerging Oslo treaty on anti-personnel landmines (APL) with the military's requirements today and for the foreseeable future. I appreciate the opportunity to express my views on these issues as Commander in Chief, U.S. Special Operations Command.

Your first question asked for my view on the importance of retaining the Korean exemption, limiting the systems covered by the treaty to those ''primarily designed'' for anti-personnel purposes, and ensuring what we are able to continue using self-destructing/self-deactivating APL when packaged with anti-tank landmines.

In my view, each of those positions is critical. Anti-personnel landmines are integral to the defense of the Republic of Korea, and as long as there is risk of aggression in Korea and we do not have suitable alternatives fielded, we must ensure the best protection of our forces and those of our allies. I also believe that an accurate definition of anti-personnel (AP) landmines is essential to prevent the banning of mixed munitions under the treaty. Finally, I firmly believe that our anti-tank (AT) and anti-vehicle (AV) munitions—which are mixed systems composed entirely of smart AT and AP mines that self-destruct or self-deactivate in a relatively short period of time—are vital to the protection of our men and women in the field.

Your second question asked whether I thought a landmine ban that did not accommodate these positions would be in the national security interest of the United States. I do not. I believe that any treaty to which the United States agrees must ensure that these valid national security concerns are adequately addressed.

In your third question, you noted that General Norman Schwarzkopf—who has been widely portrayed as a supporter of a complete ban on anti-personnel landmines—has been quoted in an interview with the Baltimore Sun as saying: ''I favor a ban on the dumb ones; those are the ones that are causing the humanitarian problem. I think the smart ones are a military capability we can use.'' You asked whether I agree with this assessment.

My view, again is that our smart, mixed AT/AV munitions are critical to our efforts to protect our men and women in the field. As I noted earlier, these systems are composed entirely of smart mines that self-destruct or self-deactivate in a relatively short period of time. The military utility of these systems is, in my mind, unquestionable. Beyond that, however, I do want to reiterate that, because of the unique situation on the Korean peninsula, non-self-destructing (NSD) or ''dumb'' mines are essential to our commanders in the Republic of Korea as long as there is risk of aggression and we have not fielded suitable alternatives to the NSD mines used in Korea.

In your final question, you asked whether I will work to ensure that this capability is protected in any landmine treaty the U.S. signs. In response, let me state again that I firmly believe that any landmine treaty to which the United States becomes party must ensure protection of ''smart'' mixed systems.

As always, I appreciate your support of our men and women in uniform. With all best wishes from Tampa,

Sincerely,

HENRY H. SHELTON,
General, U.S. Army,
Commander in Chief.

Mr. INHOFE. Mr. President, this is very simple. It is not a complicated thing to deal with. It simply says that we take the language that is supported and has been put in by the distinguished Senator from Vermont and add—I will read it one more time, these words—

This subsection shall not apply unless the Joint Chiefs of Staff and the unified combatant commanders certify in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that the signing of the Convention is consistent with the combat requirements and safety of the armed forces of the United States.

So it is a very straightforward and simple amendment. Quite frankly, I want to have the input of the military when these decisions are made.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Vermont.

Mr. LEAHY. I will just respond briefly. Is the Senator speaking of holding onto landmines that the Joint Chiefs

have already said they are prepared to give up? Command detonated landmines are still available. We use those in Korea and elsewhere. Nothing bans those in this treaty. And as for self-destruct mines, the President has already said the Pentagon will give them up outside Korea by 2003, and in Korea by 2006. The Pentagon has also said it is searching aggressively for alternatives to the use of anti-personnel mines in mixed mine systems. These are self-destructing mines. So if there are military officers who are saying they oppose finding alternatives to these mines, they are speaking out of school. That is not consistent with the Pentagon's policy.

My friend from Arizona speaks of having the military's input. Of course we should have the military's input. If we were to sign any treaty of this nature, we would. And we would require two-thirds of the Senators to vote for it before the President could even ratify such a treaty.

A lot is made of Korea. Obviously we are concerned about the defense of Korea. But I say to my friends, talk to the former commander of our forces there, General Hollingsworth, or General Emerson. They say landmines caused more problems for our forces than they solved. Our forces are highly mobile. You don't want to impede their mobility by sowing a lot of landmines around. But anyway, the Pentagon has already said it is going to find alternatives to landmines in Korea.

Mr. ENZI. Mr. President, I rise to support the amendment on land mines to the Foreign Operations Appropriations bill offered by my colleague, the Senator from Oklahoma. This amendment, which seeks to preserve for our military commanders a weapons system which, among other things, mitigates the manpower disadvantage American forces routinely suffer, is needed now more than ever.

Every day seems to bring fresh evidence of two facts we have known to be true for some time: First, that our military is currently too small and stretched too thin for the many missions assigned to it; and second, that the international security situation is more volatile than it has been in a generation. Both situations argue heavily in favor of this amendment.

Even the most ardent defenders of our ongoing defense drawdowns cannot help but be alarmed at the sudden lack of trained manpower in our military. Recruiting goals are not being met and our long serving leaders—both officer and enlisted—are leaving the military in droves. One government report after another finds that our front line units are chronically undermanned. Next to these disturbing facts, we see that the situation in North Korea has recently taken a most frightening turn with their launch of a two-stage ballistic missile directly over the Japanese Islands. Japan has pulled out of the Light Water Reactor agreement which was our only real hope of keeping North Korea from resuming their nuclear weapons development program. Between our under strength military, and the new tension on the Korean Peninsula, it could be said that it has been many years since our military forces in South Korea have been in such an insecure and tenuous position. It is not idle hyperbole to say that South Koreans, and the forty thousand American troops who live at the pointy end of the spear in that country, depend on land mines for their lives.

In light of these developments, I cannot think of a worse time to pass a Foreign Operations Appropriations Bill that includes a provision which would facilitate the signing of the Convention of the Prohibition of anti-personnel land mines, quote—''as soon as practicable.''—unquote. A harmless sounding passage to be sure, but one which, in the hands of an administration prone to trading our national security for parchment, could be interpreted as clearance to sign that dangerous piece of paper.

Senator INHOFE's amendment would simply require that, before the administration signed any treaty that would take this critically important weapons system from our military, the Joint Chiefs of Staff, along with the Commanders in Chief of the various Combat Commands, certify that they can accomplish their missions without it.

Not in the last two decades have tensions been so high in that part of the world, Mr. President. It would seem that every possible factor is now conspiring to place our troops on the precipice: Our military is undermanned and underfunded; our diplomatic initiatives with the world's totalitarian regimes are breaking down everywhere; ballistic missile and nuclear weapons technology is proliferating at breakneck speed; and in Asia, the terrible economic situation there only serves to raise tensions and reduce available peaceful alternatives. I cannot envision a worse time to be taking military options away from our commanders in the field. But let me be clear: Even under the best of circumstances I would be against any attempt to take away military options from those commanders. And I will feel this way with particular regard to anti-personnel land mines until the proponents of this ban can give me a cogent answer to a simple question: How will taking self-destructing, self-deactivating land mines away from the United States military save one life in Angola, Cambodia or Afghanistan? Until I get a clear answer to that question, I will continue to defend our military from these misguided attempts to eliminate the means by which they accomplish the missions America deems fit to assign them, in the safest possible way. I support this amendment from the Senator from Oklahoma, and I encourage my colleagues to do so as well.

Mr. LEAHY. Mr. President, I ask unanimous consent that Senator LAUTENBERG be added as an original cosponsor of amendment No. 3516, original cosponsor of amendment No. 3514, and amendment No. 3520.

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

Mr. LEAHY. Mr. President, I see my colleague from Kentucky, the distinguished chairman of the subcommittee, on the floor, so I yield to him.

Mr. MCCONNELL. I say to my colleague from Vermont, we have—I hate to interrupt the debate on this amendment, but we have a unanimous consent agreement that has been cleared on both sides limiting the amendments. If it is all right with them, I would like to propound that at this particular time.

UNANIMOUS-CONSENT AGREEMENT

Therefore, Mr. President, I ask unanimous consent that during the remainder of the Senate's consideration of S. 2334, the following amendments be the only remaining first-degree amendments, other than the pending amendment, in order and subject to relevant second degrees. I further ask that following the disposition of the listed amendments, the bill be advanced to third reading and a vote occur on passage of S. 2334, all without intervening action or debate.

The amendments listed, Mr. President, are two by Senator BROWNBACK, one on Iran, one on Georgia; two by Senator COVERDELL, one relevant, one on Black Hawk helicopters; Senator CRAIG, four relevant; Senator COATS on North Korea; Senator DEWINE on Haiti, drugs, and Africa, three of them; Senator FAIRCLOTH on world economic conference; Senator HUTCHISON on North Korea; the Senator INHOFE amendment, which is pending, on landmines; Senator KYL, IMF; two amendments by the majority leader; two amendments on North Korea by the Senator from Arizona, Senator MCCAIN; two relevant amendments by myself; and one by Senator SHELBY, and the pending SPECTER amendment.

The PRESIDING OFFICER. Is there objection?

Hearing none, so ordered.

Mr. LEAHY. There are some more.

Mr. MCCONNELL. Sorry, Mr. President. There is another page, including, interestingly enough, all the Democratic amendments. What an oversight.

Mr. LEAHY. I knew you wanted to make sure those were in before you asked for unanimous consent.

Mr. MCCONNELL. Senator BIDEN, a relevant amendment; Senator BYRD, a relevant amendment; Senator BAUCUS, a relevant amendment; Senator BIDEN on another relevant amendment; Senator DASCHLE, two relevant amendments; Senator DODD on Human Rights Information Act; Senator FEINGOLD, two, one on Africa and one relevant; Senator FEINSTEIN, child abduction; Senator KERREY of Nebraska, relevant; my colleague, Senator LEAHY, two relevant and one on GEF; Senator MOYNIHAN, two, one relevant and one on IMF; Senator REID, relevant; Senator GRAHAM two, one on Haiti and one relevant.

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

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. If the managers have no objection, I would like to send an amendment to the desk.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 3366

Mr. INHOFE. If the Senator will yield, I would like to request 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.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3522

(Purpose: To provide a substitute with respect to certain conditions for IMF appropriations)

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

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

Beginning on page 119, line 1 of the bill, strike all through page 120, line 13, and insert the following:

SECTION 601. CONDITIONS FOR THE USE OF QUOTA RESOURCES.—(a) None of the funds appropriated in this Act under the heading ''United States Quota, International Monetary Fund'' may be obligated, transferred or made available to the International Monetary Fund until 30 days after the Secretary of the Treasury certifies that the Board of Executive Directors of the Fund have agreed by resolution that stand-by agreements or other arrangements regarding the use of Fund resources shall include provisions requiring the borrower—

(1) to comply with the terms of all international trade obligations and agreements of which the borrower is a signatory;

(2) to eliminate the practice or policy of government directed lending or provision of subsidies to favored industries, enterprises, parties, or institutions; and

(3) to guarantee non-discriminatory treatment in debt resolution proceedings between domestic and foreign creditors, and for debtors and other concerned persons.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I advise the Senator from Vermont that this is the original committee language.

Mr. LEAHY. Mr. President, I apologize to my friend from Arizona. I had been momentarily distracted. I thought it was an amendment to the Inhofe amendment. I did not realize that had been set aside. I would not have required the reading of the amendment.

Mr. KYL. That is quite all right. I am happy to make that clarification.

At this time I would like to yield to the Senator from Indiana for the purpose of laying down an amendment and making his statement on that amendment before I make my statement on my amendment.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I will soon send an amendment to the desk and then have it set aside. It doesn't have anything to do with landmines, but I would be happy to have the clerk read it.

AMENDMENT NO. 3523

(Purpose: To reallocate funds provided to the Korean Peninsula Energy Development Organization to be available only for antiterrorism assistance)

Mr. COATS. 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 Indiana [Mr. COATS] proposes an amendment numbered 3523.

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

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

The amendment is as follows:

On page 31, line 7, strike ''and'' and all that follows through ''(KEDO)'' on line 9.

Beginning on page 32, strike line 10 and all that follows through line 24 on page 33 and insert the following: ''That, notwithstanding any other provision of law, of the funds appropriated under this heading not less than $56,000,000 shall be available only for antiterrorism assistance under chapter 8 of part II of the Foreign Assistance Act of 1961.''.

Mr. COATS. Mr. President, I want to speak on a broader subject. I want to take a few moments to discuss what has been a dramatic change in administration policy regarding the war on terrorism. According to the administration's chronology of Osama bin Laden's terrorist attacks against U.S. facilities or U.S. citizens, this individual is connected in one way or another to a series of disturbing terrorist incidents. This chronology, by the way, was offered by our National Security Advisor, Mr. Berger. I am taking this from that chronology of terrorist incidents. He has conspired to kill U.S. servicemen in Yemen in 1992. He plotted the deaths of American and other peacekeepers in Somalia in 1993. He assisted Egyptian terrorists who tried to assassinate Egyptian President Mubarak in 1995. He conducted a car bombing against the Egyptian Embassy in Pakistan in 1995. He plotted to blow up U.S. airliners in the Pacific and separately conspired to kill the Pope. He bombed a joint U.S. and Saudi military training mission in Riyadh in 1995. He issued a declaration of war against the United States in August of 1996. He stated, ''If someone can kill an American soldier, it is better than wasting time on other matters.'' In February of this year, Osama bin Laden stated, he declared his intention to attack—his network—their intention to attack Americans and our allies, including citizens, civilians, anywhere in the world. And as we all know, last month he has been directly linked to the bombing of U.S. Embassies in Dar Es Salaam and Nairobi.

Two weeks after this latest tragic incident, the U.S. launched a missile strike against one of bin Laden's facilities in Afghanistan, as well as against a Sudanese facility, which received initial financing from a bin Laden enterprise.

I, along with most Americans, welcome this administration's change in policy as a necessary and long overdue response. However, it is not to say that there weren't legitimate questions raised concerning the timing of this attack—I was one of those who raised such questions—and the timing of this policy change, coming as it did during the President's personal crisis. I was concerned that this sea change, this dramatic change in policy, might be misunderstood or misinterpreted by both allies and foes alike, thereby damaging and undermining the credibility of this administration's newly declared policy against terrorism.

Make no mistake, Mr. President, it is appropriate to respond whenever innocent Americans are attacked in acts of political terrorism. The alternative serves only to encourage those who seek to do us harm in pursuit of their private agendas. I caution, however, that we must also be certain of our targets and political objectives, and careful to make sure that our response is to reinforce and not undermine our policies.

Clearly, the U.S. strike and the administration's characterization of it as a ''war on terrorism'' is a notable departure from the policies and actions of the past several years. Rightly or wrongly, the Khobar Towers incident stands out as an example of U.S. inaction in the face of recent terrorist attacks.

Certainly the Khobar Towers investigation has been delayed and complicated by the need for close cooperation with the Saudi Government. But the current White House crisis raises serious doubts for our allies and gives fuel to our adversaries whose focus is likely to be the difference in the U.S. response to the deaths of American military personnel at Khobar and those in Nairobi and Dar Es Salaam. There may very well be justification for the difference in response, but it clearly signals a change in policy and, for many of us, a welcome change in policy.

More worrisome is that this newfound inclination to military action against terrorist organizations bears no resemblance whatsoever to the administration's so-called foreign policy priorities concerning rogue nations, such as Iraq and North Korea.

On February 17, 1998, President Clinton addressed the Nation. He said, ''. . .this is not a time free from peril, especially as a result of reckless acts of outlaw nations and an unholy axis of terrorists, drug traffickers and organized international criminals * * * and they will be all the more lethal if we allow them to build arsenals of nuclear, chemical and biological weapons

and the missiles to deliver them. We simply cannot allow that to happen. There is no more clear example of this threat than Saddam Hussein's Iraq. His regime threatens the safety of his people, stability of his region and the safety of all the rest of us.''

Yet, Mr. President, in the last few months, this administration has made what many see as a mockery of the inspection regime in Iraq, has failed to respond to the intelligence of an active nuclear program in North Korea, and has clearly allowed the North Koreans to continue to build a delivery system which will be capable of reaching the United States in its next phase of development.

The President himself said last February that ''we have no business agreeing to any resolution of [the Iraqi crisis] that does not include free, unfettered access to the remaining sites by people who have integrity and proven competence in the inspection business.''

This is a critical statement, one which I think bears repeating.

The President himself said last February that ''we''—meaning the United States—''have no business agreeing to any resolution of [the Iraqi crisis] that does not include free, unfettered access to the remaining sites by people who have integrity and proven competence in the inspection business.''

Yet, just last week, the lead inspector of the United States resigned in disgust at the pressure the Clinton administration has brought to bear to explicitly undercut the very inspection regime which the President said we have no business in changing. In his resignation letter, Scott Ritter, that inspector—someone who does have proven integrity and proven competence in the inspection business—said this:

> Iraq has lied to the special commission and the world since day one concerning the true scope and nature of its proscribed programs and weapons systems. This lie has been perpetuated over the years through systematic acts of concealment. . . . the commission has uncovered indisputable proof of a systematic concealment mechanism, run by the President of Iraq, and protected by the Presidential security forces. . . .
>
> The current decision by the Security Council and the Secretary General, backed at least implicitly by the United States, to seek a diplomatic alternative to inspection-driven confrontation with Iraq, a decision which constitutes a surrender to the Iraqi leadership . . . has succeeded in thwarting the stated will of the United Nations.
>
> The illusion of arms control is more dangerous than no arms control at all. What is being propagated by the Security Council today in relation to the work of the special commission is such an illusion, one which in all good faith I cannot, and will not, be a party to. I have no other option than to resign from my position here at the commission effective immediately.

That is a strong statement, Mr. President. It is a strong statement made by one who has a reputation for impeccable integrity and for total competence in the inspection business. Yet, he believed that his ability to carry out his assigned duties and his mission was undermined by the United Nations Security Council, with the implicit support of the U.S. Government, and he felt that the only course of action he had was to resign.

Clearly, last month's strikes are a substantial change from the administration's largely restrained reactions to previous terrorist attacks on Americans. To be fair, circumstances and the need to cooperate with foreign governments were behind some of that earlier reticence.

The President said: We must be prepared to do all that we can for as long as we can.

There is no question that we will face attempts at reprisal over years and years. This is something that seems all the more certain given the reports that bin Laden has offered bounties for terrorist actions resulting in the deaths of Americans. So we, indeed, must be prepared to act for as long as we must.

But we must recognize that in our endeavor to defeat terrorists, perhaps to a greater extent than ever before, our success will depend upon the ability to gather friends and allies together in a common struggle against this common enemy. Trust is the essential element in this equation. So it is imperative that the President of the United States be capable of establishing and maintaining the level of trust necessary to execute a successful policy against terrorism.

At the same time, we will need to increase our readiness to defend against the wide range of potential attacks on our citizens and interests as well as those of our friends and allies anywhere in the world.

Our planning and strategy must be sustainable over the long run. We need to find cheaper and more effective methods to attack terrorist infrastructures and planning. It seems woefully obvious that the use of costly weapons and defensive measures will have to be restricted to correspondingly grievous affects. Osama bin Laden unquestionably presents a significant and demonstrated threat to U.S. interests. But surely nations such as Iraq and North Korea represent a substantially greater magnitude of threat to our vital national interests. Moreover, these nations have demonstrated an intent to develop, and in the case of Iraq employ, weapons of mass destruction. Worse yet, these states seem willing to transfer such technology to other nations or groups who intend to use it against the United States and our allies.

Secretary Albright declared that ''the risk that leaders of a rogue state will use nuclear, chemical, or biological weapons against us or our allies is the greatest security threat we face.''

That statement does not square with the allocation of national security resources to operations in Haiti, Somalia, and Bosnia. It may be that these latter operations should enjoy some measure of emphasis. But, lacking a coherent foreign policy and corresponding national security strategy, it is difficult to judge and even more difficult to trust the rationale we are giving for our involvement in these operations.

If leaders of these rogue states—Iraq and Korea—do pose, as Secretary Albright has said, the greatest security threat that we and our allies face, then we must ask legitimate questions about the deployment of our security resources and national security assets in places of lesser importance, unless, of course, we are willing to support both in a measure necessary to be prepared and to accomplish both objectives at the same time.

Mr. President, let's take this newfound determination to combat terrorism, as declared by the President, at face value. In doing so, it is important, then, that the call to action must be more than mere rhetoric. It is important that the President articulate his policy and according strategy as well as initiate development of the capabilities that will be needed to affect that strategy. The current upside-down priorities wherein all too limited U.S. defense resources are spent on what are surely less critical operations in Bosnia and elsewhere need to be examined to reflect the serious threat to U.S. national interests that terrorism comprises, whether by rogue nations, states-sponsored groups, or actions of independents like bin Laden.

Yet the question remains: What are the Nation's capabilities to execute this administration's change in foreign policy about terrorism? What has been done to enhance the interagency process to address the transnational threat of terrorism? Has the administration developed the intelligence capabilities and the military capabilities to support this policy?

Some of our friends and allies rightly express the concern that the Clinton administration has not addressed some of these key issues, and that, therefore, when the United States starts to find out how hard and how expensive it is to pursue a long-term effort against terrorism, we will lose resolve and not sustain our efforts.

Many of us fear that the administration will merely add the military tasks associated with counterterrorism to the Pentagon's already stretched list of missions, and will do so without providing the additional funding required. In short, we will throw yet another rock in the military's already overflowing rucksack and expect them to shoulder the burden with the same budget and the same forces.

We must recognize the risk of pursuing such an approach with our military, a military that is currently ill-matched to this threat. Military budgets and force structure are down 35 percent to 40 percent since the cold war; while at the same time our peacetime commitments are up several hundred percent.

And perhaps most importantly, defense procurement is down nearly 70 percent from the Reagan administration when this Nation developed the

modernized, professional military that was victorious in the cold war. But we have been living off the Reagan buildup for nearly a decade, and the procurement holiday is over.

The average age of our fleet of aircraft, ships, tanks, and trucks and other equipment has been increasing year by year, and our forces are having a difficult time maintaining that equipment. This is a major source of the readiness problems confronted by our military today.

Yet, year after year this administration's budget falls short of its goal of procurement. And I project it will fall short again.

Significantly, the report of the National Defense Panel last December highlighted that this administration needs to provide $5 billion to $10 billion a year to transform our military so that our Nation can leverage advances in technology and will be prepared to address what are envisioned to be the fundamentally different operational challenges in the 21st century. One of those, and perhaps the most important of those, is terrorism.

In short, we still have a military designed to fight the conventional wars of the past, and it is poorly prepared to conduct this war on terrorism. Transformation to a national security posture necessary to address the threats of the future is necessary and cannot be successfully accomplished without a reallocation of resources and a revision of policy.

I, therefore, urge the President to prepare this Nation for this prolonged conflict against terrorism, but in doing so use more than just strong words, but prepare us in a way so that we have the resources in place to successfully account for this threat and protect the American people.

We face a range of threats and potential defensive strategies. Some of the latter could affect traditional American freedoms.

At the very least, there should be an open and serious debate over how far we can go, or how far we should go, in altering the security environment in America and at our facilities abroad. Although an easily-defended fortress sounds like a good idea for diplomatic security, it also restricts the very access that effective diplomacy often requires. And we must recognize this.

Mr. President, we face a difficult road in pursuit of a war on terrorism.

Like other Americans, I am committed to the elimination of this scourge of terrorism. But I cannot help but be somewhat skeptical of the administration's determination and their commitment, and unfortunately I fear that we will find few allies willing to risk their security and reputations on the strength of the current administration's say so. The ''say so'' must be followed with the ''do so.''

Mr. President, hidden beneath the headlines of the last 2 weeks was yet another explosive revelation. North Korea has reportedly had as many as 15,000 people working to build what some suggest is a nuclear reactor or fuel reprocessing facility buried deep within a mountain.

This, despite what the administration has touted as a landmark agreement stopping North Korea's nuclear weapons research and development program in exchange for food, energy, and the promise of two new light-water reactor power plants.

The State Department, by stating that it sees no nefarious intent because the concrete for this facility has not yet been poured, is asking us to trust their assessment of the situation. Only 6 months ago, the President certified to Congress that ''North Korea is complying with the provisions of the Agreed Framework'' and ''has not significantly diverted assistance provided by the United States for purposes for which it was not intended.''

We are now told by administration officials that this new facility should not be considered a ''deal-breaker'' because its completion ''will take half a decade or more.''

To add insult to injury, we have learned that North Korea has test fired a 1,200-mile-ranged ballistic missile into the Pacific Ocean, overflying Japan. And they did so just days after the Joint Chiefs issued their commentary on the Rumsfeld report in which they reasserted the administration's claims that there currently is no imminently discernible ballistic missile threat warranting a national missile defense. They state, moreover, their confidence that our intelligence community would provide ample warning to permit meeting such a threat in the context of the President's 3+3 strategy.

North Korea's test launch of this ballistic missile has demonstrated the truth of that old adage that actions speak louder than words. Doesn't the testing of a two-stage ballistic missile suggest that there is something for us to be worried about? How much harder can it be to launch a three-stage system capable of reaching the United States?

I am not nearly as cynical about our intelligence capabilities as some, and so it is not idle curiosity when I wonder out loud whether the State Department officials knew, as the Pentagon did, that North Korea was planning a missile test. And if so, did the State Department raise this issue with the North Koreans during last week's meetings on various subjects including that of the underground nuclear-related facility?

I can tell you that whatever the answer, it does not reflect well on the administration or the Secretary of State. Secretary Albright's comments yesterday that the test is ''something that we will be raising with the North Koreans in the talks that are currently going on,'' are less than inspiring and they fail to address the essential issue of what the U.S. did or might have tried to do to forestall this test.

Mr. President, I have sent an amendment to the desk. I have asked for it to be set aside. It addresses the question of the funding that is in this appropriation for North Korea related to development of nonthreatening nuclear facilities. Given the evidence and the information that we now have, these funds would be much better used on counterterrorism efforts, and this amendment seeks to transfer the funds for that purpose.

I will be debating this amendment at a later time. And I understand two amendments currently have been offered and are awaiting a vote at some time in the future. But I want to alert my colleagues that I think this situation in North Korea is critical. I think the continuation of the current administration policy in this regard, in transferring U.S. tax dollars in accord with an agreement that was designed to terminate North Korean involvement in development of any nuclear facilities that could be used for purposes other than providing power to their nation is a serious matter. I don't think continuation of funds for that purpose is appropriate. I think that money is much better used to help prepare us to implement the administration's new policy on the war on terrorism, and we will be discussing that amendment at some point in the future.

Mr. President, with that I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. I understand we will now hear from the Senator from Arizona, Mr. MCCAIN, but I wanted to notify Senators that following Senator MCCAIN's presentation, it will be our intention to move to a vote with relation to the Specter amendment No. 3506 as quickly as possible, so that Senators might know that a vote following Senator MCCAIN's presentation is pending.

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

The PRESIDING OFFICER. Under the previous order, the Coats amendment is set aside. The Senator is now recognized to offer an amendment.

AMENDMENT NO. 3500, AS MODIFIED

(Purpose: To restrict the availability of certain funds for the Korean Peninsula Energy Development Organization unless an additional condition is met)

Mr. MCCAIN. Mr. President, I have an amendment at the desk in the nature of a substitute.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. HELMS, and Mr. MURKOWSKI, proposes an amendment numbered 3500, as modified.

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

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

The amendment is as follows:

On page 33, line 4, before the colon insert the following: ''; and (4) North Korea is not actively pursuing the acquisition or development of a nuclear capability (other than the light-water reactors provided for by the 1994 Agreed Framework Between the United States and North Korea) and is fully meeting its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons''.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I offer an amendment on behalf of myself and Senator HELMS and Senator MURKOWSKI pertaining to recent events in North Korea:

The announcement that U.S. intelligence has discovered a very sizable underground construction project in the mountains northeast of the nuclear complex at Yongbyon, and Monday's firing of an intermediate-range ballistic missile over Japanese territory.

Later I intend to propose another amendment expressing the sense of Congress that North Korea should be forcefully condemned for such an openly belligerent act while the United Nations is once again debating cooperative arrangements with the Stalinist regime in Pyongyang.

This amendment adds to the certification requirements a Presidential certification that North Korea is not pursuing a nuclear weapons capability. The distinction between what is currently in the bill and the provision in this amendment is crucial as it addresses new activities as opposed to those already identified and incorporated into the 1994 Agreed Framework.

Mr. President, it is instructive to go back in time and review the history of North-South relations on the Korean peninsula. Last summer, I came to the floor and submitted for the RECORD a comprehensive list compiled by the Congressional Research Service of North Korean provocations since its inception following the Second World War. That list detailed numerous terrorist acts, intelligence-related submarine incursions into South Korean territory, kidnappings of Japanese nationals for intelligence purposes, and armed incursions across the demilitarized zone.

At that point, I noted that the list illuminated an extraordinarily consistent North Korean pattern of alternating minor and manipulative gestures of goodwill with acts of terror and provocation toward its South Korean neighbor. To that list, we can now add new provocations towards Japan and the United States.

And make no mistake—Monday's missile firing was a message to the Japanese and to us that North Korea can strike our vital interests throughout the region. Japan's declaration of intent to terminate funding in support of the Agreed Framework should be supported and followed in kind by the United States.

At the time I spoke last summer, yet another North Korea-instigated border altercation had just transpired. Go back and look at the newspaper headlines pertaining to Korea at that time. The July 15, 1997, Washington Post included an article titled ''U.S. Says it Will Double Food Aid to North Korea.'' The following day, wire stories were headlined ''Korea-Border Gunfire Exchanged.'' That contrast is discouragingly consistent. Offers to agree to negotiate a final peace agreement with the South or provisions of food aid for North Korea's starving people regularly alternate with serious, often bloody transgressions against the South. But, the missile firing, while not entirely unexpected, expands significantly the scale of the threat to regional peace and stability posed by North Korea.

At the time the Agreed Framework was signed in October 1994, I expressed grave misgivings about its viability. I spoke at length on the floor of the Senate regarding North Korea's abysmal record of compliance with its previous commitments regarding its nuclear weapons program, listing nine such violations. Further, I emphasized the danger of an agreement that failed to adequately provide for full inspections of current and past nuclear sites, as well as of future such activities, prior to the provision of assistance to the North Koreans. Four years and $86 million later, we are no more confident than we have ever been about North Korea's intentions and capabilities in the nuclear realm. I predicted back then that North Korea would violate the spirit and the letter of the Agreed Framework, and I believe today that I was correct.

A North Korean nuclear weapons capability is one of the most dangerous scenarios imaginable, and it's entirely possible such a capability already exists. Bribing hostile, totalitarian regimes to not take steps deleterious to our best interests seldom succeed, as the very nature of such regimes is what makes them worrisome and unworthy of the kind of trust the 1994 agreement demands.

That is why the underground construction project is so troubling. Its precise nature is still a matter of speculation, but one thing is certain: North Korea does not have a history of concealing and protecting cultural activities and fast food restaurants. It does have a history of building underground military installations, including for the construction of ballistic missiles. North Korea does not deserve the benefit of the doubt. We have no option other than to assume that the excavation activities northeast of Yongbyon are designed with hostile intent.

I will not mince words or phrase my beliefs diplomatically. I do not have confidence the administration has in the past or will in the future handle North Korea with the firmness and resolve necessary to prevent the development of the most ominous of scenarios.

One U.S. official was quoted in 1996 with respect to the North Koreans as stating, ''They owe us some good behavior so we can continue to engage them.'' Mr. President, that is precisely the problem with the Administration's approach to North Korea. It ignores the underlying reality that the North Korean regime is inherently hostile and exceedingly belligerent. Temporary expressions of goodwill have not and will not translate into the kind of fundamental transformations in that regime necessary for us to ever have confidence that it will not exploit our goodwill. Any efforts of the international community to alleviate the suffering that North Korea itself has caused its people will be misused to allow it to maintain a military force that ensures the Korean peninsula will remain the most heavily fortified border in the world.

Missile firings such as North Korea conducted only occur within the context of relations on the brink of war. That does not mean that I believe a North Korean attack is imminent. I have no such belief. The nature of the act, however, should be interpreted very cautiously. During the height of the cold war, the Soviet Union launched missiles aimed directly at the Hawaiian Islands. During the peak of a crisis with Libya, Mu'ammar Qhadafi launched a missile that impacted near Malta. And most recently, China fired missiles perilously close to Taiwan in response to the latter's pending democratic elections. And now we can add to the list Pyongyang's launching of a Taepo Dong I missile against Japan and, presumably, against U.S. forces stationed there and in Guam.

If the new underground complex being constructed in North Korea is, in fact, for the purpose of establishing a new nuclear weapons complex, the testing of the missile takes on an even more ominous tone. As some analysts have pointed out, a series of missiles like the Taepo Dong-class only make sense when armed with weapons of mass destruction. Even the psychological ramifications of these missiles stems entirely from North Korea's eventual ability to arm them with nuclear, chemical or biological warheads. We cannot afford to minimize the potential threat this new complex represents.

The other countries I have mentioned that launched missiles under crisis circumstances or, in the case of the Soviet Union, within the context of greatly heightened tensions, were largely deterrable. They could, we calculated, be dissuaded from taking that final step into the abyss. Far less certain is the calculus involving the North Korean government. There is no reason to believe that the regime of Kim Jong Il is susceptible to the kind of delicate maneuvering and counter maneuvering

characteristic of relationships predicated upon a balance of terror. On the contrary, we are dealing with the most unpredictable regime on earth.

Critics of missile defenses like to point out that deterrence through threat of retaliation is all that is needed to dissuade an opponent from crossing the ambiguous line that would trigger an overwhelming U.S. response, including our use of nuclear weapons. Saddam Hussein was ultimately deterred from employing chemical weapons against U.S. and coalition forces during Operation Desert Storm by the implied threat of a U.S. nuclear response. Ignored by such critics, however, are historically important incidences where dictatorial regimes struck out in anger and defiance against the logic of deterrence. A defeated Germany fired missiles against England designated ''V'' for ''Vengeance,'' and an equally defeated Iraq similarly lashed out against Israel with a barrage of missile attacks.

North Korea is a defeated country in terms of the level of famine and the utterly wretched condition of its society. Its willingness to strike out irrationally must be assumed. That is why I offer these amendments here today. That is why I once again come to the floor of the Senate to decry this administration and the United Nation's handling of relations with North Korea. The situation on the Korean peninsula is too inflammatory, the North Korean regime too unpredictable and violent for Congress to take anything other than the strongest measures to demonstrate our resolve to confront the threat accordingly.

Mr. President, I ask unanimous consent the following articles be printed in the RECORD: The Washington Post, Tuesday, September 1, ''North Korea's Defiance''; today's, September 1, Wall Street Journal, ''Pyongyang's Provocation''; New York Times, Wednesday, August 19, ''North Korea's Nuclear Ambitions''; and August 24, a Washington Post editorial entitled ''Politics of Blackmail.''

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 1, 1998]

NORTH KOREA'S DEFIANCE

North Korea is outdoing itself. In barely a week's time it has been caught building a secret underground nuclear facility, and now it has conducted a test of a new longer-distance missile. The North Koreans even had the effrontery and the foolishness to fire the second stage of this missile across sovereign Japanese soil—an unmistakable attempt to intimidate a nervous neighbor and, indirectly, its patrons.

The Stalinist regime's purpose seems clear. As it acknowledges, it has little else of value to export except the weapons it has accumulated to sustain its self-isolating hedgehog pose. Its missile exports, put at $1 billion a year, go to the rule-breaking countries, including Iraq, Iran, Syria and Pakistan. The negotiation on freezing its bomb capabilities that it has been conducting with a group of countries led by the United States amounts to a demand that it be paid off for doing the wrong thing—for rule-breaking. It becomes an increasingly keen question whether American accession to such a demand would be more of an incentive to cheat or to comply.

Ordinarily, in a negotiation, the arbitrary and hostile raising of the stakes by one party, which is what North Korea is doing, would be taken as a sign of bad faith and would cast into doubt the party's commitment to the stated goals of the negotiation. In this case the North Koreans are able to argue that Japan and South Korea and the European Union, as well as the United States, have been slow to pay as promised for the light-water nuclear power reactors and the fuel oil that make it possible for Pyongyang to renounce its nuclear ambitions. But what slows those countries down is less bad faith than understandable cash-flow problems and, at root, the sickening feeling that North Korea is playing them for a fool.

Some suggest that the anti-proliferation countries should be more sympathetic to the political requirements of Kim Jong Il as he reaches to consummate the transition from heir apparent to leader in his own right. This is absurd. The leadership of North Korea, whatever it is, has assumed national compliance obligations which, if they are not fully binding, are valueless. The notion that North Korea's defiance is a device intended to extract concessions from Washington may have some truth to it. It puts an extra burden on the Clinton administration to show that no concessions are available by that route. If that threatens to upend the whole negotiation—and it may—then North Korea alone will have to account for it.

[From the Wall Street Journal, Sept. 1, 1998]

PYONGYANG'S PROVOCATION

North Korea test-fired a new long-range ballistic missile over Japan Monday, prompting some stern words from Tokyo, but earning rewards from almost everyone else concerned. That's the way it works these days. Only last week, Washington and Seoul told North Korea that its suspected new nuclear weapons plant does not violate a 1994 agreement freezing the North's bomb program. If building more nukes is no big deal, who's going to complain about a few missiles to deliver them with?

Among other things, lobbing a Daepodong I into the Pacific was probably an advertisement by the world's leading missile supplier to some of the world's scariest customers, including Iraq, Iran, Syria and Pakistan. It also may have been a kind of giant birthday candle ahead of next week's 50th anniversary of North Korea's founding, and the possible accession of dictator Kim Jong Il to the presidency. Most certainly, North Korea was telling the U.S., South Korea and other partners in the ill-starred nuclear power plant and oil giveaway consortium—also known as KEDO—that if those gifts aren't forthcoming soon, there's always another missile in Pyongyang's pipeline.

It worked. Within hours of splashdown—originally reported to be in the Sea of Japan—Seoul promised to pay 70% of the $4.6 billion cost of building North Korea two nuclear power plants, and Washington eagerly reconfirmed a pledge to arrange the financing needed. Japan spoiled the party by refusing to sign on for $1 billion of the reactor costs. But what should upset Tokyo most is how Bill Clinton has ensured that the U.S.—and by extension Japan and America's other allies—has no hope of an effective theater missile defense anytime soon. Looking around at the world today, in fact, it would appear that millions survive only because no crazed dictator or terrorist gang has got around to targeting them.

At the state level, it is difficult to think of any outrage that invites punishment these days. India and Pakistan, for instance, are under patchy sanctions for testing nuclear weapons last spring. But the countries and regions where killing sprees are under way or threatened (Kosovo, Congo, Sudan come immediately to mind) have generated little more than handwringing.

The Clinton Administration did interrupt its long streak of inaction recently by firing some missiles at terrorist training facilities in Afghanistan and a factory in Sudan said to be manufacturing chemical warfare components. At the same time, however, we learned that the United States was taking quite a different approach to Iraq's suspected chemical warfare program, and many have been calling off U.N. inspections of Saddam's facilities in an effort to avoid a messy confrontation either with America's allies or with the dictator Washington was vowing to bomb into oblivion only six months ago.

Although an American inspector with the U.N. team resigned in disgust last week, there is no sign that his gesture of displeasure with both U.N. and U.S. prevaricating over Iraq will change the status quo. In one of the most bizarre developments yet, a Sudanese official announced to the world that there was no way the bombed factory was making chemical weapons because it had the ultimate seal of approval in the form a U.N. permit to export ''medicines''—to Iraq. At the very least, that would seem to open up a very wide avenue for examining the U.N.'s decision to pick that particular factory for special exemption from sanctions so it could engage in trade with a country suspected of making weapons of mass destruction.

But that would mean lifting up the same U.N. petticoats that the United States is now used to hiding behind whenever Washington can't or won't come up with policies of its own. If you ask American officials why they have walked away from the dangerous mess in Afghanistan, they will tell you that they are supporting a U.N. process to bring peace to that unhappy country. In Afghanistan's case, it amounts to an excuse for doing nothing while an entire region veers toward chaos. Meanwhile, senior policy makers have their minds free to think about countries like North Korea—which have figured out that while nickel-and-dime killers like Osama bin Laden get bombed for their sins, if you fire a long-range ballistic missile over Japan and revive your nuclear weapons program, you get a strange new respect and an offer of $4.6 billion.

[From the New York Times, Aug. 19, 1998]

NORTH KOREA'S NUCLEAR AMBITIONS

North Korea seems to have been caught preparing to betray its 1994 commitment to trade in its nuclear weapons ambitions for $6 billion in international assistance. American intelligence agencies have detected construction of an elaborate underground complex. If completed, the nuclear reactor and plutonium reprocessing plant expected to be built there could allow the North to produce as many as half a dozen nuclear bombs two to five years from now. Washington must insist that work on this project be halted immediately. If North Korea wants economic cooperation from the United States it must honor its promise to renounce all nuclear weapons activity.

[From the Washington Post, Aug. 24, 1998]

POLITICS OF BLACKMAIL

It's doubly bad news that North Korea is building a secret underground nuclear facility. First, the idea that North Korea's Stalinist, hostile and repressive regime may once again—or still—be committed to acquiring nuclear weapons is ominous in its

own right. But the report calls into question as well a 1994 U.S.-North Korea agreement that is the basis for all other American dealings, with that isolated state.

From the start, there's been a question of who was stringing whom along with that agreement. Alarmed that North Korea was accumulating weapons-grade plutonium, the United States in 1994 agreed to lead a coalition of interested nations that would provide the impoverished North Koreans with two nuclear reactors of no military use, and a quantity of fuel oil, in exchange for the mothballing of a plutonium-producing reactor and other weapons facilities. The idea was to buy time, assuming that the world's last pure Stalinist dictatorship couldn't last forever, and it was a chance worth taking. But the danger was that the North Koreans were buying time themselves, taking advantage of U.S. generosity while pursuing their nuclear ambitions.

Outside nations have faced a similar dilemma as they confront famine in North Korea. There's little question that thousands are dying of hunger; there's no question that this starvation is entirely political, a result of North Korea's wildly flawed economics and the regime's total denial of freedom to its people. The West, including the United States, provides free food nonetheless. This is in part out of humanitarian principles and the belief that food should never be a political weapon, but it is also out of fear that a collapse in North Korea could cause the regime to lash out in some lunatic and destructive way.

On both counts, in other words, the North Korean regime successfully has practiced the politics of blackmail. If North Korea is taking the ransom—fuel and food—and going ahead with its weapons program, then it becomes clear that the blackmail policy has failed—clear that North Korea is stringing America along and not the reverse. So far the Clinton administration insists, at least in public, that North Korea is not yet in violation of the 1994 agreement. The legal technicalities it cites—such as that the 15,000 workers have not yet begun pouring cement for the new facility's foundation—are not reassuring. We hope that in private the administration is delivering a far firmer message. If North Korea's nuclear program is continuing, it shouldn't take long to figure that the whole deal must be off.

Mr. MCCAIN. Mr. President, these are important articles. They point out the history of our relations with North Korea on this issue. Also, ''. . . the ill-starred nuclear power plant and oil giveaway consortium—also known as KEDO—that if those gifts aren't forthcoming soon, there's always another missile in Pyongyang's pipeline.'' I think they are important additions to the record.

(At the request of Mr. MCCAIN, the following statement was ordered to be printed in the RECORD)

● Mr. MURKOWSKI. Mr. President. I rise today in support of Senator MCCAIN's amendment restricting the transfer of funds to the Korean Peninsula Energy Development Organization (''KEDO'') until the President certifies that North Korea is not actively pursuing the acquisition or development of a nuclear capability and is fully meeting its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons.

Mr. President, it is unfortunate that such language is necessary. For almost four years, the United States has provided funding to KEDO under an ''Agreed Framework'' negotiated by this administration with the leadership of the Democratic People's Republic of Korea.

Although this framework agreement was never submitted to the Congress for ratification, the Administration has come to Congress each year to ask for more and more money to carry out the Framework provisions to supply the North Koreans with heavy fuel oil and to run KEDO. Each year, the Administration has said that this is money well spent because the Agreed Framework has frozen and stopped the North Korean nuclear program.

I have been skeptical of the Agreed Framework since its inception. I have never understood how United States negotiators agreed to a deal that did not allow international inspectors immediate and complete access to North Korea's nuclear program, including the two suspected but undeclared nuclear waste sites. Not only did this failure to demand complete access mean that we might never know how much plutonium the North Koreans diverted prior to the 1994 crisis, but it has also led to this situation where the much heralded ''freeze'' may have provided convenient cover for North Korea's more sinister plans.

In the year following the signing of the Agreed Framework, former Majority Leader Bob Dole and I successfully added amendments to prohibit North Korea from receiving foreign assistance until the President certified to Congress that North Korea's nuclear threat had been eliminated. Both times the amendments were dropped in conference at the insistence of the Clinton Administration. Senator MCCAIN and I have come to the floor countless times since then to try and correct loopholes in the Agreed Framework. I felt then, as I feel today, that the Agreed Framework did nothing to eliminate the nuclear threat from North Korea.

In the last several weeks, disturbing intelligence information has surfaced that North Korea is constructing a vast underground complex that may be the site of another nuclear facility. This development alarms, but does not surprise, the Senator from Alaska.

Mr. President, the United States must demand immediate access to this site before another penny of taxpayer dollars goes to subsidize this terrorist regime.

If the North Korean regime is ready to put aside its drive for nuclear arms and to move toward the family of nations, then I believe the United States should rightfully welcome such a move and offer ''rewards.'' However, I strongly believe that North Korea must offer the concessions, and not the other way around.

For too long, I believe we have let the North Korean government dictate the terms of negotiations, while they gained valuable time to push the suspected nuclear program ahead. From the track record, it is hard to tell which country is a tiny, isolated, terrorist regime violating international agreements and which country is a superpower pulling the weight for the international community. This must change.

Mr. President, Senator MCCAIN's amendment is a step in the right direction, and I urge its immediate adoption.●

Mr. MCCAIN. Mr. President, I ask unanimous consent that Senator KYL be allowed to speak after the vote. I also ask unanimous consent that the vote on this amendment, the recorded rollcall vote on this amendment, be set aside pending the determination of the managers.

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

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 3506

Mr. BENNETT. I call for the regular order with respect to the Specter amendment.

The PRESIDING OFFICER. The Senator has that right. The pending amendment is No. 3506, offered by the Senator from Pennsylvania.

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

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that John Bradshaw, who is a fellow in my office, be allowed the privilege of the floor for the duration of the debate on this bill.

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

Mr. WELLSTONE. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3524

(Purpose: To make available assistance for Georgia for infrastructure for secure communications and surveillance systems)

Mr. MCCONNELL. Mr. President, one of the amendments on the list previously approved has been cleared on both sides, an amendment by Senator BROWNBACK with regard to Georgia. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. If there is no objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. BROWNBACK, proposes an amendment numbered 3524.

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

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

The amendment is as follows:

On page 26, line 5, insert ''and infrastructure for secure communications and surveillance systems'' after ''training''.

Mr. MCCONNELL. This amendment has been cleared on both sides, Mr. President.

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

The amendment (No. 3524) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 3506

Mr. LOTT. For the information of all Senators, we do have an amendment on which we are ready to vote. After brief remarks, I believe we will be prepared to go to a vote on that amendment.

We will then go to the low-level waste compact between Texas, Maine and Vermont. I believe the vote will be on that tomorrow morning. There will be some time before the vote, but I believe it is 30 minutes equally divided, or I hope that will be the time for a recorded vote.

Before we vote, though, I do want to urge my colleagues to oppose this amendment. First, there is no treaty to monitor, and there will not be one in the foreseeable future. Until all 44 specified nations ratify the Comprehensive Test Ban Treaty, it will not enter into force. So to be providing funds before we have anything to monitor seems very questionable to me.

We have not acted on this treaty. And certainly something of this magnitude should be given very serious, careful and extensive thought by the committee of jurisdiction and by the full Senate. We should not provide the funding that prejudges whatever the Senate may or may not do before it takes up the Comprehensive Test Ban Treaty.

Beyond that, I have grave reservations, I admit, about whether the CTBT is in America's national interest. I am not convinced it is effectively verifiable. I am convinced it will limit our ability to maintain the safety and reliability of our vital nuclear deterrent.

There are strong signs that India's decision to test nuclear weapons was, in part, a response to pressure to sign the CTBT. Ironically, the most tangible result of this treaty seems to be a nuclear arms race in Southeast Asia. So I just think this is not the time or the place to debate this treaty. Anything less than 67 votes in support of this amendment will send a strong signal that the Senate is prepared to reject this treaty. So I question even the proponents of the treaty wanting to do this at this particular time.

Whatever the arguments for or against the treaty, putting millions in this organization does not make sense at this time. So I urge the defeat of this amendment.

I yield the floor, Mr. President. I believe we are prepared to go to the vote.

(At the request of Mr. LOTT, the following statement was ordered to be printed in the RECORD.)

● Mr. HELMS. I strongly oppose this amendment, which seeks to provide funds to the Preparatory Commission for the Comprehensive Test Ban Treaty.

As I advised the President on January 21, of this year, at the conclusion of Senate debate on NATO expansion, the Foreign Relations Committee would then turn its attention to several other critical, pressing matters which could affect the security of the American people and the health of the United States' economy. Chief among these are the agreements on Multilateralization and Demarcation of the 1972 Anti-Ballistic Missile (ABM) Treaty.

The President promised more than a year ago to submit these treaties for the Senate's advice and consent, but we are yet to see that promise fulfilled. Nevertheless, the Foreign Relations Committee intends to pursue hearings on a number of associated issues—such as the recent Rumsfeld Commission report—with the presumption that the President's promise will be honored in the near term.

Indeed, Mr. President, in listening to various justifications for the proposed amendment (which discuss the ongoing development of nuclear weapons by India, Pakistan, North Korea, Iran, Iraq, etc.) I was struck by the urgent need—not for another arms control treaty—but for a national missile defense to protect the United States from these nuclear weapons when they are mounted on intercontinental ballistic missiles.

Let me repeat that for the purpose of emphasis. The last thing the United States needs is another arms control treaty. In presuming to fund the Preparatory Commission, and in attempting to dictate to the Foreign Relations Committee that CTBT consideration take precedence over the planned ABM Treaty hearings, the Senator from Pennsylvania (Mr. SPECTER) obviously is willing to place a higher priority on the test ban than on protecting the American people from ballistic missile attack.

Sure, I have heard the White House and the liberal media attempt to spin India's and Pakistan's actions into a justification for the CTBT. And some seem to have bought it hook-line-and-sinker. But as the Senate Foreign Relations Committee heard a week after the Indian tests, from several expert witnesses, India's nuclear tests demonstrate that the CTBT is a complete sham from a nonproliferation standpoint.

Mr. President, this Senator will take no part in papering over India's actions with another ban on nuclear testing. The world already has one such treaty, called the Nuclear Nonproliferation Treaty (NPT). We should demand that India sign on to that treaty, which already has 185 States Parties and has been in force since 1970, not a ''Johnny-come-lately'' CTBT, which is—in all respects—a far weaker version of the Nuclear Nonproliferation Treaty. The point is, Mr. President, there would be no cause for worry about Indian nuclear tests if India has agreed not to have these weapons in the first place.

On the other hand, only less than two dozen countries have ratified the CTBT, of whom only 6 are on the list of the 44 key countries which, pursuant to Article 14 of the treaty, must ratify before it can enter into force. In other words any one of these 44 countries (for example, India, Pakistan, North Korea, or Iran) can single-handedly derail the Comprehensive Test Ban Treaty's (CTBT) entry into force.

That is why, Mr. President, the CTBT is so low on the Committee's list of priorities. It has no chance of entering into force in the foreseeable future, regardless of what the U.S. Senate does, and regardless of whether we waste funds on the Preparatory Commission. I regret that it was necessary to come to the Senate floor and explain such an obvious fact.

All of this, of course, is without respect to the fact that the CTBT, by preventing tests to ensure the safety and reliability of the U.S. nuclear deterrent, is a bad idea from a national security standpoint, but that is a debate better reserved for a time and place when the CTBT realistically has a chance of entering into force.

In sum, Mr. President, I oppose the Specter amendment on both jurisdictional and substantive grounds. Now it is my understanding, on the basis of assurances given by the staff of the Foreign Operations subcommittee, that no funds can be provided to the Preparatory Commission without notification to and approval by the Foreign Relations Committee. However, that said, this amendment is part and parcel of the Clinton Administration's effort to cover up the collapse of its nonproliferation policy. By promoting the CTBT with no mention of the NPT, the Clinton Administration and Senator SPECTER propose a course of action

that will de facto legitimize Indian and Pakistani possession of these weapons, just so long as they are not caught testing them. Such a policy sets a poor precedent—if one is worried that other countries, such as Iran and Iraq, might seek to withdraw from the NPT, and escape international opprobrium by signing on to the CTBT as a declared nuclear power.

Instead, the Senate should demand that India and Pakistan join the NPT, and should insist on vigorous international sanctions against proliferant countries, to be lifted only after their nuclear programs have been rolled back.

India's nuclear testing also is compelling, additional evidence pointing to the need for a national missile defense to protect the United States. Because India can readily reconfigure its space-launch vehicle as an intercontinental ballistic missile (ICBM), its actions clearly constitute an emerging nuclear threat to the United States. For this reason, it is time that the Foreign Relations Committee review the antiquated ABM Treaty, which precludes the United States from deploying a missile defense. Sad to say, the Specter amendment plays into the hands of those who seek to detract attention from this effort.

Finally, Mr. President, India's (and Pakistan's) actions should make clear to all just how vital the U.S. nuclear deterrent is to the national security of the United States. What is needed, at this time, is not a scramble for an arms control treaty that prohibits the United States from guaranteeing the safety and reliability of its nuclear stockpile. What is needed is a careful, bottoms-up review of the state of the U.S. nuclear infrastructure, which I fear is in sad repair after six years of a moratorium. I expect that, after undertaking such a review, the United States will find that the CTBT is the very last thing the United States should consider doing.

Mr. President, I do hope Senators will oppose the Specter amendment.●

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

If not, the question is on agreeing to amendment No. 3506 offered by the Senator from Pennsylvania, Mr. SPECTER. 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 New Mexico (Mr. DOMENICI), the Senator from Texas (Mr. GRAMM), and the Senator from Arkansas (Mr. MURKOWSKI) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''no.''

Mr. FORD. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from Ohio (Mr. GLENN), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The result was announced—49 yeas, 44 nays, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—49

Akaka	Durbin	Lieberman
Baucus	Feingold	Mikulski
Bennett	Feinstein	Moseley-Braun
Biden	Ford	Moynihan
Boxer	Graham	Murray
Breaux	Harkin	Reed
Bryan	Hollings	Reid
Bumpers	Jeffords	Robb
Byrd	Johnson	Rockefeller
Campbell	Kennedy	Sarbanes
Chafee	Kerrey	Specter
Cleland	Kerry	Stevens
Conrad	Kohl	Torricelli
D'Amato	Landrieu	Wellstone
Daschle	Lautenberg	Wyden
Dodd	Leahy	
Dorgan	Levin	

NAYS—44

Abraham	Gorton	McConnell
Allard	Grams	Nickles
Ashcroft	Grassley	Roberts
Bond	Gregg	Roth
Brownback	Hagel	Santorum
Burns	Hatch	Sessions
Coats	Hutchinson	Shelby
Cochran	Hutchison	Smith (NH)
Collins	Inhofe	Smith (OR)
Coverdell	Kempthorne	Snowe
Craig	Kyl	Thomas
DeWine	Lott	Thompson
Enzi	Lugar	Thurmond
Faircloth	Mack	Warner
Frist	McCain	

NOT VOTING—7

Bingaman	Gramm	Murkowski
Domenici	Helms	
Glenn	Inouye	

The amendment (No. 3506) was agreed to.

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

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

The motion to lay on the table was agreed to.

THE CHILD SURVIVAL AND DISEASE PROGRAMS FUND

Mr. DEWINE. Mr. President, I would like to express my strong support for the Child Survival and Disease Program Fund. I understand that the House Committee on Appropriations, as a part of its Foreign Operations, Export Financing, and Related Programs Bill, has recommended that $650 million be allocated to the Fund's programs for fiscal year 1999. On the House side, Subcommittee Chairman CALLAHAN has taken the lead in protecting these child survival programs and I commend him for his leadership on this issue. The Clinton administration, however, has reduced direct funding for child survival programs. In order to preserve the benefits of these important programs for children worldwide, I believe the Senate should accept in conference the House language that was agreed to in Committee for this Fund.

It is a tragedy that millions of children die each year from disease, malnutrition, and other consequences of poverty that are both preventable and treatable. The programs of the Child Survival Fund, which are intended to reduce infant mortality and improve the health and nutrition of children, address the various problems of young people struggling to survive in developing countries. It places a priority on the needs of the more than 100 million children worldwide who are displaced and/or have become orphans.

The Fund includes initiatives to curb the resurgence of communicable diseases such as malaria and tuberculosis. In the underdeveloped world, the Fund works towards eradicating polio as well as preventing and controlling the spread of HIV/AIDS.

Aside from addressing issues of health, the Fund also supports basic education programs. An investment in education yields one of the highest social and economic rates of return—because it gives children the necessary tools to become self-sufficient adults. Each additional year of primary and secondary schooling results in a 10–20% wage increase and a 25% net increase in income.

The programs supported by the Child Survival Fund are effective because they save three million lives each year through immunizations, vitamin supplementation, oral rehydration therapy, and the treatment of childhood respiratory infections, which are the second largest killer of children on earth. This year the Kiwanis International are leading a global campaign to raise seventy-five million dollars toward the elimination of Iodine Deficiency Disorder which is the world's most prevalent cause of preventable mental retardation in children. Eliminating the symptoms and causes of this poverty is not only the humane thing to do—it is also a necessary prerequisite for global stability and prosperity.

In my view, Congress needs to maintain its support for these valuable programs. It is my hope that the Senate Foreign Operations Subcommittee will accept the House language. The Child Survival and Disease programs are effective and are important. They should be continued. I would like to commend Representatives TONY HALL of Ohio and SONNY CALLAHAN of Alabama for their tireless leadership in the effort to eliminate global hunger.

I see the Chairman of the Senate Foreign Operations Subcommittee on the floor.

Mr. MCCONNELL. I thank the Senator from Ohio for his statement. I have listened very carefully to his remarks, and I commend him for his tireless efforts in supporting children's causes, here in the United States and throughout the world. I would like to assure him that I will give every possible consideration to his request when we go to conference.

Mr. DEWINE. I thank my distinguished friend from Kentucky, and I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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. 3525

(Purpose: To require a report on Iraqi development of weapons of mass destruction)

Mr. MCCONNELL. Earlier today, due to a mistake, an amendment by Senator BOND was, we thought, approved but in fact was not sent to the desk. It is agreed to by both sides. So I would like to send the BOND amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. BOND, proposes an amendment numbered 3525.

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

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

The amendment is as follows:

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

(a) FINDINGS.—Congress finds that—

(1) Iraq is continuing efforts to mask the extent of its weapons of mass destruction and missile programs;

(2) proposals to relax the current international inspection regime would have potentially dangerous consequences for international security; and

(3) Iraq has demonstrated time and again that it cannot be trusted to abide by international norms or by its own agreements, and that the only way the international community can be assured of Iraqi compliance is by ongoing inspection.

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

(1) the international agencies charged with inspections in Iraq—the International Atomic Energy Agency (IAEA) and the United Nations Special Commission (UNSCOM) should maintain vigorous inspections, including surprise inspections, within Iraq; and

(2) the United States should oppose any efforts to ease the inspections regimes on Iraq until there is clear, credible evidence that the Government of Iraq is no longer seeking to acquire weapons of mass destruction and the means of delivering them.

(c) REPORT.—Not later than 30 days after the date of enactment of this Act, the President shall submit a report to Congress on the United States Government's assessment of Iraq's nuclear and other weapons of mass destruction programs and its efforts to move toward procurement of nuclear weapons and the means to deliver weapons of mass destruction. The report shall also—

(1) assess the United States view of the International Atomic Energy Agency's action team reports and other IAEA efforts to monitor the extent and nature of Iraq's nuclear program; and

(2) include the United States Government's opinion on the value of maintaining the ongoing inspection regime rather than replacing it with a passive monitoring system.

Mr. MCCONNELL. Mr. President, there is no objection to the amendment.

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

The amendment (No. 3525) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote and move to lay it on the table.

The motion to lay on the table was agreed to.

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT—CONFERENCE REPORT

Mr. MCCONNELL. Now, Mr. President, I ask unanimous consent that the Senate proceed as under the order to the Texas Low-Level Waste Disposal Compact conference report.

The PRESIDING OFFICER. Under the previous order, the clerk will report the conference report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 629) have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of July 16, 1998.)

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WELLSTONE. I ask unanimous consent the quorum call be rescinded.

Mr. ALLARD. I object.

The PRESIDING OFFICER. Who yields time on the conference report?

The majority leader.

Mr. LOTT. Mr. President, I yield time to myself off the time for the conference report and observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. WELLSTONE. Mr. President, it may be, I say to my colleagues, because I have friends out here on the floor and we may have some real disagreement on this, but I want to make sure we proceed on this together. I think on the order of this, the proponents might want to go first. That is fine with me. I want to make sure we can have one understanding. Before the recess, it was my understanding, albeit not a written contract, that we would not burn up all the time; that we would reserve 1 hour equally divided for tomorrow before the final vote. I ask unanimous consent that we at least have that final hour to be equally divided before the vote tomorrow.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, reserving the right to object, I mention to the Senator from Minnesota, it is not my understanding an hour would be reserved. I understand most of the time will be used this evening, with the exception of 15 minutes to be equally divided prior to the vote tomorrow.

Mr. WELLSTONE. Mr. President, I say to my colleague, it is unfortunate that maybe there were a number of different parties involved in this, but I was very clear that I wanted to make sure there was time for this debate also tomorrow morning, not late tonight.

I say to colleagues—it is not personal to my colleague from Maine—I am going to object to adjournment tonight, and Senators are going to have to come back here tonight at midnight and vote if I don't get a half an hour tomorrow. I know what was said. I know what was the understanding, and this is an important enough issue that tomorrow morning—and the other side can take a half hour, too—that we should have a debate. It shouldn't go from 7 o'clock now until 10 o'clock, time is burned off, no time to discuss this tomorrow morning, and then there is a vote. I think that is unacceptable.

I guess we are starting the debate off in the wrong way. In all due respect, a lot of the decisions made on this matter have been made kind of in the dark of night in the conference committee. I want part of this debate to be open. I want Senators to be aware of this. I want the public to be aware of it.

I renew my request one more time just so I know where I am at tonight. I ask unanimous consent that we have an hour equally divided tomorrow morning before final vote.

Ms. SNOWE. Mr. President, reserving the right to object, it may well have been the understanding of the Senator from Minnesota that an hour would be set aside. That was not my understanding in terms of how this time would be divided, other than to say that most of the time was to be used this evening, with the exception of 15 minutes to be equally divided tomorrow.

I will agree to half an hour equally divided, if that will accommodate the Senator from Minnesota. But I, and I think the others involved in this debate, prefer to do most of the debate this evening. That was our understanding.

Mr. WELLSTONE. Mr. President, I say to my colleague, I am going to stick to this because this is, I think, an important issue. It takes time to lay out the context and the background. I know the way it works here. This now has been put off close to 7 o'clock. I understand that. I just think that 15 minutes is not a lot of time to go into the complexity of this. I know at least what was my understanding, and I say to my colleague from Maine, this was not a direct conversation with her. In no way, shape, or form am I trying to say she had implied otherwise.

I am going to be firm about this. Perhaps we could—and I wouldn't be totally satisfied with it—but perhaps we could save colleagues some trouble and

do 40 minutes equally divided. I ask unanimous consent that there be 40 minutes, 20 minutes on each side, so colleagues don't have to come back tonight and vote at midnight.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WELLSTONE. Do my colleagues want to proceed first? I say to the Senator from Maine, would you like to proceed first?

Ms. SNOWE. Mr. President, yes, I will proceed first. I won't be very long, and then both Senators from Vermont are here this evening as well. I am willing to go first in this debate.

I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized for the time she may consume.

Ms. SNOWE. Mr. President, I say to the Members of the Senate, I rise today to ask for my colleagues' support for the conference report on H.R. 629, the Texas Compact Consent Act of 1998, which reflects the original language ratified by the States of Maine, Vermont, and Texas to address the safe disposal of their low-level radioactive nuclear waste. The 1980 Low-Level Radioactive Waste Policy Act states that it is the policy of the United States that each State is responsible for providing for the availability of disposal capacity, whether in State or out of State, for waste generated within its borders, and the act authorized interstate compacts as a principal means of providing for this capacity.

The policy was reinforced in the 1985 amendments to the act. The States of Maine, Vermont, and Texas are now approaching the end of a long journey that started in 1980 when Congress informed the States to form compacts to solve their low-level radioactive waste disposal problems.

My first chart shows the extent of the nine compact networks that have already been ratified by Congress. California, for instance, has had a compact with North and South Dakota, and Hawaii and Alaska ship their low-level waste to Washington State.

This chart designates all of the nine previous compacts that have been established with the various States across this country. As you can see in the second chart with the list of States in the compact, Mr. President, when we adopted this report, Texas, Maine, and Vermont will become the 42nd, 43rd, and 44th States to be given congressional approval to enter into a compact and will meet their responsibilities of disposal of their low-level waste from hospitals, medical centers, powerplants, and shipyards. We will be the 10th compact to receive the consent of the U.S. Congress. Only 6 States out of 50 will not yet have formed a compact with other States.

Again, in referring to this chart, it shows that 41 States have entered into nine different compacts, all of which have been ratified by the Congress in previous years. So this compact is not unlike any of the other nine previous compacts that have been adopted by the U.S. Congress.

It is very important for my colleagues to understand that the language ratified overwhelmingly by each State legislature is the same language that has been passed by the conferees, so that the compact will not have to be returned to each State to go through a reratification process that would, in all practicality, as well as reality, take several more years.

The compact that is before the Senate has been approved by large majorities in all three State legislatures. The Texas Senate approved the compact in May of 1993 with a vote of 28–0, and by a voice vote in the Texas House of Representatives. Governor Ann Richards at the time signed the compact. The compact is supported by the current Governor, Governor George Bush.

The Vermont House voice voted the compact in March of 1994, and the Vermont Senate voice voted the compact in April of 1994. Governor Howard Dean signed the compact.

The Maine Legislature approved the compact in June of 1993, by a house vote of 131 yeas to 6 nays, and a senate vote of 26 yeas and 3 nays.

Additionally, Maine held a public referendum on the compact in November of 1993, which passed by 73 percent. Then-Governor John McKernan signed the compact. Today it is supported as well by the current Governor, Angus King.

As Congress intended in the original law, the Low-Level Radioactive Waste Disposal Act of 1980, and in amendments enacted in 1985 by the Congress, the Texas Compact is site neutral. Site location questions are the exclusive purview of the State of Texas and can only be addressed through Texas political and regulatory processes. The chosen site must, of course, meet Federal environmental, public health and safety laws. To date, no site location has been finalized. No license has been granted.

The compact does not determine who pays what, how the storage is allocated, or where the site is located. To the contrary, the intent of the law is for the States to develop and approve and finalize these details after Congress has ratified the plan.

The compact is only an interstate agreement providing the terms under which Maine and Vermont can dispose of their waste at a licensed facility in Texas, irrespective of where that facility is located. As we all know, there has been a proposed site.

As to the statements by the opponents and by the Senator from Minnesota that there is no local support for the proposed site, all I can say is that earlier this year local support was certainly evidenced through local elections that were held in Texas. The Hudspeth County judge, who is the top elected official in the county where the site has been proposed, and who has strongly declared his support for the compact, won his race for reelection. This was an issue in his reelection, and the elections at the local level in this county.

Two candidates for county commissioner who also support the compact won their races over two opponents of the compact. And a local individual in opposition to the compact was the only person on the ballot for Democratic Party Chair, and he lost to a write-in candidate.

In an August 25 letter, a top-elected official from Hudspeth, Judge Peace, stated: ''The truth is the socio-economic benefits for the residents of Sierra Blanca are enormous and overwhelmingly positive.''

Judge Peace also says, ''I want you to know that the majority of citizens favor the development of such a facility.'' Further, he says, ''The people of Sierra Blanca and Hudspeth County voiced their opinions for a better future and tangible real life advances that will make our communities more livable.''

There is a grave concern in Maine and Vermont and Texas that there are some in Congress who want to add stipulations on to the Texas Compact that no other compact has had to endure. And that would be action that would discriminate against these three States.

Again, as I mentioned earlier, there have been nine previous compacts. Not one of them have had any conditions or stipulations as the ones that have been suggested by the Senator from Minnesota and others—none. And the compact is site neutral because that is a decision that has to be made by the State that will have the proposed facility. That, of course, is the State of Texas—but all consistent with the environmental and safety and health guidelines, not only at the Federal level, but at the State and the local level as well. This is not irrespective; it is not overriding those concerns.

In fact, the conference report and the statute that is being proposed before the Senate is very clear that they have to follow specific and certain guidelines. So that is the environmental justice that we are pursuing. No one is saying to override environmental justice principles or regulations—absolutely not. That is for the State in question. I have faith and confidence in the State of Texas and the elected officials and other officials involved in this procedural approach in determining where the proposed site should be located. But that is a judgment that has to be made by the State of Texas and consistent with their laws, and Federal laws as well.

I might add that Senator WELLSTONE's own State of Minnesota is already part of a compact that was ratified by Congress. And like all the other compacts that Congress has approved, Congress made no changes or added any conditions or stipulations to that compact. There again, it was a decision made by the State who is going

to have the facilities, but again in keeping with Federal environmental and health and safety regulations, as well as the State and local guidelines.

With congressional ratification of H.R. 629 and the conference report that is before us today, Texas will move forward to select an appropriate site for the disposal facility in a timely manner, most importantly, consistent with all of the applicable State and Federal environmental, health and public safety laws, as I have already mentioned. It has always been the decision of the State of Texas as to where the facility will be sited. And it is not within the purview of the U.S. Senate to decide for them. And I applaud the conferees in their judgment of passing out a conference report with the original language ratified by Maine, Vermont and the State of Texas.

Without the protection of the compact, Texas will be compelled to—and I repeat, compelled to—open their borders to any other State for waste disposal if they decide to create a new facility or they will be in violation of the Interstate Commerce Clause of the United States Constitution. This compact will protect Texas' right to decide what is best for the State of Texas. The State will be able to construct a single engineered facility for storing and management of all of its low-level waste rather than its current situation illustrated again on this chart in which 684 temporary storage sites are strewn far and wide across the State. Again, it shows in this chart 684 different facilities across the State of Texas.

This compact will allow them to consolidate into one facility. But if the Congress did not approve this compact, and the State of Texas wanted to go ahead and develop a new site, they would be required, without this compact, to open up their facility to all of the other States in the country for the transport of low-level radioactive waste. So that is why the State of Texas wants this compact, because then they would only be accepting waste from the State of Vermont and the State of Maine.

Texas Compact members will now be able to exercise appropriate, responsible control of their low-level nuclear waste as Congress has mandated.

I would like to put into the RECORD the entire letter that I received from the Organizations United for Responsible Low-Level Radioactive Waste Solutions—a coalition made up of such organizations as the American Society of Nuclear Physicians, the American Heart Association, and the National Association of Cancer Patients—who are dedicated to socially, environmentally, technically and economically responsible solutions to low-level waste disposal. I would like to quote one of their lines within the letter that I think speaks to this issue.

Please support the Texas Low-Level Radioactive Waste Disposal Compact bill which will allow the continued use of low-level radioactive materials that provide critical health, environmental, and safety benefits to millions of Americans.

Mr. President, I ask unanimous consent to have the entire letter printed in the RECORD.

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

ORGANIZATIONS UNITED,
Washington, DC, July 29, 1998.

Senator OLYMPIA J. SNOWE,
U.S. Senate, Washington, DC.

DEAR SENATOR SNOWE: As you consider approving the conference report on the Texas Compact legislation, you must also consider the life-saving and life-extending medical benefits which result from usage of radioisotopes. Such benefits—prevention and treatment of cancer tumors, research for a cure for AIDS, diagnosis and treatment of thyroid disorders, study of lung ventilation and blood flow—require responsible management and disposal of low-level radioactive waste to ensure their continued operation. Without ratification of the Texas-Maine-Vermont Compact and subsequent selection and development of a disposal site, the public will suffer a loss of these type of benefits because of the lack of a disposal facility.

Approval of the conference report and support for the Texas Low-Level Radioactive Waste Disposal Compact bill will ensure that important medical research and electrical processes can continue to benefit the nation and groups like Organizations United whose members include associations representing doctors, electric utilities, universities, and other researchers.

Another important piece of the proposed bill to remember is that it does not designate a disposal site for low-level radioactive waste; only the state of Texas has the authority to approve a site. Texas has not made a final decision on where the facility should be located. So, you will be voting for the compact, which all three states negotiated in full compliance with all federal and state laws and with full support of their leaders, and not a particular site.

Please support the Texas Low-Level Radioactive Waste Disposal Compact bill which will allow the continued use of low-level radioactive materials that provide critical health, environmental, and safety benefits to millions of Americans.

Sincerely,

ROBERT F. CARRETTA, M.D.,
Chairman.

Ms. SNOWE. Mr. President, to sum up this issue, first and foremost, I think we need to understand that most other States have already entered into compacts that have been ratified by the Congress. In fact, 41 States already have compacts. The same compact that we are asking for support here in the U.S. Senate has been already adopted by the House of Representatives by an overwhelming margin. It has been supported by the conferees of both the House and the Senate.

I urge my colleagues to support this conference report that allows these three States to enter into a compact that is consistent with the mandates of the laws that have been passed by the Congress both in 1980, with the original act instructing the States that they must make decisions with respect to the disposal of low-level radioactive waste, and consistent with the amendments to that act in 1985.

This compact is in keeping with the spirit and intent of those thoughts.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Maine still has the floor. Does the Senator yield?

Ms. SNOWE. Well, Mr. President, I was going to yield to the Senator from Vermont.

Mr. WELLSTONE. I understand. I gather my colleague doesn't need a lot of time. I ask unanimous consent that I may follow the Senator from Vermont. There is much that my colleague said that I want to respond to, but I will wait.

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

Mr. JEFFORDS. Mr. President, this is always a very difficult subject when we talk about nuclear waste. We all have a fear of nuclear waste and the thought of radiation emanating from the ground in our neighborhoods or visions of trucks driving down from Maine and Vermont and dumping waste into the fields of Texas. That is sometimes what is described. But we are talking here about a well-conceived law which has set out a process for low-level waste.

What is low-level waste? Well, it is the gloves that come from the workers in the atomic energy plants. It may be waste from the utilization of radioactive materials in our hospitals. It is not the large nuclear rods that we are trying desperately to put somewhere. We are talking about something that is easily controllable. One would certainly ask this question: If there is so much problem, how come all the people in the area are voting and saying, yes, yes, bring it down? Why? Because there is a price tag to those States that have the waste.

Vermont and Maine are not very big States. We are going to be spending $25 million sending it down, with other payments later, and creating a facility in this area that will provide jobs and economic help to an area that right now is very low income, with no real productivity or resources. So they will have an opportunity to benefit very substantially—maybe build a new school, or other things—which would not happen were it not for this compact. Also, we know well now how we can control the nuclear waste from facilities that have low-level waste. We know what to do with the high-level waste, but we just can't get the States to come around to accepting it. That is a problem for the future. Right now we are talking about low-level waste.

The compact has the support of the Governors and the State legislatures of Texas, Vermont and Maine. Passage of this compact will allow these States to responsibly manage low-level waste produced by hospitals, power plants, industrial facilities, and medical research laboratories in our State where we do not have a place to do this, and it creates a danger. Whereas, if it is shipped and properly handled and placed in areas where there is no chance to get into the groundwater and

all these things we have to worry about in our State, it can only benefit those, and especially in providing schools and other things.

We come to the floor today asking that our states be given the same rights as forty-one other states. In 1980, and again in 1985, Congress declared that states must provide for the disposal of commercial low-level radioactive waste. Forty-one states have responded affirmatively to that mandate and formed nine regional compacts.

These nine compacts have been approved unanimously by the Senate, without amendment, and signed into law. We ask for nothing more than what Congress has already given these forty-one other states.

This compact, like the nine others that precede it, took years of negotiating among the states. The Vermont legislature and the Governor carefully reviewed each provision before approval. In fact in 1990, under the leadership of then-Governor Madeline Kunin, the State of Vermont began a study to find a suitable site for a disposal facility in Vermont. After two years of exhaustive review, the State determined that a safe site could not be found in Vermont.

It is understandable that we can't bury things. We have water that flows down on us and runs off. It is no place to handle this kind of thing.

The agreement Vermont and Maine have reached with Texas is the best option for safe disposal. In fact, the compact we are debating requires that it is the policy of the party states to cooperate in the protection of the health, safety, and welfare of their citizens and the environment.

We are here today because one Senator is questioning the science used to find a safe and suitable site for disposal of this waste. I commend him for questioning this, and I am glad we are having this debate, because people should be reassured and should know what happens in these cases.

After the compact was signed into law by then-Governor Ann Richards, the State of Texas launched a rigorous process to assure that the site licensed to accept this waste would be safe. Prior to selecting the proposed site, the Texas Natural Resource Conservation Commission spent four years reviewing the site before issuing a draft license and environmental assessment.

Although this compact does not specify a site for the Texas waste facility, I trust that the State of Texas has used and will continue to use strict scientific criteria in selecting a disposal site.

This compact has strong bipartisan support. The consent legislation was reported out of both the House Commerce Committee and the Senate Judiciary Committee without amendment and without opposition.

The Texas Compact was adopted by the House by a vote of 309 to 107. In the Senate it passed with unanimous support. Moreover, the Texas legislature, the Maine legislature, and the Vermont legislature approved the compact.

Mr. President, we should continue to work together in a bipartisan manner and pass this compact.

Let's ensure that institutions in Maine, Texas, Vermont and all across the United States have access to safe disposal sites for low-level radioactive waste.

Let's treat this compact just like we have treated all of the other nine. This compact is not about the virtues or vices of nuclear power, industrial development or cancer research, it is about the safe disposal of low-level waste.

Let's pass this compact.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I think my colleague from Vermont has been on the floor a long time today. He said he needed a brief period of time. If I could take a minute—and only a minute, I say to my colleague from Vermont, whom I appreciate as a real friend here, I will talk about the actual sites, Hudspeth and Sierra Blanca, and how this is all taking place.

This is an issue of environmental justice. But this nuclear waste is not just gloves and medical waste. My colleague talked about that. Ninety-nine percent of this low-level radioactive waste in Maine and Vermont will come from nuclear reactors. Let's just be clear about that.

Second of all, the distinction between low-level and high-level—I will read from a GAO report of this year.

> Any radioactive waste that are not high-level are low-level, and as a result, low-level radioactive waste constitute a very broad category containing many different types and concentrations of radio nuclei, including the same radio nuclei that may be found in high-level radioactive waste.

This is an artificial distinction. It is not just medical waste. It sounds better when we talk about booties and gloves. Low-level waste constitutes all of the same public health concerns to the people who live in Sierra Blanca. I want to be clear about that.

I ask my colleague from Vermont, how much time does he think he will need?

Mr. LEAHY. Six or seven minutes.

Mr. WELLSTONE. I ask unanimous consent that after my colleague uses his time, I be able to follow.

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

The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, thank you. I thank my colleague from Minnesota.

Mr. President, I rise today in support of the Texas Low-Level Nuclear Waste Compact. This legislation was originally introduced in the 103rd Congress and is long overdue.

Although this legislation is fairly simple on its face, merely approving a Compact already agreed to by each of the party states, many issues have arisen along the way to complicate the approval of the Compact.

We have before us the Conference Report to the Compact that works out these issues. This Conference Report insures that the will of the party states is followed.

When Congress passed the 1980 Low-Level Nuclear Waste Policy Act, we handed over to states the responsibility of low-level waste disposal and encouraged them to enter into compacts to provide disposal on a collective basis.

Nine of these compacts have already been approved by Congress. In this case, the states of Vermont, Maine and Texas negotiated the terms of their Compact, all three states approved the Compact and all three governors have urged Congress to ratify it.

Approval of this Compact will give these states final resolution of the problem they increasingly face in disposing of their nuclear waste.

In Vermont, we began this process almost ten years ago. Following the direction of Congress, Vermont began looking for an in-state depository location. In 1990, former Governor Kunin created the Vermont Low-Level Radioactive Waste Authority to determine if there was a suitable site for a low-level radioactive waste disposal facility in Vermont.

Over the next two years the Authority spent approximately $5 million evaluating numerous sites in our state. In particular, the Authority examined the potential for a site next to Vermont Yankee in Vernon, Vermont. The site was found to have extremely unfavorable geological conditions for a storage facility.

The combination of porous soil, a high groundwater table, a wet climate and proximity to the Connecticut River made such a site too risky.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Public Service Board of the State of Vermont outlining the process we went through to find a site within our borders.

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

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

STATE OF VERMONT,
DEPARTMENT OF PUBLIC SERVICE,
Montpelier, VT, July 15, 1998.

Re low level waste activities in Vermont.

Hon. PATRICK LEAHY,
U.S. Senator,
Washington, DC.

DEAR SENATOR LEAHY: The purpose of this letter is to provide you with: (1) information about Vermont's efforts to site a low level radioactive waste storage facility in Vermont; (2) information on why Vermont cannot rely on the low level radioactive waste storage facility in Barnwell, South Carolina to accept future shipments of low level waste from Vermont; and (3) the reasons why I believe that the Texas Compact is the best option for long term storage of Vermont's low level waste.

In 1990, Governor Kunin signed the law which created Vermont's Low Level Radioactive Waste Authority (''the Authority'').

This followed the inconclusive efforts over the course of some years of the Vermont Low Level Radioactive Waste Commission.

Among other things, the Authority was charged with determining if there was a suitable site for a low level radioactive waste storage facility in Vermont. Over the next two years the Authority spent approximately $5 million evaluating numerous prospective sites in the state.

A site next to Vermont Yankee was evaluated in depth. This site was found to have extremely unfavorable geological conditions. Specifically, groundwater was very close to the surface and the underlying soil was comprised primarily of porous sand and gravel with short transit times to the Connecticut River. These conditions, in combination with Vermont's wet climate, would permit rapid migration of any materials leaking from a waste storage facility into the Connecticut River.

Following the abandonment of Vermont Yankee as a storage site, the Authority embarked on a voluntary siting process. Initial interest in several towns waned quickly as groups opposing nuclear power activated local opposition. It was the opinion of those working in the low level radioactive waste are that a facility could not be sited in Vermont.

Past experience with the existing low level radioactive waste storage facility in Barnwell, South Carolina, has demonstrated its unsuitability for Vermont's future low level waste storage needs. It appears that while storage space at Barnwell is adequate for some time, the continued operation of the site is questionable due to possible changes in political leadership in South Carolina. We believe that it is possible that the Barnwell facility could close if the current Republican administration in South Carolina were replaced by a Democratic governor. If Barnwell remains open, costs for storage are uncertain and will likely be higher. South Carolina has an expectation of deriving a certain level of funds for state education needs from Barnwell storage fees. This amount of funding has not been met resulting in a current crisis over continued Barnwell operations.

I expect that disposal in the Texas Compact will be less expensive than other options, even considering the $25 million cost for Vermont's participation. At current levels, Barnwell's cost of approximately $400 per cubic foot is higher than Texas' projected cost of between $118 and $275 per cubic foot. While it is likely that both cost figures will rise, I expect Texas to remain less expensive.

Not only is Barnwell more expensive than the Texas site, but it also appears that Barnwell is refusing to accept the internal components of commercial nuclear reactors that have recently retired in the United States. This could be especially troublesome for Vermont when Vermont Yankee ceases operations because of the relative volume of these components.

Vermont has attempted an in-state siting process and found that siting in Vermont would be difficult if not impossible. The uncertainty regarding the price and the availability of the Barnwell site make it an undesirable choice for Vermont's long term low waste storage needs. In summary, I believe that after careful consideration of both environmental and economic considerations that the Texas facility is the best option for Vermont's long term, low level waste storage needs. Please contact me if you would require additional information.

Sincerely,

RICHARD SEDANO,
Commissioner.

Mr. LEAHY. Mr. President, some critics of this Compact argue that the waste should be stored where it is generated. Although this argument is nobly egalitarian, it is not practical nor is it safe.

We cannot control the rainfall in Vermont. We cannot change the density of our soil. And we cannot move the people of Vernon out of the area to meet the criteria of a safe disposal site. So, Vermont had to look somewhere else.

Under this Compact, Texas has agreed to be the host for the disposal site. The Compact does not name a specific site. That is an issue to be decided by the people of Texas, as it should be.

Every other compact approved by Congress gives the host state the right to choose where the disposal facility is sited, according to the laws and regulations of that state. The same is true for this Compact.

Mr. President, I want to take a minute to talk about the process undertaken by Texas to site this storage facility. In 1991, the Texas legislature adopted legislation designating an area of 400 square miles (256,000 acres) in which the Texas Low-Level Authority was required to select a proposed site.

After performing site screening in the area defined by the legislature, the Texas Authority identified a 16,000-acre tract for further analysis, of which 1,300-acres would be used for the proposed site. Texas undertook a siting and licensing process similar to the federal National Environmental Policy (NEPA) process, which included numerous public hearings and technical and environmental reviews.

This process was recently reviewed by the two administrative law judges from the Texas Office of Administrative Hearings, who recommended the Texas Natural Resource Conservation Commission conduct additional analysis before the facility is licensed. The Governor and the State Legislature set up a process to select a site, which should be allowed to more forward.

Congress should not put special restrictions on this Compact simply because Texas is exercising its rights as the host state to determine where the facility will be located.

This Compact also allows the states of Vermont, Maine and Texas to refuse waste from other states. Specifically, Texas will be able to limit the amount of low-level waste coming into its facility from out-of-state sources.

As stated by the Governors of Vermont, Maine and Texas in a letter to the Senate Judiciary Committee in April, 1998, ''If the facility opens without a Compact in place, Texas will be subject to accepting waste from around the country, and Maine and Vermont will not be guaranteed any storage space at the facility.'' Under the Compact, there is a controlled process for transporting and disposing of the waste at the facility. Without the Compact, that process evaporates.

This arrangement is not only the best environmental solution to store waste from our three states, it is also the best economic solution. Maine and Vermont together produce a fraction of what is generated in Texas, but by entering into this Compact we will share the cost of building the facility.

Right now, Vermont pays approximately $400 per cubic foot to dispose of our waste. Disposal at the Texas facility will cost only about $200 per cubic foot. If the Compact is not approved, it is the ratepayers of Vermont, Texas and Maine who will have to pay the extra cost of disposal.

Finally, building the facility does not end Vermont's obligation to the safety of this site. We have a long-term commitment to the site, from ensuring that the facility meets all of the federal construction and operating regulations to making sure the waste is transported properly to the site and that the surrounding area is rigorously monitored. Vermont will not send its waste to Texas and then close its eyes to the rest of the process.

I can assure you that Vermont will not send nuclear waste to Texas and then close its eyes to the rest of the process. We are just not going to do that. We are not a State that would do that.

Some might want to say it would be nice if we had no more nuclear waste. Unfortunately, we will. We will continue to have it. And we will still have to dispose of it.

I think we all recognize that there was no perfect solution for dealing with low-level nuclear waste.

But as long as we are generating power from nuclear facilities and as long as our research universities, hospitals and laboratories use nuclear materials, we are going to have to dispose of the waste.

We cannot continue to ignore the need to safely store nuclear waste. To do so would be to ignore the growing environmental problem of storing this waste at inadequate, temporary sites in Vermont, Maine and Texas.

Instead, we need to make a commitment to developing and building the safest facility for long-term storage of waste. That is what our States have done, and Congress should not stand in their way.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me start out by saying to my colleague from Vermont that this debate is not about suggesting that a dump has to be built in the Northeast. That is not what this debate is about. I say that to my colleague from Maine. No one has ever suggested that.

Let me also say that I have to smile as I hear my colleagues say that we need this compact to provide people in Texas with the guarantee that their dump won't become a depository, a national depository for waste. If there is no dump, they don't need the protection. This is an interesting argument—we have to have a compact—which, by

the way, I don't think holds up under scrutiny. I will talk about that in a moment. We have to have a compact in order to give people in Texas—it is really in their self-interest. This compact will provide them with some protection that they won't have nuclear waste coming into their State from all over the country. By definition, if the dump isn't built, if the compact doesn't go through, then there won't be any nuclear waste dump, and, therefore, people in Texas won't have to worry about that protection. It is just a curious argument that caught my attention.

Mr. President, I want to say at the beginning that I rise to speak with as much passion and as much evidence that I can marshal as possible against this conference report, H.R. 629, the Texas, Maine, and Vermont compact, which will result in the dumping of low-level radioactive waste from Texas, Maine, and Vermont, and potentially other States and territories, at a dump located in Texas. The dump is expected to be built near the town of Sierra Blanca in Hudspeth County where 66 percent of the residents are Latino and 39 percent live below the poverty line. Let's not be fooling anybody. Here is what happened. This is what we have to vote on one way or another.

In Texas, the decision has to be made. Where are you going to put a nuclear waste dump site? Not surprisingly, when you have a former Governor here, or someone else living in another community who is politically connected there, none of those sites is considered. Instead, what we come up with—I will go through the whole history of this—is Sierra Blanca, Hudspeth County. This happens to be a community that is disproportionately Hispanic and disproportionately poor. And that is why this is a civil rights issue. That is why, colleagues, a lot of organizations—Latino and Latina—and a lot of environmental organizations are on record against this compact.

This is going the path of least political resistance. That is what this is about.

This is an issue of environmental justice. It is the business of all of us in the U.S. Senate, because we have to vote for or against this compact.

All of a sudden—I will get to this a little later on as well—some administrative law judges take a look at this, and they say, ''You know what? This might not be a good idea because this is a geologically active area.'' That is a euphemism for an earthquake area. That is true. They have said that. But the problem is that the members of the commission in Texas that has made the decision are the Governor's appointees, and they don't have to listen to what these administrative law judges have said. And the executive director of this commission has made it clear that he won't. The Governor has made it clear that he is going forward with this.

But what we have here is an interesting game. No wonder people get angry about politics. What the State of Texas is saying is: Let's just put it off and not make the final decision though we know what the final decision is. We are going to locate this in a community where you have poor people and Hispanic people living. But we will not do that right away. Instead, we say we really haven't decided, and therefore we can get people in the Senate and the House of Representatives, we can give them cover, and they can say, ''Oh, no, this isn't about environmental justice because they haven't selected the site.''

I will go through this in a moment. That is an absolute sham. That is just a sham.

Mr. President, let me be real clear about this. The area that is chosen in Texas, not surprisingly, because this is apparent all around the country—poor people always take it on the chin. The communities of color always take it on the chin. Where are you going to put an incinerator? Where are you going to put a waste dump site? It is never in our backyard.

I would like to know whether any Senator has ever had a nuclear waste dump site proposed in his or her backyard or his or her community. And while I have not taken the survey, I bet the answer is not one.

This has to stop. This is an issue of environmental justice. That is why we are not just going to talk about this tonight. We are going to talk about this tomorrow, regardless of what the vote is.

Mr. President, here is what is really troubling about this process. We have been through this over a period of a year. It has been kind of one-sided, I say to my colleague in the Chair. It has been sort of like you have people—we have some people here tonight from Hudspeth County. We have people from other communities. We have some State legislators. We have people from the community. But you know what, they get to come up like once a year maybe. It is a long trip, costs a lot of money. But at the same time the utility industry—this isn't about States rights. This is about the utility industry, what the nuclear power industry wants, what the energy industry wants, what the big contributors want as opposed to the people who live in this community who have precious little by way of campaign contributions they can make. This is tied to reform and precious little clout, except this little community has been fighting hard for a year.

So what happened here? I came to the floor of the Senate twice and my colleagues agreed. I didn't hear anybody dissent. There was unanimous consent. Twice I came to the floor of the Senate with amendments. One amendment said let's make it clear that this nuclear waste can only come from Maine, Vermont and Texas. That is what we say it is about. So let's codify that. That amendment was passed in the House of Representatives as well.

The other amendment said if the people of Hudspeth County, as they seek redress of grievance, can show that they have been disproportionately targeted because they are Latina, Latino or poor, they should at least have the right to challenge this in court. And my colleagues, Democrats and Republicans alike, supported these amendments.

That is exactly what happens when an amendment passes on the floor of the Senate with unanimous consent. But then what do they do? They rely on the conference committee. I am starting to believe in a unicameral legislature, I really am, because I think the conference committee is the third house of the Congress and there is no accountability. This conference committee meets sometime, I don't know, 2 a.m., 1 a.m., sometime in the dark of night. Who knows when. And they just bulldoze right through and they knock out both amendments. The Senate is on record twice, first of all, voting for the amendments and then instructions to the conferees to honor the Senate's position.

Colleagues, they took those amendments out. And when you vote tomorrow, please, remember the Latina and Latino community, please remember the organizations, remember the environmental organizations, and other organizations I am going to refer to because they are going to be watching our vote.

Now, it would have been one thing if those amendments had stayed in. I think you would have had more support for this compact, or at least people could have said, well, you know what, at least now we know we are not going to get the shaft at least in one sense. People wouldn't have wanted it in their community, nor would the Presiding Officer, nor would my colleague from Maine, nor would any Senator here. No Senator here would want this waste dump site in their backyard, not one Senator, but it at least would have made this political process look a little bit more open and maybe a little fairer to people, if we had kept the amendments in.

But, oh, no, the conference committee meets somewhere, sometime and takes them out. So I will tell you, this compact should be defeated.

Now, the construction of this nuclear dump in this community raises important questions of environmental justice. This might be the first time in the history of the Senate we have had a debate about environmental justice in the Chamber. It is not just the fight for the people of Sierra Blanca or Hudspeth County or west Texas, for that matter. This is a fight for communities all across the country that don't have the political clout, that aren't the well heeled, that aren't the well connected, that aren't the investors, that aren't the big contributors, and all too often over and over again they are the ones we dump these sites on. This is a fight for poor people and poor communities that are rarely consulted.

This is a fight for people who are seen not as people who should have some say about their environment and their lives but as victims to be preyed upon because they are least able to defend themselves. Except the communities of Hudspeth County, Sierra Blanca, they have made it clear they are not victims. They have made it clear they are women and men of worth and dignity and substance, and they have been fighting hard.

Environmental justice, colleagues, is a difficult issue. Too often legislators and Government officials hide behind the excuse that there is nothing we can do about it, that discrimination results from decisions that are made in the private sector, that it is a matter of State or local responsibility, that it is too hard to prove. Well, this case is pretty easy. The dump won't be built if we reject this compact. We have a direct responsibility. There is a direct Federal role. We cannot wash our hands of this. We cannot go away and pretend that we are not to blame. We are all responsible, and it is up to each and every one of us to take a stand.

Let me go over some of the arguments. Argument No. 1: The Texas Compact raises troubling issues of environmental justice. There is a well-documented tendency for pollution and waste dump sites to be sited in poor minority communities that lack the political power to keep them out. In this case, the Texas Legislature selected Hudspeth County and the Texas Waste Authority selected the Sierra Blanca site after the Authority, after the Authority's scoping study had already ruled out Sierra Blanca as scientifically unsuitable.

Did you get that? Did you get that, colleagues, or staff, that are following this debate? The Texas Waste Authority selected the Sierra Blanca site after the Authority's own scoping study had already ruled out Sierra Blanca as scientifically unsuitable. Communities near the study's preferred sites had enough political clout to keep the dump out but Sierra Blanca, already the site of the largest sewage sludge project in the country, was not so fortunate.

There you go. There is the calculus. You have this poor Hispanic community. They have the largest sewage sludge project in the country. Why not just build a nuclear waste dump site there as well? Sierra Blanca is a low-income, Mexican-American community. Over 66 percent of the citizens of Sierra Blanca are Mexican-American and many do not speak English. About 39 percent live below the poverty line. Hudspeth County is one of the poorest and most heavily Latino areas of Texas. Under the Texas government code, Sierra Blanca is legally classified as a ''colonia,'' which is an economically distressed area within 150 miles of the Mexican border that possesses inadequate water and sewer services, and this is the community that has been targeted for this nuclear waste dump site.

Sierra Blanca is already the site of the largest sewage sludge project in the country, and the Environmental Protection Improvement Corporation is now asking the Texas environmental agency for a license for yet another sewage sludge project east of Sierra Blanca.

Now, I ask my colleagues, I ask the Presiding Officer, if you had the largest sewage sludge project in your community, you are now targeted for another one, and on top of that you would have a nuclear waste dump site also in your community, even though it is a geologically unstable community, earthquake area, would you not have some questions about this?

I heard my colleagues say somewhere that a judge had won an election and, therefore, oh, no, the people there really want it. Look, why don't we just think about this for a moment? Do you really believe that? Do you really believe that? Do you really believe the people in any of the communities that we represent would really want a nuclear waste dump site where they live, on top of the largest sewage sludge project in the country? Do you believe that?

Mr. President, 20 surrounding counties and 13 nearby cities have passed resolutions against it and no city or county in west Texas supports it. I hear one person is elect and that is used as the basis for arguing that the people in the community want it? Give me a break. Give me a break. Mr. President, 20 surrounding counties and 13 nearby cities have passed resolutions against it and no city or county in west Texas supports it. Over 800 adult residents of Sierra Blanca have signed petitions opposing the dump, and a 1992 poll commissioned by the Texas Waste Authority showed that 66 percent of the people in Hudspeth and Culberson Counties were in opposition. Republican Congressman BONILLA, who represents Hudspeth County, and Democratic Congressman CIRO RODRIGUEZ, who represent neighboring El Paso and San Antonio, have all actively opposed the Sierra Blanca dump. And we are being told the people support it?

In an October 1994 statewide poll, 82 percent of Texans were against it—82 percent. Earlier this month, 1,500 U.S. and Mexican citizens, including Texas State Representatives and Senators and Representatives from Mexico, marched from the Mexican border to Sierra Blanca, through scorching desert heat—and it has been hot in Texas—to protest the dump. Local residents have had no say over whether the waste dump should be constructed in Sierra Blanca; no say. They never were consulted at any stage in the process, but rather they were informed after the fact. Each time the waste authority or the legislature selected Hudspeth County for a dump site, and especially after local residents had already won a court case to reverse the selection of Fort Hancock, the news took local residents by complete surprise. At no stage in the site selection process were the residents of Sierra Blanca involved in the decisionmaking.

Now, I said this is an environmental justice question. Listen to this, and I will come back with this tomorrow morning again. A 1984 public opinion survey commissioned by the Texas Waste Authority provides some real useful context for how this has all taken place. The report is called, ''An Analysis of Public Opinion on Low-Level Radioactive Waste Disposal in Selected Areas.'' This report goes on to talk about the benefits of keeping the Latinos uninformed:

> One population that may benefit from [a public information] campaign is Hispanics, particularly those with little formal education and low incomes. This group is the least informed of all segments of the population. . .. The Authority should be aware, however, that increasing the level of knowledge of Hispanics may simply increase opposition to the [radioactive dump] site, inasmuch as we have discovered a strong relationship in the total sample between increased perceived knowledge and increased opposition.

I'll tell you what, I would be ashamed to be a decisionmaker in any kind of process, any kind of consulting report, saying: Better not have these Latinos informed because there is a strong correlation between the amount of their perceived knowledge and their increased opposition.

Well, I guess so. I guess, if every Senator had knowledge of a nuclear waste dump site that was going to be dumped in his or her backyard, the more he or she knew, the more likely they would be in opposition. And we are being told the people in the community just can't wait to have this. There is a danger. I am in profound disagreement with my colleagues that this poor Hispanic community could become a national repository for low-level radioactive waste. We are being told that this will be their savior, this compact will protect them from becoming a national repository.

The conference report—and if my colleagues have any information or facts that contradict what I am about to say, I would certainly appreciate hearing it—the conference report on H.R. 629 would allow appointed compact commissioners to import radioactive waste from any State or territory. They have it within their authority to do so. There is no language that prohibits them from doing so. And both the State of Texas and nuclear utilities across the country will have an economic incentive to bring in as much waste as possible to make the dump economically viable and to reduce the disposal costs.

Let me be clear about it again. This conference report does not have one word that would prohibit the appointed compact commissioners from importing radioactive waste from any State or territory in the country. If you had not stripped out our amendment, which the Senate unanimously supported twice, which said that the waste can

only come from Texas and Vermont and Maine, then there would be some protection of this kind. Not any longer. Don't be making the argument that this Compact, stripped of the protection for people, now provides people with the protection.

Section 3.05, Paragraph 6 of the Compact provides that the Compact Commission may enter into an agreement with any person, State, regional body or group of States for importation of low-level radioactive waste. Shall I repeat that, because I have heard it said on the floor of the Senate that this Compact is great because it protects people from becoming a national repository site? Section 3.05, Paragraph 6 of the Compact provides that the Compact Commission may enter into an agreement with any person, State, regional body or group of States for importation of low-level radioactive waste. All it requires is a majority vote of the eight unelected compact commissioners. And the conference committee—and I know the Senators from the States out here were part of this—stripped away the amendment that said it could only come from Texas, Maine or Vermont.

Mr. President, according to the Texas Observer, March 28, 1997:

> More than two or three national dumps will drive fees so low that profit margins anticipated by States (and now private investors) will be threatened. This economic reality—and growing public resistance to new dumps—has raised the very real possibility that the next dump permitted will be the nuclear waste depository for the whole nation, for decades to come.

They could very well be right, and you know what? They could not have made that argument about what is about to happen to the people of Sierra Blanca if the conference committee had kept in our amendment. But, no, no. The utility industry, they know what the potential of this is. They didn't want that. The conference committee stripped the House and Senate environmental justice amendments.

To avoid turning this low-income Mexican-American community into a national depository for radioactive waste, I offered two amendments. The first would have given local residents the chance to prove environmental discrimination in court, and the second, as I have said three times or more, would have limited incoming waste to the States of Texas, Maine and Vermont. My colleagues, in the dark of night in conference committee, decided that it would be a crime to give local residents a chance to prove environmental discrimination in court. And my colleagues, in the dark of night in conference committee, decided that it would be a crime to make sure that we codified in language our claim that the waste would only come from Maine and Vermont and Texas.

The Senate instructed conferees to insist on these amendments, but the conference ignored the Senate's instructions and stripped them both and that is why Senators should vote against this compact. The conference committee even stripped the amendment limiting the waste to three States, despite the fact that this provision was passed by both the Senate and the House. Mr. President, we have a national responsibility to remedy this injustice, especially since Congress would be complicit in construction of this dump.

This is not a purely State and local issue. I have heard this argument made: This is a State or local issue; we have no business being involved. Of course we do. We are being asked to vote on it.

Then this argument that is being made, which I will get to in a moment, is, ''Well, wait a moment, there is no waste dump site for sure that has been selected.'' Do you know what? If you want to make this argument, why are we pressing for a vote on this compact? It is one of two ways: Either colleagues can come out here and they can say, ''You know what? Now these administrative judges have issued a report, and they should have, and what they said is correct saying this is a geologically unstable area. And so maybe, Senator WELLSTONE, all that you are talking about, about the injustice of this waste dump site being put right on top of a poor Hispanic community, may not happen, because we haven't really decided.'' So say some people right now in this debate. I heard it from my colleagues tonight. If that is the case, we shouldn't vote on this yet. Let's wait and see, and then we will know what is in the compact and we will know exactly where this has been sited.

Or, we have to vote no, because if you vote yes, you are complicit in the construction of this dump. And I want to tell you, the siting process is outrageous. This siting process that took place in Texas is outrageous. It is an affront to anybody's sense of justice. This is not a purely State or local issue, because we have to vote on it.

For constitutional reasons, the Texas compact cannot take effect without Federal legislation. Senators from all 50 States, not just the compact States, will be asked to give their consent.

Mr. President, in the El Paso Times of May 28, 1998, Governor Bush said:

> If there's not a Compact in place, we will not move forward.

In an interview published April 5–11, El Paso, Inc., Governor Bush said:

> The legislation would approve the Compact between Texas, Maine and Vermont. If that does not happen, then all bets are off.

Moreover, the Texas Legislature has indicated it will not fund construction without the upfront money from the compact.

The Texas Waste Authority requested over $37 million for fiscal year 1998–1999 for construction of the dump, but the legislature allocated no construction money. They did not appropriate funding for the licensing process and for payments for the host county after the House zeroed out funding for the authority altogether.

Congress is responsible for this dump. If you will, this dump site has been dumped on the Congress, it has been dumped on the Senate. Construction of the Sierra Blanca dump depends upon the enactment of the conference report to H.R. 629. If the Senate rejects it, Texas will not build a dump in Sierra Blanca. But within 60 days of its enactment, Maine and Vermont will pay Texas $25 million to begin construction.

We wouldn't even be having this battle if these amendments had been kept in. I wouldn't have liked it. I would have still had questions about this, but I would have thought at least there was some sense of fairness and justice. I want every one of my colleagues to know, you voted, we voted unanimously, to make sure that we made it clear that, indeed, this waste could only come from Maine, Vermont, and Texas, and we voted unanimously that the people should have a right to prove discrimination in court.

But now, that has been taken out in conference committee. So you have the compact without any of the protections for people. You have the compact, with all of its injustice, and it is simple: If you vote against it, then you are voting against Texas building a dump site, a nuclear waste dump site in Sierra Blanca, which is an environmental injustice. If you vote for it, then within 60 days of enactment, Maine and Vermont will pay Texas $25 million to begin construction. If my colleagues want to say, ''Paul, we agree this isn't right, what is being done to these people, but you don't know for sure it is going to be this site,'' then I say, ''Why don't we postpone this vote? Why are you so anxious to ram it through?''

I heard about other compacts. There are two points. First of all, other compacts, other compacts, fine, but the issue at hand is this compact, this site selection.

Mr. President, this whole argument about, ''Well, we don't really know the specific site,'' again, the administrative judge's decision is not binding. That is point No. 1. The Texas environmental agency's Governor appointees are not bound by this at all. They are all appointed by the Governor. They can do whatever they want. The views of this agency, as I said before, which will make the decision, are known. The executive director argued against the hearing officer's recommendation. He said:

> Additional information on ''special impact'' [i.e., environmental justice] is not needed to make a decision on the license application. The executive director recommends issuance of a license because the applicant has met all the requirements under the law.

We know what they are going to do. Come on, let's just be direct about this. The Governor's views are known. I have quoted him.

And then there is the box law. I say to my colleagues, you need to know the specifics of what you are voting on

here. The Texas Legislature selected Hudspeth County to host the dump in 1991, and the Texas Waste Authority identified a dump site near Sierra Blanca in 1992. The 1991 box law is still on the books, and regardless of what the TNRCC does, the box law requires that the dump be built in Hudspeth County, which is predominantly Hispanic and poor.

I want to make that clear—I want to make that clear—that is where it is going to be built, and it is an environmental injustice. It is time we stand up against this kind of injustice. This is not the decision of the people of Maine or the decision of Vermont, but this is what is going to happen.

Mr. President, this conference report is about nuclear utility rights, not State or local rights. The conference committee followed the wishes of the nuclear utilities, not the local residents. Nuclear utilities who stand to benefit from cheap disposal of nuclear waste strongly supported this legislation without amendments. Local residents, including the local Republican Congressmen, overwhelmingly opposed the dump.

Of course, the utility industry got their way in conference committee. We know their clout here. They never wanted people anywhere—it is not, in all due respect to the people who are here tonight from Hudspeth County, it is not just you. This industry doesn't want regular citizens anywhere in the country to have a right to prove discrimination. And this industry has big plans for Hudspeth County as a national repository for waste, so they didn't want any amendment making it clear it could only come from Maine or Vermont or Texas.

Mr. President, I think that I might have said enough for tonight, or maybe not. We will see how the debate goes. I will have tomorrow morning to speak about this as well.

I have not, in all due respect, heard one argument on the floor of the Senate that is very persuasive. It is just simply not true this compact is all about giving people the protection from being a national repository site. It is simply not true that this is just sort of medical waste from hospitals, it is gloves. It is simply not true this is simply low level so we don't have to worry about it. It is simply not true that this is none of our business. This is a civil rights issue.

Let me conclude by including some quotes, if I can find them.

Mr. President, I will do the quotes tomorrow. It is a civil rights issue. That is what this is all about. This is the issue that we have been talking about. As a matter of fact, this is an issue of, every time we are faced with a situation about where a nuclear waste site goes, a dump site goes, or incinerator—and the list goes on and on—then what happens is communities of color, low-income communities, are the ones that are targeted. That is exactly what has happened in Texas.

We had amendments that would have provided some protection. The Senate went on record. Every Senator supported those amendments, and then they were stripped out of conference committee. That is why Senators should vote against this.

Mr. President, I just want to make it clear that the League of United Latin American Citizens, LULAC, is adamantly opposed to this. I believe they are going to use this for scoring. That is important. By golly, people in the Latino community ought to hold every Senator accountable for their vote on this. It is a civil rights issue. There is a strong letter from the Leadership Conference on Civil Rights in favor of both our amendments which were stripped out of the conference committee in the dark of night. The House Hispanic caucus favored the amendments opposed to this compact, the Texas NAACP, League of Conservation Voters. This is a major issue of justice, and it is a major environmental issue as well.

I conclude by urging my colleagues to vote against this compact. And on the floor of the Senate tonight and tomorrow morning I will also make an appeal to the administration: Mr. President, Mr. Vice President, we need you to speak out on this. You have talked about environmental justice. You have said it is a major priority. What is happening with this compact, what is now being proposed—just think of what this is going to mean for the people who live in Sierra Blanca. If there is ever one example that brings into sharp focus the issue of environmental justice, this is it. We need the President to make it clear that if this should pass, he will veto it. This compact should not pass in its present form.

I yield the floor.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Maine.

Ms. SNOWE. Mr. President, I will just make a few brief concluding comments in response to some of the issues that were raised by the Senator from Minnesota. I respect his views and his opinions although we certainly differ on the perspective on this issue. This isn't a unique or different approach to this issue of the disposal of low-level radioactive waste. Indeed, the U.S. Congress mandated that the States assume the responsibility of the disposal of low-level radioactive waste in or out of their States. And this is in response to a congressional mandate that began in 1980 and, as I said earlier, reinforced by amendments to that act in 1985.

So this isn't a diversion from that approach. It isn't different from all of the other compacts that have been ratified by the Congress over time. And, as I said earlier, there are nine different compacts, that include 41 different States, including the State of Minnesota, the State that the Senator represents. So why should Texas and Maine and Vermont be any different?

The Senator referred to some of the amendments that he had offered to this legislation, but they did not prevail. Those amendments did not prevail because those conditions and stipulations would require years of reratification. And I mention the fact that those conditions were not included in any of the other nine compacts that were enacted and ratified by the Congress over the years.

We all respect the Senator's perspective on the issue of environmental justice. No one is suggesting for a moment that we should override the environmental issues, any of the issues that would adversely, and disproportionately adversely, affect a community with respect to public health and safety questions, environmental issues, or income.

We believe in the State of Texas—through its procedures, through its public procedures, through its political process, through its State laws, through the Federal laws—to make the appropriate decision, environmentally and scientifically and geologically, in terms of the safe disposal of low-level radioactive waste. That is the issue here. And we are doing this consistent with all of the other compacts and all of the other statutes that have been enacted by the U.S. Congress over the last 20 years.

In fact, I was in the House of Representatives back in 1980 when this was a major question: How do we resolve it? It is not an easy question. It is not as if we do not have low-level radioactive waste. We have a problem, as we do with high-level radioactive waste. But we have hospitals and we have research laboratories, and we have to dispose of the materials that result from those facilities; we have no choice. And that is why we have this compact before the U.S. Senate, as do so many of the other States.

Forty-one States, including the Senator's own State of Minnesota, have a compact. But now we are saying Texas and Vermont and Maine are not allowed to enter into a compact? Are we saying that the Governor of the State of Texas or the legislature, the house and the senate, are not concerned with the views of their constituencies with respect to this issue?

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

Ms. SNOWE. Are we saying that senators and representatives are not concerned with the views of the constituents who live in Sierra Blanca or any other locations where these facilities are sited? Are we trying to override the Clean Air Act, the Clean Water Act, the Nuclear Regulatory Commission, that are all referenced, I might add, in the conference report? None of this can be sited anywhere on Earth without regard to environmental and public health and safety questions. It has to go through a process.

In fact, the Senator from Minnesota mentioned two administrative law

judges in Texas who have been conducting evidentiary hearings on the license application to construct and operate this disposal site. And the judges issued a proposal for decision on the application in Hudspeth County saying they needed more information in two aspects of the potential site. And the appropriate Texas agency is now taking the recommendation under consideration and responding on the safety question. And the judges want more information as to whether there are any negative socioeconomic impacts in this facility to the citizens and to tourism. So environmental justice is being considered. This isn't ignoring those issues. That is why this legislation is site-neutral, because we want the appropriate agencies and statutes at the Federal, State and local levels to take hold and determine what is the safest location, respecting the wishes of a community.

Now, the Senator mentioned the people who don't support it in Hudspeth County. We don't even know, in the final analysis, if that is where it is going to be. That is up to the State of Texas through its process. That has been stipulated in law in terms of what they have to consider.

It says:

Nothing in this compact that diminishes or otherwise impairs the jurisdiction, authority, discretion of the either the following: The U.S. Nuclear Regulatory Commission, the Atomic Energy Act of 1954. Nothing in the compact confers any new authority to the State commission to do any of the following: Regulate the packaging or transportation of low-level waste, regulate the health, safety and environmental hazards from source byproducts and special nuclear materials, or inspect the activities of licensees of the agreement of the States or U.S. Nuclear Regulatory Commission.

All of it is in place, just like it has been done for 41 other States over the years. That is what we are talking about. We are not saying we are going to run roughshod over anybody's wishes or rights. That is a determination that has to be made with the State of Texas through the public process, which has been done and is continuing at this moment. That is what we are asking.

So I hope that my colleagues will support the conference report, which is not unusual, not unlike any of the 9 previous compacts that have been ratified by the Congress over the last 20 years.

I yield the floor.

Mr. WELLSTONE. First of all, Mr. President, I want to say to my colleague that this waste disposal compact is not functional. We have no nuclear waste dump sites that have been chosen. I am not sure how many of these compacts have ever chosen a dump site. I don't know whether my colleague knows the answer to that question. I don't, but I am guessing it's very few, if any. Let me be clear about that. I am not aware that any of these compacts have led to nuclear waste dump sites. If so, I bet it is precious few.

I'm confused. On the one hand, we hear some discussion on the floor of the Senate about how we look at the selection by this person. Do the people in the community really want this? Then we hear that it may not even be in Hudspeth County. I spent 45 minutes going through the background of this, all the way from when the legislature made the decision in 1991. Of course it is going to be there. I went through all the quotes. Yes, you have some administrative judges. I ask my colleague, if you are convinced that we don't know what the site is yet—and, of course, one difference between this and any other compact is that we didn't have sites before—then why don't we wait for a vote on this until we know where the site is? That would be the best thing to do. That would be a fair thing to do.

Commissioner John Hall, by the way, in talking about the issue of environmental justice—my colleague says, of course, the people are concerned about this—made it very clear that this issue isn't going to be addressed in the State licensing process. It has not been addressed and will not be before the final license is issued. My colleague may want to think otherwise because it is more comforting, but it is just not the case.

The commissioners of the Texas administrative agency, TNRCC, which will make the final decision on the Sierra Blanca license, have stated that environmental justice must be addressed at the Federal level because Texas has no clear standards or requirements for evaluating them. Commissioner John Hall explained at a 1995 meeting of the TNRCC, ''This whole issue probably needs to be addressed. But it is not this commission's job to articulate a new major policy of that sort. That has to be left to the United States Congress. That is not our job. Our job is to apply the standards as they exist, and while that may be a very legitimate issue, that is not our job.''

You just can't have it both ways. People in Texas say, and the Commissioner says, ''We are not going to be dealing with this issue of environmental justice.'' I went through the process. They came across Hudspeth County and moved it away from other sites where people had clout. They have chosen a geologically unstable area. I have all sorts of religious and civil rights organizations who say this discriminates against people in the community who are disproportionately poor or who are Hispanic as well. The executive director of the TNRCC explained in his motion to strike that ''environmental justice is not one of the criteria to be considered under the Texas Radiation Control Act or the rules of the TNRCC in the commission's decision whether to license the facility.'' They are not looking at that at all. They are saying they can't. They are saying it is up to us. I had two amendments that my colleague from Maine supported—it was unanimous consent, and any Senator who wanted to disagree could have come to the floor and disagreed—which said people ought to at least have a right to prove discrimination if there is discrimination, and let's make sure this only comes from Maine, Vermont and Texas. Both of those amendments, at the wishes of the utility industry, were taken out in committee.

I am saying to colleagues one more time—vote for this and you just watch. I will bet you every dollar I have, which isn't a lot, if we vote for this compact, that dump site will be located in this Hispanic, low-income community. I will bet you there is not one Senator in here who would want to make a bet with me on that. That is what this is all about. Don't be fooled. The amendments were stripped out. This compact now is a major injustice. It could have been a much better agreement, but somebody—and I don't even know who—decided they wanted to take out these amendments. Now it is up to colleagues in the Senate to vote against this. Otherwise, you will be voting for a major injustice. You will be voting for what I consider to be a violation of the civil rights of the people that live in Hudspeth County.

Mr. President, I yield the floor, and I have concluded my remarks for tonight.

Mr. HATCH. Mr. President, I rise today to support the conference report to H.R. 629, the Texas Low-Level Radioactive Waste Disposal Compact, a Compact among the states of Texas, Maine, and Vermont. The Texas Compact which was introduced in the House by Representative BARTON and has 23 cosponsors, and the conference report to the Compact, both passed the House overwhelmingly with bi-partisan support. I am confident that the conference report to the Texas Compact will now pass this body with the same commanding support it garnered in the House.

In July of this year, I was a Conferee to the Texas Compact along with Senators THURMOND and LEAHY. I thank Senators THURMOND and LEAHY, Congressman BLILEY who chaired the conference, and all other conferees for working together to accomplish the goal of passing the Texas Compact through conference without any unnecessary or distracting amendments that would have forced the Compact States to go through an arduous re-ratification process. After thorough consultation with the governors of the Compact States, the conferees unanimously agreed to recede from two amendments that were offered by Senator WELLSTONE. The Wellstone amendments would have spawned costly litigation and imposed strict limitation not imposed on other existing compacts. The conferees ultimately concluded that the amendments were not in the best interests of the Texas Compact.

The passage of this Compact will place the States of Texas, Maine, and

Vermont in compliance with the 1980 Low-level Radioactive Waste Policy Act which Congress passed in an effort to establish a uniform Federal policy on nuclear waste disposal. While the Federal Government retained responsibility over high-level waste disposal, this act placed the onus on the States to dispose properly of low-level radioactive waste generated within their borders.

To promote and encourage the fulfillment of this obligation by all States, Congress authorized the States to enter into compacts with other States to share waste disposal facilities. It is pursuant to this obligation and mandate that the Texas-Maine-Vermont Compact was negotiated and approved by the legislatures of Texas and Vermont and through a public referendum in the State of Maine. The compact was subsequently signed by the governors of all three states.

Currently, nine interstate compacts involving 41 States are operating through Congressional consent. I have received a letter signed by the Governors of Texas, Maine, and Vermont urging Congress to pass this compact as passed by the States. This compact would bring these states into compliance with federal law. The hard work for drafting a compact that all three states would ratify and that would meet with congressional approval has been completed for some time. The States have carefully crafted a compact that will serve their low-level waste disposal needs in a responsible and lawful manner.

The States have done their part and have been patiently waiting for congressional consent before moving forward with plans to construct the waste disposal facility. It is now time for this body to do its part in assuring that this compact will be passed swiftly without further delay. I therefore support this important piece of legislation, and encourage my colleague to do the same.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I yield back the balance of my time.

The PRESIDING OFFICER. There are 40 minutes equally divided and reserved for tomorrow. Both sides are yielding back the balance of the time for tonight?

Ms. SNOWE. That's correct.

Mr. WELLSTONE. That's correct.

MORNING BUSINESS

Ms. SNOWE. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 10 minutes each.

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

MILITARY CONSTRUCTION APPROPRIATIONS CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, this morning I missed the vote on the Fiscal Year 1999 Military Construction Appropriations Conference Report, which this body approved by a wide margin. I missed the vote due to a long airline delay—a delay especially vexing to me because I had scheduled my departure from South Carolina to arrive here in plenty of time to vote on this legislation. Had I been here, I would have been proud to cast an ''aye'' vote for this bill.

As a combat veteran, I'm convinced a strong and vigorous military is vital to our nation's security and interests. The Military Construction Appropriations Conference Report is crucial to strengthening our armed forces, and it is tremendously important to the people of South Carolina.

I was proud to work with fellow Appropriations Committee members to secure additional money for projects at the Parris Island Marine Corps Recruit Depot, McEntire Air National Guard Station, Spartanburg Air National Guard Center, Beaufort Marine Air Corps Station, and Charleston Air Force Base. In addition to strengthening our military, these projects will help the brave men and women in uniform who serve on these bases and their dependents.

I was proud to help make the 1999 Military Construction Appropriations Conference Report a reality, and I'm pleased to see it approved today by the Senate.

Mr. COVERDELL. Mr. President, with regards to this morning's vote on the military construction appropriations conference report, vote number 253, I would like the RECORD to show that had I been present I would have voted aye. This bill provides important funding for military construction projects across the country, including a number of projects at military installations in Georgia.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 3696. An act to designate the United States courthouse located at 316 North 26th Street in Billings, Montana, as the ''James F. Battin United States Courthouse''; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 624: A bill to amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce (Rept. No. 105–297).

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the joint resolutions (S.J. Res. 40 and H.J. Res. 54) proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States (Rept. No. 105–298).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CLELAND (for himself and Mr. COVERDELL):

S. 2429. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Atlanta, Georgia, metropolitan area; to the Committee on Veterans Affairs.

By Mr. GRAMS:

S. 2430. A bill to provide a comprehensive program of support for victims of torture; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. BIDEN, Mr. THURMOND, Mr. HELMS, Mr. STEVENS, Mr. COCHRAN, Mr. INOUYE, Mr. HOLLINGS, Mr. SPECTER, Mr. FAIRCLOTH, Mr. DURBIN, and Mr. FORD):

S.J. Res. 55. A joint resolution requesting the President to advance the late Rear Admiral Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Major General Walter C. Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served inpositions of command during World War II, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself and Mr. TORRICELLI):

S. Res. 268. A resolution congratulating the Toms River East American Little League team of Toms River, New Jersey, for winning the Little League World Series; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 269. A resolution to authorize production of Senate documents and reprensentation by Senate Legal Counsel in the case of Rose Larker, et al. v. Kevin A. Carias-Herrera, et al; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CLELAND (for himself and Mr. COVERDELL):

S. 2429. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Atlanta, Georgia, metropolitan area; to the Committee on Veterans' Affairs.

NATIONAL CEMETERY LEGISLATION

Mr. CLELAND. Mr. President, today I am pleased to offer an important

piece of legislation designed to address a critical need of Georgia's veterans and their families.

One of the greatest honors our country provides for a veteran's service is the opportunity to be buried in a national cemetery. It is logical that a veteran's family would want to have the grave site of their loved one close by. They want to be able to visit to place flowers or a folded American flag by the headstone of their father, mother, sister or brother. Georgia veterans' families deserve such consideration. The establishment of a new veterans national cemetery in the Atlanta metropolitan area is one of my highest legislative priorities.

The current veterans population in Georgia is estimated to be nearly 700,000, with over 400,000 residing in the Metro Atlanta area. Our state currently has two cemeteries designated specifically for veterans, in Marietta and Andersonville. Marietta National Cemetery has been full since 1970, and Andersonville National Historic Cemetery is located in southwest Georgia, at a considerable distance from most of the state's veterans population.

The large population of veterans' families in Metro Atlanta and North Georgia is not being served, and we need to change that.

Abraham Lincoln once said: ''All that a man hath will he give for his life; and while all contribute of their substance the soldier puts his life at stake, and often yields it up in his country's cause. The highest merit, then, is due to the soldier.''

We owe it to our veterans and their families to provide a national veterans cemetery close to their home.

I have been pursuing this matter for over 20 years, since I was head of the Veterans' Administration, now called the Department of Veterans' Affairs. Nationally, there are over 300,000 vacancies in national cemeteries for veterans, but in Georgia, there are no such vacancies. The only option these veterans have is burial in Andersonville, a national historic cemetery which is operated by the National Park Service, not the VA, and is more than 100 miles away from the Metro Atlanta area. This deeply concerns me, especially when one considers that Georgia has the highest rate of growth in terms of military retirees in the Nation, and that the majority of these veterans reside in Metro Atlanta. We really must do better for our veterans.

In 1979, when I was head of the VA, our studies documented that the Atlanta metropolitan area was the area having the largest veterans population in the country without a national cemetery. Later that same year, I announced that Metro Atlanta had been chosen as the site for a new VA cemetery, which was to be opened in late 1983. The Atlanta location was chosen after an exhaustive review of many sites, including consideration of environmental, access, and land use factors, and most importantly, the density of veterans population. Unfortunately, the Reagan Administration later withdrew approval of the Atlanta site. Over the years since then, Atlanta has repeatedly been one of the top areas in the United States most in need of an additional national cemetery.

Mr. President, the bill I am introducing today is simple. First, it requires the Department of Veterans Affairs to establish a national cemetery in the Atlanta metropolitan area not later than January 1, 2000. Second, it requires the Department to consult with appropriate federal, state, and local officials to determine the most suitable site. Finally, the bill further requires the Secretary of Veterans Affairs to report to Congress on the establishment of the cemetery, including an estimate on its cost and a timetable for completion of the cemetery.

I believe this bill is a necessary first step toward the eventual establishment of a national cemetery to meet the needs of Atlanta's veterans and their families. Admittedly, several factors must be resolved before the cemetery can be established. A site must be found and funding must be made available. However, we must move swiftly to resolve this problem so that a critical element of our commitment to the Nation's veterans can be met.

I am hopeful that the Senate will take favorable action on my bill early in the next Congress. I want to thank my colleague from Georgia, Senator COVERDELL, for joining me in this important effort, and Representative BARR for sponsoring the companion bill in the other body.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in the Atlanta, Georgia, metropolitan area to serve the needs of veterans and their families.

(b) CONSULTATION IN SELECTION OF SITE.—Before selecting the site for the national cemetery established under subsection (a), the Secretary shall consult with—

(1) appropriate officials of the State of Georgia and local officials of the Atlanta, Georgia, metropolitan area, and

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States in that area that would be suitable to establish the national cemetery under subsection (a).

(c) REPORT.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a). The report shall set forth a schedule for such establishment and an estimate of the costs associated with such establishment.

(d) DEADLINE.—The Secretary shall complete the establishment of the national cemetery under subsection (a) not later than January 1, 2000.

Mr. COVERDELL. Mr. President, today I am proud to join my esteemed colleague from Georgia, Senator CLELAND, in introducing this very important piece of legislation authorizing a new National Cemetery in the Atlanta, Georgia, metropolitan area. For many years Georgia has had a pressing need for a new national cemetery for veterans. Now, with the leadership of my friend from Georgia who, I might add, has been working to make this a reality for about twenty years, and with the introduction of this legislation, I believe we can finally build this much needed cemetery.

Mr. President, Georgia has one of the fastest growing veterans populations in the country. Currently, about 700,000 veterans call Georgia home with well over half, about 440,000, living in the Metro-Atlanta region; the area where this new cemetery would be built. However, the only national cemetery in the area has been full since 1970. Furthermore, the only other veterans cemetery in the state is operated by the National Parks Service, not the Department of Veterans' Affairs, and is in Andersonville, a town in southwest Georgia far from the concentration of Georgia veterans.

Mr. President, I believe my colleague has clearly demonstrated to us all further justification for a new national cemetery in Georgia. VA studies have concurred the need for this cemetery and, in fact, Atlanta was chosen as a site for a new cemetery in 1983. Again, Senator CLELAND makes all this clear and I thank him for his dedication to this project.

Burial in a national cemetery is a deserving honor for our nation's veterans, but it is becoming increasingly difficult to bestow upon them, especially in Georgia. This bipartisan legislation seeks to remedy this situation. Mr. President, by focusing on areas across the country with pressing needs for more burial slots, Congress can increase access to the honor of burial in a national cemetery. Georgia is such an area. By passing this measure, Congress would help veterans, and their families, find a burial place befitting their patriotic service to this great land.

By Mr. ROTH (for Mr. BIDEN, Mr. THURMOND, Mr. HELMS, Mr. STEVENS, Mr. COCHRAN, Mr. INOUYE, Mr. HOLLINGS, Mr. SPECTER, Mr. FAIRCLOTH, Mr. DURBIN, and Mr. FORD):

S. J. Res. 55. A joint resolution requesting the President to advance the late Rear Admiral Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Major General Walter C. Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World

War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served impositions of command during World War II, and for other purposes; to the Committee on Armed Services.

JOINT RESOLUTION RELATIVE TO REAR ADMIRAL HUSBAND KIMMEL AND MAJOR GENERAL WALTER SHORT

● Mr. ROTH. Mr. President, on Wednesday, September 2, 1998 the *U.S.S. Missouri,* arguably our nation's most famous battleship, will be permanently berthed at Pearl Harbor. The *Missouri,* with its remarkable and gallant history of naval combat in the United States Navy, will serve as a fitting monument to those Americans who fought and died in the name of freedom, liberty, and justice.

However, I must confess that the remembrance of the events surrounding the December 1941 attack on Pearl Harbor also rekindles a painful memory of one of the great injustices that occurred within our own ranks during World War II, an injustice that still remains, an injustice that continues to tarnish our nation's military honor.

Admiral Husband Kimmel and General Walter Short were the two senior commanders of U.S. military forces deployed in the Pacific at the time of the disastrous surprise attack on Pearl Harbor. In the immediate aftermath of the attack, these two commanders were unfairly held singularly responsible for the success of the attack. They were scapegoated.

First, they were publicly accused of dereliction of duty by a hastily conducted investigation. Then, when subsequent investigations conducted during World War II exonerated these officers, those findings were kept secret on the grounds that they undercut the war effort.

But, what is most unforgivable is that after the end of World War II, this scapegoating was given a near permanent veneer when the President of the United States declined to advance Admiral Kimmel and General Short on the retired list to their highest ranks of war-time command—an honor that was given to every other senior commander who served in war-time positions above their grade. As Commander-in-Chief of the Pacific and United States Fleets, Admiral Kimmel, a two star, served as a four star commander. Major General Short, also a two star, served as a three star commander when he was the Commanding General of the Army's Hawaiian Department.

Today, this singular exclusion from advancement on the military's retired list only perpetuates the myth that Admiral Kimmel and General Short were derelict in their duty and singularly responsible for the success of the attack on Pearl Harbor. This is a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States. It is clearly inconsistent with the most basic notion of fairness and justice. Such scapegoating is inconsistent with this great nation's unmatched military honor.

It is high time that this injustice suffered by General Short and Admiral Kimmel be rectified. Toward that end, I introduce on behalf of myself, Senator BIDEN, the Chairman of the Armed Services Committee, the Chairman of the Foreign Relations Committee, the Chairman of the Appropriations Committee, the Chairman of the Veterans Committee and Senators INOUYE, COCHRAN, HOLLINGS, FAIRCLOTH and DURBIN, a joint resolution intended to right this longstanding injustice.

The joint resolution calls upon the President to posthumously advance on the retirement list Major General Short's grade to Lieutenant General—his rank of command as Commanding General of the Army's Hawaiian Department and Rear Admiral Kimmel's grade to Admiral—his rank of command as Commander in Chief, U.S. Fleet.

The facts that constitute the case of Admiral Kimmel and General Short have been remarkably documented over time—which is one the reasons that I am disappointed that after fifty-seven years this injustice has not been rectified.

Since the attack on Pearl Harbor back in December of 1941, there have been numerous investigations and histories on the job performance of Kimmel and Short. These include nine official governmental investigations and reports and one inquiry conducted by a special Joint Congressional Committee. Findings of six of these inquiries are noted in the resolution.

Perhaps the most flawed, and unfortunately most influential investigation, was that of the Roberts Commission. Less than 6 weeks after the Pearl Harbor attack, it presented a hastily prepared report to the President accusing Kimmel and Short of dereliction of duty—a charge that was immediately and highly publicized.

Admiral William Harrison Standley, who served as a member of the Roberts Commission later and disavowed its report, stated that Admiral Kimmel and General Short were ''martyred'' and ''if they had been brought to trial, they would have been cleared of the charge.''

Later, Admiral J.O. Richardson, who was Admiral Kimmel's predecessor as Commander in Chief, U.S. Pacific Fleet, wrote:

> In the impression that the Roberts Commission created in the minds of the American people, and in the way it was drawn up for that specific purpose, I believe that the report of the Roberts Commission was the most unfair, unjust, and deceptively dishonest document ever printed by the Government Printing Office.

The highly publicized accusation of that infamous investigation contributed to the inaccurate myth that these two officers were singularly responsible for the success of the attack on Pearl Harbor.

Since 1941 a number of official investigations provided clear evidence that these two commanders were unfairly singled out for blame that should have been widely shared with their senior commanders. These reports include, among others, a 1944 Navy Court of Inquiry, a 1944 Army Pearl Harbor Board of Investigation, a 1946 Joint Congressional Committee Report, and more recently a 1991 Army Board for the Correction of Military Records. The findings of these official reports are described in the Resolution and can be summarized as four principal points.

First, the investigations provide ample evidence that the Hawaiian commanders were not provided vital intelligence that they needed and that was available in Washington prior to the attack on Pearl Harbor. Their senior commanders had critical information about Japanese intentions, plans, and actions, but neither passed this on nor took issue or attempted to correct the disposition of forces under Kimmel's and Short's commands.

Second, the disposition of forces in Hawaii were consistent with the information that was made available to Admiral Kimmel and General Short. Based on the information available to the Hawaiian commanders, the forces under their command at Pearl Harbor were properly disposed.

In my review of this case, I was most struck by the honor and integrity demonstrated by General George Marshall who was Army Chief of Staff at the time of the attack. General Short interpreted a vaguely written war warning message sent from the high command in Washington on November 27, 1941 as suggesting the need to defend against sabotage. Consequently, when he concentrated his aircraft away from perimeter roads to protect them, he inadvertently increased their vulnerability to air attack. When he reported his preparations to the General Staff in Washington, the General Staff never took steps to clarify the reality of the situation.

The Report of the Joint Congressional Committee of 1946 is testament to General Marshall's sense of honor and integrity. General Marshall testified that as Chief of Staff, he was responsible for ensuring the proper disposition of General Short's forces. He acknowledged that he must have seen General Short's report, which would have been his opportunity to issue a corrective message, and that he failed to do so.

Mr. President, I only wish that the force of General Marshall's integrity and sense of responsibility had greater influence over the management of the case of Admiral Kimmel and General Short.

A third theme of these investigations concerned the failure of the Department of War and the Department of the Navy to properly manage the flow of intelligence. The Dorn Report completed in 1995 for the Deputy Secretary of Defense at the request of Senator

THURMOND stated that the handling of intelligence in Washington during the time leading up to the attack on Pearl Harbor was characterized by ''ineptitude * * * limited coordination * * * ambiguous language, and lack of clarification and follow-up,'' among other serious faults. The bottom line is that poor command decisions and inefficient management structures and procedures blocked the flow of essential intelligence from Washington to the Hawaiian commanders.

The fourth and most important theme that permeates the aforementioned reports is that blame for the disaster at Pearl Harbor cannot be placed only upon the Hawaiian commanders. Some of these reports completely absolved these two officers. While others found them to have made errors in judgement, all the reports subsequent to the Roberts Commission cleared them of the charge of dereliction of duty.

And, Mr. President, all those reports identified significant failures and shortcomings of the senior commanders in Washington that contributed significantly—if not predominantly—to the success of the surprise attack on Pearl Harbor. The Dorn Report put it best, stating that ''responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared.''

Mr. President, I would like to emphasize two points about these investigations. First, these two officers were repeatedly denied their requests—their requests—for courts martial.

Second, the conclusions of the 1944 Naval Court of Inquiry and the Army Pearl Harbor Board—that Kimmel's and Short's forces had been properly disposed according to the information available to them and that criticized their superior officers for not sharing important intelligence—were kept secret on the grounds that they were detrimental to the war effort.

For reasons unexplainable to me, the scapegoating of Admiral Kimmel and General Short has survived the cleansing tides of history. It is an unambiguous fact that responsibility for the success of the Pearl Harbor attack lies with the failure of their superiors situated in Washington to provide them the intelligence that was available.

One can make the case that back in the midst of World War II, allowing blame to fall and remain solely on Admiral Kimmel and General Short helped prevent the American people from losing confidence in their national leadership. But perpetuating the cruel myth that Kimmel and Short were singularly responsible for the disaster at Pearl Harbor is not only unfair, it blemishes the military honor of our nation.

This issue of fairness and justice has been raised not only by General Short and Admiral Kimmel and their surviving families today, but also by numerous senior officers and public organizations around the country.

Mr. President, allow me to submit for the RECORD a letter endorsing our resolution from five living former naval officers who served at the very pinnacle of military responsibility. They are former Chairmen of the Joint Chiefs of Staff Admiral Thomas H. Moorer and Admiral William J. Crowe and former Chiefs of Naval Operations Admiral J.L. Holloway III, Admiral Elmo R. Zumwalt and Admiral Carlisle A.H. Trost.

The efforts of these and other officers have been complemented by the initiatives of many public organizations who have called for posthumous advancement of Kimmel and Short. At various times down through the years, they have included the Veterans of Foreign Wars, the Retired Officers Association, the Naval Academy Alumni Association, the Pearl Harbor Commemorative Committee, the Admiral Nimitz Foundation, and the Pearl Harbor Survivors Association.

I submit for the RECORD a moving resolution passed by the Delaware Chapter of the VFW last June calling for the posthumous advancement of General Short and Admiral Kimmel and a letter from the President of the VFW to the President of the United States making the same request.

Mr. President, Admiral Kimmel and General Short have been unjustly stigmatized by our nation's failure to treat them in the same manner with which we treated their peers. To redress this wrong would be fully consistent with this nation's sense of justice.

The message of our joint resolution is about justice, equity, and honor. Its purpose is to redress an historic wrong, to ensure that these two officers are treated fairly and with the dignity and honor they deserve, and to ensure that justice and fairness fully permeate the memory and lessons learned from the catastrophe at Pearl Harbor.

The President should advance the ranks of Admiral Kimmel and General Short on the retired list to their highest war-time ranks, as was done for all their peers. After 57 years, this correction is long overdue.

I urge my colleagues to support this joint resolution.

Mr. President, I ask unanimous consent that the text of the joint resolution, the VFW resolution, and letters of support be printed in the RECORD.

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

S.J. RES. 55

Whereas, Rear Admiral Husband E. Kimmel, formerly the Commander in Chief of the United States Fleet and the Commander in Chief, United States Pacific Fleet, possessed an excellent and unassailable record throughout his career in the United States Navy prior to the December 7, 1941 attack on Pearl Harbor;

Whereas Major General Walter C. Short, formerly the Commander of the United States Army Hawaiian Department, possessed an excellent and unassailable record throughout his career in the United States Army prior to the December 7, 1941 attack on Pearl Harbor;

Whereas numerous investigations following the attack on Pearl Harbor have documented that Admiral Kimmel and Lieutenant General Short were not provided with the necessary and critical intelligence available that foretold of war with Japan, that warned of imminent attack, and that would have alerted them to prepare for the attack, including such essential communiques as the Japanese Pearl Harbor Bomb Plot message of September 24, 1941, and the message sent from the Imperial Japanese Foreign Ministry to the Japanese Ambassador in the United States from December 6-7, 1941, known as the Fourteen-Part Message;

Whereas on December 16, 1941, Admiral Kimmel and Lieutenant General Short were relieved of their commands and returned to their permanent ranks of rear admiral and major general;

Whereas Admiral William Harrison Standley, who served as a member of the investigating commission known as the Roberts Commission that accused Admiral Kimmel and Lieutenant General Short of ''dereliction of duty'' only six weeks after the attack on Pearl Harbor, later disavowed the report maintaining that ''these two officers were martyred'' and ''if they had been brought to trial, both would have been cleared of the charge'';

Whereas on October 19, 1944, a Naval Court of Inquiry exonerated Admiral Kimmel on the grounds that his military decisions and the disposition of his forces at the time of the December 7, 1941 attack on Pearl Harbor were proper ''by virtue of the information that Admiral Kimmel had at hand which indicated neither the probability nor the imminence of an air attack on Pearl Harbor''; criticized the higher command for not sharing with Admiral Kimmel ''during the very critical period of 26 November to 7 December 1941, important information . . . regarding the Japanese situation''; and, concluded that the Japanese attack and its outcome was attributable to no serious fault on the part of anyone in the naval service;

Whereas on June 15, 1944, an investigation conducted by Admiral T. C. Hart at the direction of the Secretary of the Navy produced evidence, subsequently confirmed, that essential intelligence concerning Japanese intentions and war plans was available in Washington but was not shared with Admiral Kimmel;

Whereas on October 20, 1944, the Army Pearl Harbor Board of Investigation determined that Lieutenant General Short had not been kept ''fully advised of the growing tenseness of the Japanese situation which indicated an increasing necessity for better preparation for war''; detailed information and intelligence about Japanese intentions and war plans were available in ''abundance'' but were not shared with the General Short's Hawaii command; and General Short was not provided ''on the evening of December 6th and the early morning of December 7th, the critical information indicating an almost immediate break with Japan, though there was ample time to have accomplished this'';

Whereas the reports by both the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation were kept secret, and Rear Admiral Kimmel and Major General Short were denied their requests to defend themselves through trial by court-martial;

Whereas the joint committee of Congress that was established to investigate the conduct of Admiral Kimmel and Lieutenant General Short issued, on May 23, 1946, a 1,075-page report which included the conclusions of the committee that the two officers had not been guilty of dereliction of duty;

Whereas the then Chief of Naval Personnel, Admiral J. L. Holloway, Jr., on April 27, 1954,

recommended that Admiral Kimmel be advanced in rank in accordance with the provisions of the Officer Personnel Act of 1947;

Whereas on November 13, 1991, a majority of the members of the Board for the Correction of Military Records of the Department of the Army found that Lieutenant General Short ''was unjustly held responsible for the Pearl Harbor disaster'' and that ''it would be equitable and just'' to advance him to the rank of lieutenant general on the retired list'';

Whereas in October 1994, the then Chief of Naval Operations, Admiral Carlisle Trost, withdrew his 1988 recommendation against the advancement of Admiral Kimmel and recommended that the case of Admiral Kimmel be reopened;

Whereas the Dorn Report, a report on the results of a Department of Defense study that was issued on December 15, 1995, did not provide support for an advancement of Rear Admiral Kimmel or Major General Short in grade, it did set forth as a conclusion of the study that ''responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared'';

Whereas the Dorn Report found that ''Army and Navy officials in Washington were privy to intercepted Japanese diplomatic communications . . . which provided crucial confirmation of the imminence of war''; that ''the evidence of the handling of these messages in Washington reveals some ineptitude, some unwarranted assumptions and misestimations, limited coordination, ambiguous language, and lack of clarification and follow-up at higher levels''; and, that ''together, these characteristics resulted in failure . . . to appreciate fully and to convey to the commanders in Hawaii the sense of focus and urgency that these intercepts should have engendered'';

Whereas, on July 21, 1997, Vice Admiral David C. Richardson (United States Navy, retired) responded to the Dorn Report with his own study which confirmed findings of the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation and established, among other facts, that the war effort in 1941 was undermined by a restrictive intelligence distribution policy, and the degree to which the commanders of the United States forces in Hawaii were not alerted about the impending attack on Hawaii was directly attributable to the withholding of intelligence from Admiral Kimmel and Lieutenant General Short;

Whereas the Officer Personnel Act of 1947, in establishing a promotion system for the Navy and the Army, provided a legal basis for the President to honor any officer of the Armed Forces of the United States who served his country as a senior commander during World War II with a placement of that officer, with the advice and consent of the Senate, on a retired list with the highest grade held while on the active duty list;

Whereas Rear Admiral Kimmel and Major General Short are the only two eligible officers from World War II who were excluded from the list of retired officers presented for advancement on the retired lists to their highest wartime ranks under the terms of the Officer Personnel Act of 1947;

Whereas this singular exclusion from advancement on the retired list serves only to perpetuate the myth that the senior commanders in Hawaii were derelict in their duty and responsible for the success of the attack on Pearl Harbor, a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States;

Whereas Major General Walter Short died on September 23, 1949, and Rear Admiral Husband Kimmel died on May 14, 1968, without the honor of having been returned to their wartime ranks as were their fellow veterans of World War II; and

Whereas the Veterans of Foreign Wars, the Pearl Harbor Survivors Association, the Admiral Nimitz Foundation, the Naval Academy Alumni Association, the Retired Officers Association, and the Pearl Harbor Commemorative Committee, and other associations and numerous retired military officers have called for the rehabilitation of the reputations and honor of Admiral Kimmel and Lieutenant General Short through their posthumous advancement on the retired lists to their highest wartime grades: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADVANCEMENT OF REAR ADMIRAL KIMMEL AND MAJOR GENERAL SHORT ON RETIRED LISTS.

(a) REQUEST.—The President is requested—

(1) to advance the late Rear Admiral Husband E. Kimmel to the grade of admiral on the retired list of the Navy; and

(2) to advance the late Major General Walter C. Short to the grade of lieutenant general on the retired list of the Army.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—Any advancement in grade on a retired list requested under subsection (a) shall not increase or change the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the officer advanced.

SEC. 2. SENSE OF CONGRESS REGARDING THE PROFESSIONAL PERFORMANCE OF ADMIRAL KIMMEL AND LIEUTENANT GENERAL SHORT.

It is the sense of Congress that—

(1) the late Rear Admiral Husband E. Kimmel performed his duties as Commander in Chief, United States Pacific Fleet, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on the naval base at Pearl Harbor, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Admiral Kimmel; and

(2) the late Major General Walter C. Short performed his duties as Commanding General, Hawaiian Department, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on Hickam Army Air Field and Schofield Barracks, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Lieutenant General Short.

RESOLUTION ADOPTED BY THE DELAWARE VETERANS OF FOREIGN WARS

Whereas, Admiral Husband E. Kimmel and General Walter C. Short were the Commanders of record for the Navy and Army forces at Pearl Harbor, Hawaii, on December 7, 1941 when the Japanese Imperial Navy launched its attack; and

Whereas, following the attack, President Franklin D. Roosevelt appointed Supreme Court Justice Owen J. Roberts to a Commission to investigate such incident to determine if there had been any dereliction of duty; and

Whereas, the Roberts Commission conducted a rushed investigation in only five weeks. It charged Admiral Kimmel and General Short with dereliction of their duty. These findings were made public to the world; and

Whereas, the dereliction of duty charge destroyed the honor and reputations of both Admiral Kimmel and General Short, and due to the urgency of the war neither man was given the opportunity to defend himself against the accusation of dereliction of duty; and

Whereas, other investigations showed that there was no basis for the dereliction of duty charges, and a Congressional Investigation in 1946 made specific findings that neither Admiral Kimmel nor General Short had been ''derelict in his duty'' at the time of the bombing of Pearl Harbor; and

Whereas, it has been documented that the United States Military had broken the Japanese codes in 1941. With the use of a cryptic machine known as ''Magic,'' the Military was able to decipher the Japanese diplomatic code known as ''Purple'' and the military code known as JN–25. The final part of the diplomatic message that told of the attack on Pearl Harbor was received on December 6, 1941. With this vital information in hand, no warning was dispatched to Admiral Kimmel or General Short to provide sufficient time to defend Pearl Harbor in the proper manner; and

Whereas, it was not until after the tenth investigation of the attack on Pearl Harbor was completed in December of 1995, that the United States Government acknowledged in the report of Under Secretary of Defense Edwin S. Dorn, that Admiral Kimmel and General Short were not solely responsible for the disaster but that responsibility must be broadly shared; and

Whereas, at this time the American public have been deceived for the past fifty-six years regarding the unfounded charge of dereliction of duty against two fine military officers whose reputations and honor have been tarnished; now, therefore be it

Resolved, That the Veterans of Foreign Wars urges the President of the United States to restore the honor and reputations of Admiral Husband E. Kimmel and General Walter C. Short by making a public apology to them and their families for the wrongful actions of past administrations for allowing these unfounded charges of dereliction of duty to stand. Be it

Resolved, That the Veterans of Foreign Wars urges the President of the United States to take the necessary steps to posthumously advance Admiral Kimmel and General Short to their highest wartime ranks of Four-Star Admiral and Three-Star General. Such action would correct the injustice suffered by them and their families for the past fifty-six years.

Re the honor and reputations of Admiral Husband Kimmel and General Walter Short.

HONORABLE MEMBERS OF THE UNITED STATES SENATE.

DEAR SENATORS: We ask that the honor and reputations of two fine officers who dedicated themselves to the service of their country be restored. Admiral Husband Kimmel and General Walter Short were singularly scapegoated as responsible for the success of the Japanese attack on Pearl Harbor December 7, 1941. The time is long overdue to reverse this inequity and treat Admiral Kimmel and General Short fairly and justly. The appropriate vehicle for that is the current Roth-Biden Resolution.

The Resolution calls for the posthumous advancement on the retired list of Admiral Kimmel and General Short to their highest WWII wartime ranks of four-star admiral and three-star general as provided by the Officer Personnel Act of 1947. They are the only two eligible officers who have been singled out for exclusion from that privilege; all other eligible officers have been so privileged.

We urge you to support this Resolution.

We are career military officers who have served over a period of several decades and

through several wartime eras in the capacities of Chairman, Joint Chiefs of Staff and/or Chief of Naval Operations. Each of us is familiar with the circumstances leading up to the attack on Pearl Harbor.

We are unanimous in our conviction that Admiral Husband Kimmel and General Walter Short were not responsible for the success of that attack, and that the fault lay with the command structure at the seat of government in Washington. The Roth-Biden Resolution details specifics of this case and requests the President of the United States to nominate Kimmel and Short for the appropriate advancement in rank.

As many of you know, Admiral Kimmel and General Short were the Hawaiian Commanders in charge of naval and ground forces on Hawaii at the time of the Japanese attack. After a hurried investigation in January, 1942 they were charged with having been ''derelict in their duty'' and given no opportunity to refute that charge which was publicized throughout the country.

As a result, many today believe the ''dereliction'' charge to be true despite the fact that a Naval Board of Inquiry exonerated Admiral Kimmel of blame; a Joint Congressional Committee specifically found that neither had been derelict in his duty; a four-to-one majority of the members of a Board for the Correction of Military Records in the Department of the Army found that General Short had been ''unjustly held responsible'' and recommended his advancement to the rank of lieutenant general on the retired lost.

This injustice has been perpetuated for more than half a century by their sole exclusion from the privilege of the Act mentioned above.

As professional military officers we support in the strongest terms the concept of holding commanders accountable for the performance of their forces. We are equally strong in our belief in the fundamental American principle of justice for all Americans, regardless of creed, color, status or rank. In other words, we believe strongly in fairness.

These two principles must be applied to the specific facts of a given situation. History as well as innumerable investigations have proven beyond any question that Admiral Kimmel and General Short were not responsible for the Pearl Harbor disaster. And we submit that where there is no responsibility there can be no accountability.

But as a military principle—both practical and moral—the dynamic of accountability works in both directions along the vertical line known as the chain of command. In view of the facts presented in the Roth-Biden Resolution and below—with special reference to the fact that essential and critical intelligence information was withheld from the Hawaiian Commanders despite the commitment of the command structure to provide that information to them—we submit that while the Hawaiian Commanders were as responsible and accountable as anyone could have been given the circumstances, their superiors in Washington were sadly and tragically lacking in both of these leadership commitments.

A review of the historical facts available on the subject of the attack on Pearl Harbor demonstrates that these officers were not treated fairly.

1. They accomplished all that anyone could have with the support provided by their superiors in terms of operating forces (ships and aircraft) and information (instructions and intelligence). Their disposition of forces, in view of the information made available to them by the command structure in Washington, was reasonable and appropriate.

2. Admiral Kimmel was told of the capabilities of U.S. intelligence (MAGIC, the code-breaking capability of PURPLE and other Japanese codes) and he was promised he could rely on adequate warning of any attack based on this special intelligence capability. Both Commanders rightfully operated under the impression, and with the assurance, that they were receiving the necessary intelligence information to fulfill their responsibilities.

3. Historical information now available in the public domain through declassified files, and post-war statements of many officers involved, clearly demonstrate that vital information was routinely withheld from both commanders. For example, the ''Bomb Plot'' message and subsequent reporting orders from Tokyo to Japanese agents in Hawaii as to location, types and number of warships, and their replies to Tokyo.

4. The code-breaking intelligence of Purple did provide warning of an attack on Pearl Harbor, but the Hawaiian Commanders were not informed. Whether deliberate or for some other reason should make no difference, have no bearing. These officers did not get the support and warnings they were promised.

5. The fault was not theirs. It lay in Washington.

We urge you, as Members of the United States Senate, to take a leadership role in assuring justice for two military careerists who were willing to fight and die for their country, but not to be humiliated by its government. We believe that the American people—with their national characteristic of fair play—would want the record set straight.

Thank you.

THOMAS H. MOORER,
Admiral, U.S. Navy (Ret.),
Former Chairman, Joint Chiefs of Staff,
Former Chief of Naval Operations.
WILLIAM J. CROWE,
Admiral, U.S. Navy (Ret.),
Former Chairman, Joint Chiefs of Staff.
J.L. HOLLOWAY III,
Admiral, U.S. Navy (Ret.),
Former Chief of Naval Operations.
ELMO R. ZUMWALT,
Admiral, U.S. Navy (Ret.),
Former Chief of Naval Operations.
CARLISLE A.H. TROST,
Admiral, U.S. Navy (Ret.),
Former Chief of Naval Operations.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, June 26, 1998.

Mr. EDWARD R. KIMMEL,
Wilmington, DE.

DEAR MR. KIMMEL: Thank you for your letter to Mr. Larry Rivers, Adjutant General, Veterans of Foreign Wars of the United States, dated January 2, 1998. Your letter addressed Secretary of Defense William S. Cohen's comments made in a letter to Senator Strom Thurmond, Chairman of the Senate Armed Services Committee, dated November 18, 1997.

Attached is a copy of a letter VFW Commander-in-Chief John E. Moon recently sent to Secretary Cohen. This letter supports the proposal, lead by Senators Joseph R. Biden and William V. Roth, Jr. in May 1998, asking that Admiral Husband Kimmel and General Walter Short not bear the full responsibility for the December 7, 1941 attack on Pearl Harbor.

We hope that the Secretary of Defense will act favorably on the request of Senators Biden and Roth.

Sincerely,

KENNETH A. STEADMAN,
Executive Director.●

● Mr. BIDEN. Mr. President, tomorrow is an important day for all who honor the valor and sacrifice Americans made in World War II. Tomorrow, the history of America's war in the Pacific is brought full circle. The U.S.S. *Missouri*, the ship on which the United States formally accepted Japan's surrender, will be permanently berthed at Pearl Harbor, the site of America's entry into the war against Japan following a devastating surprise attack.

It is appropriate that in this same week I, along with my colleagues, Senators ROTH, THURMOND, INOUYE, STEVENS, HOLLINGS, FORD, DURBIN, SPECTER, HELMS, COCHRAN, and FAIRCLOTH, seek to close the circle for the two commanders at Pearl Harbor fifty-seven years ago, Admiral Husband Kimmel and General Walter Short. Today, we are introducing a resolution that seeks long overdue justice for these two fine officers.

Now some of you will ask ''why now?'' The answer is not just because we are honoring the service and sacrifice of Americans who served in the Pacific campaign by permanently berthing the *Missouri* at Pearl Harbor. It is more basic than that—there can be no statute of limitations for restoring honor and dignity to men who spent their lives devoted to America's service and yet were unfairly treated. When it comes to serving truth and justice, the time must always be ''now''.

I hope that most of you will read this resolution. The majority of the text details the historic case on behalf of Admiral Kimmel and General Short and expresses Congress's opinion that both officers performed their duty competently. Most importantly, it requests that the President submit the names of Kimmel and Short to the Senate for posthumous advancements on the retirement lists to their highest held wartime rank.

Mr. President, this action would not require any form of compensation. Instead, it would acknowledge, once and for all, that these two officers were not treated fairly by the U.S. government and it would uphold the military tradition that responsible officers take the blame for their failures.

I will address these points in more detail and will review some of the evidence regarding the soundness of Kimmel and Short's military decisions.

First, I want to discuss the treatment of Kimmel and Short and who bore responsibility. Like most Americans, Admiral Kimmel and General Short requested a fair and open hearing of their case, a court martial. They were denied their request. After lifetimes of honorable service to this nation and the defense of its values, they were denied the most basic form of justice—a hearing.

Let me review some of the facts. On December 18, 1941, a mere 11 days after Pearl Harbor, the Roberts Commission was formed to determine whether derelictions of duty or errors of judgment by Kimmel and Short contributed to the success of the Japanese attack. This Commission concluded that both

commanders had been derelict in their duty and the President ordered the immediate public release of these findings.

Several facts about the Roberts Commission force us to question its conclusions. First, Kimmel and Short were denied the right to counsel and were not allowed to be present when witnesses were questioned. They were then explicitly told that the Commission was a fact-finding body and would not be passing judgment on their performance. When the findings accusing them of a serious offense were released, they immediately requested a court-martial. That request was refused. It is difficult to imagine a fair review of the evidence given the rules of procedure followed by the Commission.

I also think that it is important to note the timing here. It would be difficult to provide a fair hearing in the charged atmosphere immediately following America's entry into the war in the Pacific. In fact, Kimmel and Short were the objects of public vilification. The Commission was not immune to this pressure. One Commission member, for example, Admiral Standley, expressed strong reservations about the Commission's findings, later characterizing them as a ''travesty of justice''. He did sign the Report, however, because of concerns that doing otherwise might adversely affect the war effort. As you will see, the war effort played an important role in how Kimmel and Short were treated.

The Roberts Commission was the only investigative body that found these two officers derelict in their duty.

In 1944 an Army Board investigated General Short's actions at Pearl Harbor. The conclusions of that investigation placed blame on General Marshall, the Chief of Staff of the Army at the time of Pearl Harbor and in 1944. This report was sequestered and kept secret from the public on the grounds that it would be detrimental to the war effort.

That same year, a Naval Court of Inquiry investigated Admiral Kimmel's actions at Pearl Harbor. The Naval Court's conclusions were divided into two sections in order to protect information indicating that America had the ability to decode and intercept Japanese messages. The first and longer section, therefore, was classified ''top secret.'' The second section was written to be unclassified and completely exonerated Admiral Kimmel and recognized that Admiral Stark bore some of the blame for Pearl Harbor because of his failure to provide Kimmel with critical information available in Washington. Then Secretary of the Navy James Forrestal instructed the Court that it had to classify both sections ''secret'' and not release any findings to the public.

I won't go any further with this discussion of history, again I urge my colleagues to read the resolution. I hope that I have made my point that these officers were not treated fairly and that there is good reason to question where the blame for Pearl Harbor should lie.

The whole story was re-evaluated in 1995 at the request of Senator THURMOND by Under Secretary for Defense Edwin Dorn. In his report, Dorn concluded that responsibility for the disaster at Pearl Harbor should be broadly shared. I agree. Where Dorn's conclusions differ from mine and my cosponsors, is that he also found that ''the official treatment of Admiral Kimmel and General Short was substantively temperate and procedurally proper.'' I disagree.

These officers were publicly vilified and never given a chance to clear their names. If we lived in a closed society, fearful of the truth, then there would be no need for the President to take any action today. But we don't. We live in an open society. Eventually, we are able to declassify documents and evaluate our past based on at least a good portion of the whole story. One of our greatest strengths as a nation comes from our ability to honor truth and the lessons of our past.

Like most people, I can accept that there was a good case for the need to protect our intelligence capabilities during the war. I cannot accept that there is a reason for continuing to deny the culpability of others in Washington at the expense of these two officers' reputations 57 years later. Continuing to falsely scapegoat two dedicated and competent officers dishonors the military tradition of taking responsibility for failure. The historic message sent is that the truth will be suppressed to protect some responsible parties and distorted to sacrifice others.

One point I want to make here is that we are not seeking to place blame. This is not a witch-hunt aimed at those superior officers who were advanced in rank and continued to serve, despite being implicated in the losses at Pearl Harbor. I think the historic record has become quite clear that blame should be shared.

The unfortunate reality is that Admiral Kimmel and General Short were blamed entirely and forced into early retirement.

After the war, in 1947, they were singled out as the only eligible officers from World War II not advanced to their highest held wartime ranks on the retirement lists, under the Officer Personnel Act of 1947. By failing to advance them, the government and the Departments of the Navy and Army perpetuate the myth that these two officers bear a unique and disproportionate part of the blame.

The government that denied these officers a fair hearing and suppressed findings favorable to their case while releasing hostile information owes them an official apology. That's what this resolution calls for.

The last point that I want to make deals with the military situation at Pearl Harbor. It is legitimate to ask whether Admiral Kimmel and General Short, as commanding officers, properly deployed their forces. I think reasonable people may disagree on this point. I have been struck by the number of qualified individuals who believe the commanders properly deployed based on the intelligence available to them. I will ask to enter this partial list of flag officers into the RECORD. Among those listed is Vice Admiral Richardson, a distinguished naval commander, who wrote an entire report refuting the conclusions of the Dorn Report. My colleagues will also see the names of four Chiefs of Naval Operations and the former chairman of the Joint Chiefs of Staff Admiral Thomas Moorer. It was Admiral Moorer who observed that, ''If Nelson and Napoleon had been in command at Pearl Harbor, the results would have been the same.''

In conclusion, Mr. President, I believe this case is unique and demands our attention. As we honor those who served in World War II by permanently berthing the U.S.S. *Missouri* in Pearl Harbor, we must also honor the ideals for which they fought. High among those American ideals is upholding truth and justice. Those ideals give us the strength to admit and, where possible, correct our errors.

I urge my colleagues to support this resolution and move one step closer to justice for Admiral Kimmel and General Short.

Mr. President, I ask unanimous consent a partial list of flag officers be printed in the RECORD.

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

The following is a partial listing of high-ranking retired military personnel who advocate in support of the posthumous advancement on the retired lists of Rear Admiral Husband Kimmel and Major General Walter Short to Four-Star Admiral and Three-Star General respectively:

ADMIRALS

Thomas H. Moorer; Carlisle A.H. Trost; William J. Crowe, Jr.; Elmo R. Zumwalt; J.L. Hollaway III; Ronald J. Hays; T.B. Hayward; Horatio Rivero; Worth H. Bargley; Noel A.M. Gayler; Kinnaird R. McKee; Robert L.J. Long; William N. Small; Maurice F. Weisner; U.S.G. Sharp, Jr.; H. Hardisty; Wesley McDonald; Lee Baggett, Jr.; and Donald C. Davis.

VICE ADMIRALS

David C. Richardson and William P. Lawrence.

REAR ADMIRALS

D.M. Showers and Kemp Tolley.

ADDITIONAL COSPONSORS

S. 89

At the request of Ms. SNOWE, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 951

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

[Mrs. BOXER] was added as a cosponsor of S. 951, a bill to reestablish the Office of Noise Abatement and Control in the Environmental Protection Agency.

S. 971

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 971, a bill to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

S. 977

At the request of Mr. TORRICELLI, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 977, a bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal lands, and to designate certain Federal lands as Ancient Forests, Roadless Areas, Watershed Protection Areas, Special Areas, and Federal Boundary Areas where logging and other intrusive activities are prohibited.

S. 1067

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1067, a bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms.

S. 1097

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1097, a bill to reduce acid deposition under the Clean Air Act, and for other purposes.

S. 1162

At the request of Mr. ALLARD, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1162, a bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to penalties for powder cocaine and crack offenses.

S. 1334

At the request of Mr. BOND, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1529

At the request of Mr. KENNEDY, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1529, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 1734

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 1734, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 1858

At the request of Mr. REED, his name was added as a cosponsor of S. 1858, a bill to amend the Social Security Act to provide individuals with disabilities with incentives to become economically self-sufficient.

S. 1875

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1875, a bill to initiate a coordinated national effort to prevent, detect, and educate the public concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect and to identify effective interventions for children, adolescents, and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effect, and for other purposes.

S. 2283

At the request of Mr. DEWINE, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Louisiana [Ms. LANDRIEU], the Senator from North Dakota [Mr. DORGAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from South Dakota [Mr. DASCHLE], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Indiana [Mr. LUGAR], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 2283, a bill to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes.

S. 2295

At the request of Mr. MCCAIN, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from North Dakota [Mr. CONRAD], the Senator from Nebraska [Mr. KERREY], the Senator from Maine [Ms. SNOWE], the Senator from Virginia [Mr. ROBB], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Vermont [Mr. LEAHY], the Senator from Colorado [Mr. CAMPBELL], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2318

At the request of Mr. CAMPBELL, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 2318, a bill to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period.

S. 2346

At the request of Mr. ALLARD, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 2346, a bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes.

S. 2353

At the request of Mr. DURBIN, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 2353, a bill to redesignate the legal public holiday of ''Washington's Birthday'' as ''Presidents' Day'' in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 2354

At the request of Mr. BOND, the names of the Senator from Arkansas [Mr. HUTCHINSON], and the Senator from Kansas [Mr. BROWNBACK] were added as cosponsors of S. 2354, a bill to amend title XVIII of the Social Security Act to impose a moratorium on the implementation of the per beneficiary limits under the interim payment system for home health agencies, and to modify the standards for calculating the per visit cost limits and the rates for prospective payment systems under the medicare home health benefit to achieve fair reimbursement payment rates, and for other purposes.

S. 2357

At the request of Mr. ASHCROFT, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Kansas [Mr. BROWNBACK], the Senator from Minnesota [Mr. GRAMS], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 2357, a bill requiring the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law.

S. 2358

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 2358, a bill to provide for the establishment of a service-connection for illnesses associated with service in the Persian Gulf War, to extend and enhance certain health care authorities relating to such service, and for other purposes.

S. 2364

At the request of Mr. CHAFEE, the names of the Senator from Texas [Mrs. HUTCHISON], the Senator from Maryland [Mr. SARBANES], the Senator from Ohio [Mr. GLENN], the Senator from North Dakota [Mr. DORGAN], the Senator from Rhode Island [Mr. REED], and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 2364, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 2371

At the request of Mr. LOTT, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 2371, a bill to amend the Internal Revenue Code of 1986 to reduce individual capital gains tax rates and to provide tax incentives for farmers.

S. 2382

At the request of Mr. MCCAIN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 2382, a bill to amend title XIX of the Social Security Act to allow certain community-based organizations and health care providers to determine that a child is presumptively eligible for medical assistance under a State plan under that title.

SENATE JOINT RESOLUTION 9

At the request of Mr. KYL, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for increasing taxes.

SENATE JOINT RESOLUTION 50

At the request of Mr. BOND, the names of the Senator from West Virginia [Mr. BYRD] and the Senator from Maine [Ms. SNOWE] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to disapprove the rule submitted by the Health Care Financing Administration, Department of Health and Human Services on June 1, 1998, relating to surety bond requirements for home health agencies under the medicare and medicaid programs.

SENATE CONCURRENT RESOLUTION 108

At the request of Mr. DORGAN, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Oregon [Mr. WYDEN] were added as cosponsors of Senate Concurrent Resolution 108, a concurrent resolution recognizing the 50th anniversary of the National Heart, Lung, and Blood Institute, and for other purposes.

SENATE RESOLUTION 193

At the request of Mr. REID, the names of the Senator from Texas [Mr. GRAMM] and the Senator from Michigan [Mr. ABRAHAM] were added as cosponsors of Senate Resolution 193, a resolution designating December 13, 1998, as ''National Children's Memorial Day.''

SENATE RESOLUTION 259

At the request of Mr. THURMOND, the names of the Senator from New York [Mr. D'AMATO], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Virginia [Mr. ROBB], the Senator from New Jersey [Mr. TORRICELLI], and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of Senate Resolution 259, a resolution designating the week beginning September 20, 1998, as ''National Historically Black Colleges and Universities Week,'' and for other purposes.

AMENDMENT NO. 3013

At the request of Mr. CAMPBELL the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of amendment No. 3013 intended to be proposed to S. 1112, a bill to require the Secretary of the Treasury to mint coins in commemoration of Native American history and culture.

AMENDMENT NO. 3368

At the request of Mr. GRAHAM the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of amendment No. 3368 proposed to S. 2312, an original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes.

SENATE RESOLUTION 268—CONGRATULATING THE TOMS RIVER EAST AMERICAN LITTLE LEAGUE TEAM FOR WINNING THE LITTLE LEAGUE WORLD SERIES

Mr. LAUTENBERG (for himself and Mr. TORRICELLI) submitted the following resolution; which was considered and agreed to:

S. RES. 268

Whereas on Saturday, August 29, 1998, the Toms River East American Little League team defeated Kashima, Japan, by 12 runs to 9 runs to win the 52d annual Little League World Series championship;

Whereas Toms River East American team is the first United States team to win the Little League World Series championship in 5 years, and the fourth New Jersey team in history to win Little League's highest honor; and

Whereas the Toms River East American team has brought pride and honor to the State of New Jersey and the entire Nation: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Toms River East American Little League Team and its loyal fans on winning the 52d annual Little League World Series championship;

(2) recognizes and commends the hard work, dedication, determination, and commitment to excellence of the team's members, parents, coaches, and managers; and

(3) recognizes and commends the people of Toms River, New Jersey, and the surrounding area for their outstanding loyalty and support for the Toms River East American Little League team throughout the team's 28-game season.

SENATE RESOLUTION 269—TO AUTHORIZE PRODUCTION OF SENATE DOCUMENTS AND REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 269

Whereas, in the case of *Rose Larker, et al.* v. *Kevin A. Carias-Herrera, et al.*, Civil No. 97CA06257, pending in the Superior Court for the District of Columbia, a subpoena has been issued for the production of documents of the Sergeant-at-Arms and Doorkeeper of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, officers, and employees of the Senate with respect to any subpoena, order, or request for testimony or document production relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Sergeant-at-Arms and Doorkeeper of the Senate is authorized to produce documents relevant to the case of *Rose Larker, et al.* v. *Kevin A. Carias-Herrera,* et al.

SEC. 2. That the Senate Legal Counsel is authorized to represent the Sergeant-at-Arms and Doorkeeper of the Senate in connection with the production of documents in this case.

AMENDMENTS SUBMITTED

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT

MCCONNELL (AND OTHERS) AMENDMENT NO. 3491

Mr. MCCONNELL (for himself, Mr. LEAHY, and Mr. HARKIN) proposed an amendment to the bill (S. 2334) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 3, line 6, strike the following proviso: ''*Provided further,* That the Export Import Bank shall not disburse direct loans, loan guarantees, insurance, or tied aid grants or credits for enterprises or programs in the New Independent States which are majority owned or managed by state entities:''

MCCONNELL (AND LEAHY) AMENDMENTS NO. 3292–3294

Mr. MCCONNELL (for himself and Mr. LEAHY) proposed three amendments to the bill, S. 2334, supra; as follows:

AMENDMENT NO. 3292

On page 71, line 17, after the word ''activities'' insert: ''and, subject to the regular notification procedures of the Committees on Appropriations, energy programs aimed at reducing greenhouse gas emissions''.

AMENDMENT NO. 3493

On page 107, line 25, strike ''and activities that reduce vulnerability to climate change.''

AMENDMENT NO. 3494

On page 3, line 5 and 6, strike ''1999 and 2000'' and insert in lieu thereof, ''1999, 2000, 2001 and 2002''.

On page 8, line 23 and 24, strike '', and shall remain available until September 30, 2000''.

On page 13, line 13, insert ''demining or'' after the words ''apply to''.

On page 13, line 14, strike ''other''.

On page 21, line 3, strike ''other than funds included in the previous proviso,''.

On page 29, line 9, strike ''appropriated'' and insert in lieu thereof ''made available''.

On page 29, line 13, strike ''deBremmond'' and insert in lieu thereof ''deBremond''.

On page 31, line 23, insert ''clearance of'' before ''unexploded ordnance''.

On page 39, line 1, insert ''may be made available'' after ''(MFO)''.

On page 40, lines 5 and 6, strike ''Committee's notification procedures'' and insert in lieu thereof, ''regular notification procedures of the Committees on Appropriations''.

On page 49, line 2, insert after ''commodity'' the following, ''*Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations''.

On page 57, line 17, insert ''disease programs including'' after ''activities or''.

On page 84, beginning on line 25, through page 85, line 5, strike all after the words ''The authority'' through the word, ''countries'', and insert in lieu thereof, ''Any obligation or portion of such obligation for a Latin American country, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501)''.

On page 90, on lines 1, 5, and 15 before the word ''Government'' insert the word ''central''.

On page 90, line 13, after the word ''resigned'' insert the word ''or is implementing''.

On page 91, line 24, before the word ''Government'' insert the word ''central''.

On page 95, line 5, delete ''steps'' and insert in lieu thereof, ''effective measures''.

On page 95, line 7 strike the word ''further''.

On page 106, line 8, strike ''1998 and 1999'' and insert in lieu thereof ''1999 and 2000''.

On page 109, line 21, strike ''any''.

On page 117, line 24, after ''remain available'' insert ''until expended''.

LUGAR AMENDMENT NO. 3495

Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill, S. 2334, supra; as follows:

On page 114, strike all after line 1 through page 115, line 6 and insert the following:

SEC. 578. LIMITED WAIVER OF REIMBURSEMENT REQUIREMENT FOR CERTAIN FOREIGN STUDENTS.

Section 214(l)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(1)), as added by section 625(a)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009–699), is amended—

(1) in subparagraph (B), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by striking ''(l)(1)'' and inserting ''(l)(1)(A)''; and

(4) by adding at the end the following new subparagraph:

''(B) The Attorney General shall waive the application of subparagraph (A)(ii) for an alien seeking to pursue a course of study in a public secondary school served by a local educational agency (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) if the agency determines and certifies to the Attorney General that such waiver will promote the educational interest of the agency and will not impose an undue financial burden on the agency.''.

DURBIN AMENDMENTS NOS. 3496–3498

Mr. DURBIN proposed three amendments to the bill, S. 2334, supra; as follows:

AMENDMENT NO. 3496

On page 11, line 15, before the period insert the following: ''*Provided further*, That, of the funds appropriated under this heading and made available for activities pursuant to the Microenterprise Initiative, not less than one-half shall be expended on programs providing loans of less than $300 to very poor people, particularly women, or for institutional support of organizations primarily engaged in making such loan''.

AMENDMENT NO. 3497

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

SEC. ___. SENSE OF SENATE REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU.

It is the sense of the Senate that—

(1) as a signatory of the International Covenant on Civil and Political Rights, the Government of Peru is obligated to grant prisoners timely legal proceedings pursuant to Article 9 of the International Covenant on Civil and Political Rights, which requires that ''anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or release'', and that ''any one who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that the court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful'';

(2) the Government of Peru should respect the rights of prisoners to timely legal procedures, including the rights of all United States citizens held in prisons in that country; and

(3) the Government of Peru should take all necessary steps to ensure that any United States citizen charged with committing a crime in that country is accorded open and fair proceedings in a civilian court.

AMENDMENT NO. 3498

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

SEC. ___. (a) Not later than January 31, 1999, the Inspector General of the Department of Defense and the Inspector General of the Department of State shall jointly submit to Congress a report describing the following:

(1) The training provided to foreign military personnel within the United States under any programs administered by the Department of Defense or the Department of State during fiscal year 1998.

(2) The training provided (including the training proposed to be provided) to such personnel within the United States under such programs during fiscal year 1999.

(b) For each case of training covered by the report under subsection (a), the report shall include—

(1) the location of the training;

(2) the duration of the training;

(3) the number of foreign military personnel provided the training by country, including the units of operation of such personnel;

(4) the cost of the training;

(5) the purpose and nature of the training; and

(6) an analysis of the manner and the extent to which the training meets or conflicts with the foreign policy objectives of the United States, including the furtherance of democracy and civilian control of the military and the promotion of human rights.

BROWNBACK AMENDMENT NO. 3499

Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill, S. 2334, supra; as follows:

On page 15, line 13, before the period insert the following: '': *Provided*, That, of the funds appropriated under this heading, not less than $500,000 shall be available only to Catholic Relief Services solely for the purpose of the purchase, transport, or installation of a hydraulic drilling machine to provide potable drinking water in the region of Nuba Mountains in Sudan''.

MCCAIN (AND OTHERS) AMENDMENT NO. 3500

Mr. MCCAIN (for himself, Mr. LEAHY, and Mr. HELMS) proposed an amendment to the bill, S. 2334, supra; as follows:

On page 33, line 4, before the colon insert the following: '', and (4) North Korea is not actively pursuing the acquisition or development of a nuclear capability (other than the light-water reactors provided for by the 1994 Agreed Framework Between the United States and North Korea) and is fully meeting its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons''.

MCCAIN (AND MURKOWSKI) AMENDMENT NO. 3501

(Ordered to lie on the table)

Mr. MCCAIN (for himself and Mr. MURKOWSKI) submitted an amendment intended to be proposed by them to the bill, S. 2334, supra; as follows:

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

SEC. ___. (a) Congress makes the following findings:

(1) North Korea has been active in developing new generations of medium-range and intermediate-range ballistic missiles, including both the Nodong and Taepo Dong class missiles.

(2) North Korea is not an adherent to Missile Technology Control Regime, actively cooperates with Iran and Pakistan in ballistic missile programs, and has declared its intention to continue to export ballistic missile technology.

(3) North Korea has shared technology involved in the Taepo Dong I missile program with Iran, which is concurrently developing the Shahab–3 intermediate-range ballistic missile.

(4) North Korea is developing the Taepo Dong II intermediate-range ballistic missile, which is expected to have sufficient range to put at risk United States territories, forces, and allies throughout the Asia-Pacific area.

(5) Multistage missiles like the Taepo Dong class missile can ultimately be extended to inter-continental range.

(6) The bipartisan Commission to Assess the Ballistic Missile Threat to the United

States emphasized the need for the United States intelligence community and United States policy makers to review the methodology by which they assess foreign missile programs in order to guard against surprise developments with respect to such programs.

(b) It is the sense of Congress that—

(1) North Korea should be forcefully condemned for its August 31, 1998, firing of a Taepo Dong I intermediate-range ballistic missile over the sovereign territory of another country, specifically Japan, an event that demonstrated an advanced capability for employing multistage missiles, which are by nature capable of extended range, including intercontinental range;

(2) the United States should reassess its cooperative space launch programs with countries that continue to assist North Korea and Iran in their ballistic missile and cruise missile programs;

(3) any financial or technical assistance provided to North Korea should take into account the continuing conduct by that country of activities which destabilize the region, including the missile firing referred to in paragraph (1), continued submarine incursions into South Korea territorial waters, and violations of the demilitarized zone separating North Korea and South Korea;

(4) the recommendations of the Commission to Assess the Ballistic Missile Threat to the United States should be incorporated into the analytical process of the United States intelligence community as soon as possible; and

(5) the United States should accelerate cooperative theater missile defense programs with Japan.

DASCHLE (AND LEAHY) AMENDMENT NO. 3502

Mr. LEAHY (for Mr. DASCHLE for himself and Mr. LEAHY) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place insert the following:

SECTION 1. SHORT TITLE.—Progress Reports to Congress on United States Initiatives to Update the Architecture of the International Monetary System.

SEC. 2. REPORTS REQUIRED.—Not later than July 15, 1999 and July 15, 2000, the Secretary of the Treasury shall report to the Chairmen and Ranking Members of the Senate Committees on Appropriations, Foreign Relations, and Banking, Housing and Urban Affairs and House Committees on Appropriations and Banking and Financial Services on the progress of efforts to reform the architecture of the international monitary system. The reports shall include a discussion of the substance of the U.S. position in consultations with other governments and the degree of progress in achieving international acceptance and implementation of such position with respect to the following issues:

(1) Adapting the mission and capabilities of the International Monetary Fund to take better account of the increased importance of cross-border capital flows in the world economy and improving the coordination of its responsibilities and activities with those of the International Bank for Reconstruction and Development.

(2) Advancing measures to prevent, and improve the management of, international financial crises, including by—

(a) integrating aspects of national bankruptcy principles into the management of international financial crises where feasible; and

(b) changing investor expectations about official rescues, thereby reducing moral hazard and systemic risk in international financial markets—

In order to help minimize the adjustment costs that the resolution of financial crises may impose on the real economy, in the form of disrupted patterns of trade, employment, and progress in living standards, and reduce the frequency and magnitude of claims on United States taxpayer resources.

(3) Improving international economic policy cooperation, including among the Group of Seven countries, to take better account of the importance of cross-border capital flows in the determination of exchange rate relationships.

(4) Improving international cooperation in the supervision and regulation of financial institutions and markets.

(5) Strengthening the financial sector in emerging economies, including by improving the coordination of financial sector liberalization with the establishment of strong public and private institutions in the areas of prudential supervision, accounting and disclosure conventions, bankruptcy laws and administrative procedures, and the collection and dissemination of economic and financial statistics, including the maturity structure of foreign indebtedness.

(6) Advocating that implementation of European Economic and Monetary Union and the advent of the European Currency Unit, or euro, proceed in a manner that is consistent with strong global economic growth and stability in world financial markets.

BUMPERS (AND HUTCHINSON) AMENDMENT NO. 3503

Mr. LEAHY (for Mr. BUMPERS, for himself, and Mr. HUTCHINSON) proposed an amendment to the bill, S. 2334, supra as follows:

At the appropriate place add the following:

SEC. . SENSE OF THE CONGRESS REGARDING INTERNATIONAL COOPERATION IN RECOVERING CHILDREN ABDUCTED IN THE UNITED STATES AND TAKEN TO OTHER COUNTRIES.

(a) FINDINGS.—Congress finds that—

(1) Many children in the United States have been abducted by family members who are foreign nationals and living in foreign countries;

(2) children who have been abducted by an estranged father are very rarely returned, through legal remedies, from countries that only recognize the custody rights of the father;

(3) there are at least 140 cases that need to be resolved in which children have been abducted by family members and taken to foreign countries;

(4) although the Convention on the Civil Aspects of International Child Abduction, done at the Hague on October 24, 1980, has made progress in aiding the return of abducted children, the Convention does not address the criminal aspects of child abduction, and there is a need to reach agreements regarding child abduction with countries that are not parties to the Convention; and

(5) decisions on awarding custody of children should be made in the children's best interest, and persons who violate laws of the United States by abducting their children should not be rewarded by being granted custody of those children.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the United States Government should promote international cooperation in working to resolve those cases in which children in the United States are abducted by family members who are foreign nationals and taken to foreign countries, and in seeing that justice is served by holding accountable the abductors for violations of criminal law.

KEMPTHORNE (AND OTHERS) AMENDMENTS NOS. 3504–3505

Mr. MCCONNELL (for Mr. KEMPTHORNE for himself, Mr. CRAIG, and Mr. DORGAN) proposed two amendments to the bill, S. 2334, supra as follows:

AMENDMENT NO. 3504

On page 77, line 20, after word ''all'' insert ''agriculture commodities,''.

On page 78, line 3, insert ''(d) The Secretary of the Treasury shall report to Congress annually on the efforts of the heads of each Federal agency and the U.S. directors of international financial institutions (as referenced in section 514) in complying with this sense of Congress resolution.''

AMENDMENT NO. 3505

On page 49, insert ''(a)'' before ''The.''

On page 50, line 11, add the following: ''(b) The Secretary of the Treasury shall instruct the United States Executive Directors of international financial institutions listed in paragraph (a) of this section to use the voice and vote of the United States to support the purchase of American produced agricultural commodities with funds appropriated or made available pursuant to this Act.''

SPECTER (AND OTHERS) AMENDMENT NO. 3506

Mr. SPECTER (for himself, Mr. BIDEN, and Mr. HARKIN) proposed an amendment to the bill, S. 2334, supra; as follows:

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

SEC. . Of the funds appropriated by this Act, or prior Acts making appropriations for foreign operations, export financing, and related programs, not less than $28,900,000 shall be made available for expenses related to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission; *Provided*, That such funds may be made available through the regular notification procedures of the Committee on Appropriations.

FEINSTEIN (AND MCCONNELL) AMENDMENT NO. 3507

Mrs. FEINSTEIN (for herself and Mr. MCCONNELL) proposed an amendment to the bill, S. 2334, supra, as follows:

At the appropriate place in title V, insert the following:

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

(1) Indonesia is the World's 4th most populous nation, with a population in excess of 200,000,000 people.

(2) Since 1997, political, economic, and social turmoil in Indonesia has escalated.

(3) Indonesia is comprised of more than 13,000 islands located between the mainland of Southeast Asia and Australia. Indonesia occupies an important strategic location, straddling vital sea lanes for communication and commercial transportation including all or part of every major sea route between the Pacific Ocean and the Indian Ocean, more than 50 percent of all international shipping trade, and sea lines of communication used by the United States Pacific Command to support operations in the Persian Gulf.

(4) Indonesia has been an important ally of the United States, has made vital contributions to the maintenance of regional peace and stability through its leading role in the Association of South East Asian Nations (ASEAN) and the Asia Pacific Economic Cooperation forum (APEC), and has promoted

United States economic, political, and security interests in Asia.

(5) In the 25 years before the onset of the recent financial crisis in Asia, the economy of Indonesia grew at an average rate of 7 percent per year.

(6) Since July 1997, the Indonesian rupiah has lost 70 percent of its value, and the Indonesian economy is now at a near standstill characterized by inflation, tight liquidity, and rising unemployment.

(7) Indonesia has also faced a severe drought and massive fires in the past year which have adversely affected its ability to produce sufficient food to meet its needs.

(8) As a consequence of this economic instability and the drought and fires, as many as 100,000,000 people in Indonesia may experience food shortages, malnutrition, and possible starvation as a result of being unable to purchase food. These conditions increase the potential for widespread social unrest in Indonesia.

(9) Following the abdication of Indonesia President Suharto in May 1998, Indonesia is in the midst of a profound political transition. The current president of Indonesia, B.J. Habibie, has called for new parliamentary elections in mid-1999, allowed the formation of new political parties, and pledged to resolve the role of the military in Indonesian society.

(10) The Government of Indonesia has taken several important steps toward political reform and support of democratic institutions, including support for freedom of expression, release of political prisoners, formation of political parties and trade unions, preparations for new elections, removal of ethnic designations from identity cards, and commitments to legal and civil service reforms which will increase economic and legal transparency and reduce corruption.

(11) To address the food shortages in Indonesia, the United States Government has made more than 230,000 tons of food available to Indonesia this year through grants and so-called ''soft'' loans and has pledged support for additional wheat and food to meet emergency needs in Indonesia.

(12) United States national security interests are well-served by political stability in Indonesia and by friendly relations between the United States and Indonesia.

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

(1) the decision of the Clinton Administration to make available at least 1,500,000 tons of wheat, wheat products, and rice for distribution to the most needy and vulnerable Indonesians is vital to the well-being of all Indonesians;

(2) the Clinton Administration should work with the World Food Program and nongovernmental organizations to design programs to make the most effective use of food donations in Indonesia and to expedite delivery of food assistance in order to reach those in Indonesia most in need;

(3) the Clinton Administration should adopt a more active approach in support of democratic institutions and processes in Indonesia and provide assistance for continued economic and political development in Indonesia, including—

(A) support for humanitarian programs aimed at preventing famine, meeting the needs of the Indonesian people, and inculcating social stability;

(B) leading a multinational effort (including the active participation of Japan, the nations of Europe, and other nations) to assist the programs referred to in subparagraph (A);

(C) calling on donor nations and humanitarian and food aid programs to make additional efforts to meet the needs of Indonesia and its people while laying the groundwork for a more open and participatory society in Indonesia;

(D) working with international financial institutions to recapitalize and reform the banking system, restructure corporate debt, and introduce economic and legal transparency in Indonesia;

(E) urging the Government of Indonesia to remove, to the maximum extent possible, barriers to trade and investment which impede economic recovery in Indonesia, including tariffs, quotas, export taxes, nontariff barriers, and prohibitions against foreign ownership and investment;

(F) urging the Government of Indonesia to—

(i) recognize the importance of the participation of all Indonesians, including ethnic and religious minorities, in the political and economic life of Indonesia;

(ii) take appropriate action to assure the support and protection of minority participation in the political, social, and economic life of Indonesia; and

(iii) release individuals detained or imprisoned for their political views.

(G) support for efforts by the Government of Indonesia to cast a wide social safety net in order to provide relief to the neediest Indonesians and to restore hope to those Indonesians who have been harmed by the economic crisis in Indonesia;

(H) support for efforts to build democracy in Indonesia in order to strengthen political participation and the development of legitimate democratic processes and the rule of law in Indonesia, including support for organizations, such as the Asia Foundation and the National Endowment for Democracy, which can provide technical assistance in developing and strengthening democratic political institutions and processes in Indonesia;

(I) calling on the Government of Indonesia to repeal all laws and regulations that discriminate on the basis of religion or ethnicity and to ensure that all new laws are in keeping with international standards on human rights; and

(J) calling on the Government of Indonesia to establish, announce publicly, and adhere to a clear timeline for parliamentary elections in Indonesia.

(c) REPORT.—(1) Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit to Congress a report containing the following:

(A) A description and assessment of the actions taken by the Government of the United States to work with the Government of Indonesia to further the objectives referred to in subsection (b)(3).

(B) A description and assessment of the actions taken by the Government of Indonesia to further such objectives.

(C) An evaluation of the implications of the matters described and assessed under subparagraphs (A) and (B), and any other appropriate matters, for relations between the United States and Indonesia.

(2) The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

FEINSTEIN (AND OTHERS) AMENDMENT NO. 3508

Mrs. FEINSTEIN (for herself, Mr. MCCONNELL, and Mrs. BOXER) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place in title V, insert the following:

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

(1) In May 1998, more than 1,200 people died in Indonesia as a result of riots, targeted attacks, and violence in Indonesia. According to numerous reports by human rights groups, United Nations officials, and the press, ethnic Chinese in Indonesia were specifically targeted in the riots for attacks which included acts of brutality, looting, arson, and rape.

(2) Credible reports indicate that, between May 13 and May 15, 1998, at least 150 Chinese women and girls, some as young as 9 years of age, were systematically raped as part of a campaign of racial violence in Indonesia, and 20 of these women subsequently died from injuries incurred during these rapes.

(3) Credible evidence indicates that these rapes were the result of a systematic and organized operation and may well have continued to the present time.

(4) Indonesia President Habibie has stated that he believes the riots and rapes to be ''the most inhuman acts in the history of the nation'', that they were ''criminal'' acts, and that ''we will not accept it, we will not let it happen again.''.

(5) Indonesian human rights groups have asserted that the Indonesia Government failed to take action necessary to control the riots, violence, and rapes directed against ethnic Chinese in Indonesia and that some elements of the Indonesia military may have participated in such acts.

(6) The Executive Director of the United Nations Development Fund for Women has stated that the attacks were an ''organized reaction to a crisis and culprits must be brought to trial'' and that the systematic use of rape in the riots ''is totally unacceptable. . . and even more disturbing than rape war crimes, as Indonesia was not at war with another country but caught in its own internal crisis''.

(7) The Indonesia Government has established the Joint National Fact Finding Team to investigate the violence and allegations of gang rapes, but there are allegations that the investigation is moving slowly and that the Team lacks the authority necessary to carry out an appropriate investigation.

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

(1) the mistreatment of ethnic Chinese in Indonesia and the criminal acts carried out against them during the May 1998 riots in Indonesia is deplorable and condemned;

(2) a complete, full, and fair investigation of such criminal acts should be completed by the earliest possible date, and those identified as responsible for perpetrating such criminal acts should be brought to justice;

(3) the investigation by the Government of Indonesia, through its Military Honor Council, of those members of the armed forces of Indonesia suspected of possible involvement in the May 1998 riots, and of any member of the armed forces of Indonesia who may have participated in criminal acts against the people of Indonesia during the riots, is commended and should be supported;

(4) the Government of Indonesia should take action to assure—

(A) the full observance of the human rights of the ethnic Chinese in Indonesia and of all other minority groups in Indonesia;

(B) the implementation of appropriate measures to prevent ethnic-related violence and rapes in Indonesia and to safeguard the physical safety of the ethnic Chinese community in Indonesia;

(C) prompt follow through on its announced intention to provide damage loans to help rebuild businesses and homes for those who suffered losses in the riots; and

(D) the provision of just compensation for victims of the rape and violence that occurred during the May 1998 riots in Indonesia, including medical care;

(5) the Clinton Administration and the United Nations should provide support and assistance to the Government of Indonesia,

and to nongovernmental organizations, in the investigations into the May 1998 riots in Indonesia in order to expedite such investigations; and

(6) Indonesia should ratify the United Nations Convention on Racial Discrimination, Torture, and Human Rights.

(c) SUPPORT FOR INVESTIGATIONS.—Of the amounts appropriated by this Act for Indonesia, the Secretary of State, after consultation with Congress, shall make available such funds as the Secretary considers appropriate in order to provide support and technical assistance to the Government of Indonesia, and to independent nongovernmental organizations, for purposes of conducting full, fair, and impartial investigations into the allegations surrounding the riots, violence, and rape of ethnic Chinese in Indonesia in May 1998.

(d) REPORT.—(1) Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit to Congress a report containing the following:

(A) An assessment of—

(i) whether or not there was a systematic and organized campaign of violence, including the use of rape, against the ethnic Chinese community in Indonesia during the May 1998 riots in Indonesia; and

(ii) the level and degree of participation, if any, of members of the Government or armed forces of Indonesia in the riots.

(B) An assessment of the adequacy of the actions taken by the Government of Indonesia to investigate the May 1998 riots in Indonesia, bring the perpetrators of the riots to justice, and ensure that similar riots do not recur.

(C) An evaluation of the implications of the matters assessed under subparagraphs (A) and (B) for relations between the United States and Indonesia.

(2) The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

BOXER AMENDMENT NO. 3509

Mrs. BOXER proposed an amendment to the bill, S. 2334, supra; as follows:

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

SEC. ___. SENSE OF CONGRESS REGARDING THE IMF RESPONSE TO THE ECONOMIC CRISIS IN RUSSIA.

(a) Congress finds that—

(1) Russia is currently facing a severe economic crisis that threatens President Boris Yeltsin's ability to maintain power;

(2) The Russian Communist Party will soon be a part of the government of the Russian Republic and may be given real influence over Russian economic policies;

(3) The International Monetary Fund has continued to provide funding to Russia despite Russia's refusal to implement reforms tied to the funding;

(4) The Russian economic crisis follows a similar crisis in Asia;

(5) The International Monetary Fund imposed strict requirements on the Republic of Korea and other democratic and free market nations in Asia;

(6) The International Monetary Fund has not imposed the same requirements on Russia; and

(7) Russia has not made the same commitment to free market economic principles as the Republic of Korea and other Asian nations receiving assistance from the International Monetary Fund.

(b) It is the sense of Congress that the International Monetary Fund should not provide funding to a Russian government whose economic policies are significantly affected by the Russian Communist Party, or under significantly less free market conditions than those imposed on the Republic of Korea and other democratic, free market nations in Southeast Asia.

ASHCROFT (AND OTHERS) AMENDMENT NO. 3510

Mr. MCCONNELL (for Mr. ASHCROFT for himself, Mr. FEINGOLD, and Mr. FAIRCLOTH) proposed an amendment to the bill, S. 2334, supra; as follows:

On page 109, strike lines 15–23, and insert in lieu thereof the following:

SEC. . PROHIBITION ON ASSISTANCE TO THE DEMOCRATIC REPUBLIC OF CONGO.

None of the funds appropriated or otherwise made available by this Act may be provided to the central Government of the Democratic Republic of Congo until such time as the President reports in writing to the Speaker of the House of Representatives, the Majority Leader of the Senate, the International Relations Committee of the House, the Foreign Relations Committee of the Senate, the Appropriations Committee of the Senate, and the Appropriations Committee of the House that the central Government of the Democratic Republic of Congo is—

(1) investigating and prosecuting those responsible for civilian massacres, serious human rights violations, or other atrocities committed in the Congo; and

(2) implementing a credible democratic transition program, which includes

(A) the establishment of an independent electoral commission;

(B) the release of individuals detained or imprisoned for their political views;

(C) the maintenance of a conducive environment for the free exchange of political views, including the freedoms of association, speech, and press; and

(D) the conduct of free and fair national elections for both the legislative and executive branches of government.

Notwithstanding the aforementioned restrictions, the President may provide electoral assistance to the central Government of the Democratic Republic of Congo for any fiscal year if the President certifies to the International Relations Committee of the House, the Foreign Relations Committee of the Senate, the Appropriations Committee of the Senate, and the Appropriations Committee of the House that the central Government of the Democratic Republic of Congo has taken steps to ensure that conditions in subsection 2 (A), (B), and (C) have been met.

ASHCROFT AMENDMENT NO. 3511

Mr. MCCONNELL (for Mr. ASHCROFT) proposed an amendment to the bill, S. 2334, supra; as follows:

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

SEC. . PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION.

None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, training, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation or any similar organization.

LOTT (AND OTHERS) AMENDMENT NO. 3512

Mr. MCCONNELL (for Mr. LOTT for himself, Mr. KYL, Mr. BROWNBACK, and Mr. MCCONNELL) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place in the bill insert the following:

''Notwithstanding any other provision of law, of the amounts made available under Title II of this Act, not less than $10,000,000 shall be made available only for assistance to the Iraqi democratic opposition for such activities as organization, training, communication and dissemination of information, and developing and implementing agreements among opposition groups; *Provided,* that any agreement reached regarding the obligation of funds under the previous proviso shall include provisions to ensure appropriate monitoring on the use of such funds; *Provided further* that of this amount not less than $3,000,000 shall be made available as a grant to Iraqi National Congress, to be administered by its Executive Committee for the benefit of all constituent groups of the Iraqi National Congress; provided further that of the amounts previously appropriated under section 10008 of Public Law 105–174 not less than $2,000,000 shall be made available as a grant to INDICT, the International Campaign to Indict Iraqi War Criminals, for the purpose of compiling information to support the indicting of Iraqi officials for war crimes; *Provided further* that of the amounts made available under this section, not less than $1,000,000 shall be made available as a grant to INDICT, the International Campaign to Indict Iraqi War Criminals, for the purpose of compiling information to support the indictment of Iraqi officials for war crimes; *Provided further* that of the amounts made available under this section, not less than $3,000,000 shall be made available only for the conduct of activities by the Iraqi democratic opposition inside Iraq; *Provided further* that within 30 days of enactment of this Act the Secretary of State shall submit a detailed report to the appropriate committees of Congress on implementation of this section.''

WELLSTONE AMENDMENT NO. 3513

Mr. MCCONNELL (for Mr. WELLSTONE) proposed an amendment to the bill, S. 2334, supra; as follows:

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

SEC.___. TRAFFICKING IN WOMEN AND CHILDREN.

The Secretary of State, in consultation with the Attorney General and appropriate nongovernmental organizations, shall—

(1) develop curricula and conduct training for United States consular officers on the prevalence and risks of trafficking in women and children, and the rights of victims of such trafficking; and

(2) develop and disseminate to aliens seeking to obtain visas written materials describing the potential risks of trafficking, including—

(A) information as to the rights of victims in the United States of trafficking in women and children, including legal and civil rights in labor, marriage, and for crime victims under the Violence Against Women Act; and

(B) the names of support and advocacy organizations in the United States.

LEAHY (AND OTHERS) AMENDMENT NO. 3514

Mr. MCCONNELL (for Mr. LEAHY for himself, Mr. DODD, Mr. HARKIN, and Mr. LAUTENBERG) proposed an amendment to the bill, S. 2334, supra; as follows:

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

SEC. . (a) Findings.—Congress makes the following findings:

(1) The December 2, 1980 brutal assault and murder of four American churchwomen by members of the Salvadoran National Guard was covered up and never fully investigated:

(2) On July 22 and July 23, 1998, Salvadoran authorities granted three of the National Guardsmen convicted of the crimes early release from prison;

(3) The United Nations Truth Commission for El Salvador determined in 1993 that there was sufficient evidence that the Guardsmen were acting on orders from their superiors;

(4) In March 1998, four of the convicted Guardsmen confessed that they acted after receiving orders from their superiors;

(5) Recently declassified documents from the State Department show that United States Government officials were aware of information suggesting the involvement of superior officers in the murders;

(6) United States officials granted permanent residence to a former Salvadoran military official involved in the cover-up of the murders, enabling him to remain in Florida; and

(7) Despite the fact that the murders occurred over 17 years ago, the families of the four victims continue to seek the disclosure of information relevant to the murders.

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

(1) information relevant to the murders should be made public to the fullest extent possible;

(2) the Secretary of State and the Department of State are to be commended for fully releasing information regarding the murders to the victims' families and to the American public, in prompt response to Congressional requests;

(3) the President should order all other Federal agencies and departments that possess relevant information to make every effort to declassify and release to the victims' families relevant information as expeditiously as possible;

(4) in making determinations concerning the declassification and release of relevant information, the Federal agencies and departments should presume in favor of releasing, rather than of withholding, such information; and

(5) the President should direct the Attorney General to review the circumstances under which individuals involved in either the murders or the cover-up of the murders obtained residence in the United States, and the Attorney General should submit a report to the Congress on the results of such review not later than January 1, 1999.

DODD (AND HARKIN) AMENDMENT NO. 3515

Mr. MCCONNELL (for Mr. DODD for himself and Mr. HARKIN) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place in the bill add the following new section:

SEC. . (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by January 31, 1999, a report on all overseas military training provided to foreign military personnel under programs administered by the Department of Defense and the Department of State during fiscal years 1998 and 1999, including those proposed for fiscal year 1999. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House.

KENNEDY (AND OTHERS) AMENDMENT NO. 3516

Mr. MCCONNELL (for Mr. KENNEDY for himself, Mr. LAUTENBERG, Mr. D'AMATO, and Mr. TORRICELLI) proposed an amendment to the bill, S. 2334, supra; as follows:

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

SEC. ___. SENSE OF CONGRESS REGARDING THE TRIAL IN THE NETHERLANDS OF THE SUSPECTS INDICTED IN THE BOMBING OF PAN AM FLIGHT 103.

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

(1) On December 21, 1988, 270 people, including 189 United States citizens, were killed in a terrorist bombing on Pan Am Flight 103 over Lockerbie, Scotland.

(2) Britain and the United States indicted 2 Libyan intelligence agents—Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah—in 1991 and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this heinous terrorist act.

(3) The United Nations Security Council called for the extradition of the suspects in Security Council Resolution 731 and imposed sanctions on Libya in Security Council Resolutions 748 and 883 because Libyan leader, Colonel Muammar Qadaffi, refused to transfer the suspects to either the United States or the United Kingdom to stand trial.

(4) The sanctions in Security Council Resolutions 748 and 883 include a worldwide ban on Libya's national airline, a ban on flights into and out of Libya by other nations' airlines, a prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a freeze on Libyan government funds in other countries.

(5) Colonel Qaddafi has continually refused to extradite the suspects to either the United States or the United Kingdom and has insisted that he will only transfer the suspects to a third and neutral country to stand trial.

(6) On August 24, 1998, the United States and the United Kingdom proposed that Colonel Qadaffi transfer the suspects to the Netherlands, where they would stand trial before a Scottish court, under Scottish law, and with a panel of Scottish judges.

(7) The United States-United Kingdom proposal is consistent with those previously endorsed by the Organization of African Unity, the League of Arab States, the Non-Aligned Movement, and the Islamic Conference.

(8) The United Nations Security Council endorsed the United States-United Kingdom proposal on August 27, 1998, in United Nations Security Council Resolution 1192.

(9) The United States Government has stated that this proposal is nonnegotiable and has called on Colonel Qadaffi to respond promptly, positively, and unequivocally to this proposal by ensuring the timely appearance of the two accused individuals in the Netherlands for trial before the Scottish court.

(10) The United States Government has called on Libya to ensure the production of evidence, including the presence of witnesses before the court, and to comply fully with all the requirements of the United Nations Security Council resolutions.

(11) Secretary of State Albright has said that the United States will urge a multilateral oil embargo against Libya in the United Nations Security Council if Colonel Muammar Qadaffi does not transfer the suspects to the Netherlands to stand trial.

(12) The United Nations Security Council will convene on October 30, 1998, to review sanctions imposed on Libya.

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

(1) Colonel Qadaffi should promptly transfer the indicted suspects Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah to the Netherlands to stand trial before the Scottish court;

(2) the United States Government should remain firm in its commitment not to negotiate with Colonel Qadaffi on any of the details of the proposal approved by the United Nations in United Nations Security Council Resolution 1192; and

(3) if Colonel Qadaffi does not transfer the indicted suspects Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah to the Netherlands by October 29, 1998, the United States Permanent Representative to the United Nations should—

(A) introduce a resolution in the United Nations Security Council to impose a multilateral oil embargo against Libya;

(B) actively promote adoption of the resolution by the United Nations Security Council; and

(C) assure that a vote will occur in the United Nations Security Council on such a resolution.

FEINGOLD AMENDMENT NO. 3517

Mr. MCCONNELL (for Mr. FEINGOLD) proposed an amendment to the bill, S. 2334, supra; as follows:

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

SEC. ___. DEVELOPMENT ASSISTANCE IN NIGERIA.

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

(1) The bilateral development assistance program in Nigeria has been insufficiently funded and staffed, and the United States has missed opportunities to promote democracy and good governance as a result.

(2) The recent political upheaval in Nigeria necessitates a new strategy for United States bilateral assistance program in that country that is focused on promoting a transition to democracy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President, acting through the United States Agency for International Development, should—

(1) develop a new strategy for United States bilateral assistance for Nigeria that is focused on the development of civil society and the rule of law and that involves a broad cross-section of Nigerian society but does not provide for any direct assistance to the Government of Nigeria, other than humanitarian assistance, unless and until that country successfully completes a transition to civilian, democratic rule;

(2) increase the number of United States personnel at such Agency's office in Lagos, Nigeria, from within the current, overall staff resources of such Agency in order for such office to be sufficiently staffed to carry out paragraph (1); and

(3) consider the placement of such Agency's personnel elsewhere in Nigeria.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the President, acting through the United States

Agency for International Development, shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report on the strategy developed under subsection (b)(1).

FEINSTEIN AMENDMENT NO. 3518

Mr. MCCONNELL (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 2334, supra; as follows:

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

SEC. ___. Section 40A of the Arms Export Control Act (22 U.S.C. 2781) is amended—

(1) in subsection (a), by striking ''that the President'' and all that follows and inserting ''unless the President determines and certifies to Congress for purposes of that fiscal year that the government of the country is cooperating fully with the United States, or is taking adequate actions on its own, to help achieve United States antiterrorism objectives.'';

(2) by redesignating subsection (b) as subsection (e);

(3) by inserting after subsection (a), as so amended, the following new subsections (b), (c), and (d):

''(b) REQUIREMENT FOR CONTINUING COOPERATION.—(1) Notwithstanding the submittal of a certification with respect to a country for purposes of a fiscal year under subsection (a), the prohibition in that subsection shall apply to the country for the remainder of that fiscal year if the President determines and certifies to Congress that the government of the country has not continued to cooperate fully with United States, or to take adequate actions on its own, to help achieve United States antiterrorism objectives.

''(2) A certification under paragraph (1) shall take effect on the date of its submittal to Congress.

''(c) SCHEDULE FOR CERTIFICATIONS.—(1) The President shall, to the maximum extent practicable, submit a certification with respect to a country for purposes of a fiscal year under subsection (a) not later than September 1 of the year in which that fiscal year begins.

''(2) The President may submit a certification with respect to a county under subsection (a) at any time after the date otherwise specified in paragraph (1) if the President determines that circumstances warrant the submittal of the certification at such later date.

''(d) CONSIDERATIONS FOR CERTIFICATIONS.—In making a determination with respect to the government of a country under subsection (a) or subsection (b), the President shall consider—

''(1) the government's record of—

''(A) apprehending, bringing to trial, convicting, and punishing terrorists in areas under its jurisdiction;

''(B) taking actions to dismantle terrorist organizations in areas under its jurisdiction and to cut off their sources of funds;

''(C) condemning terrorist actions and the groups that conduct and sponsor them;

''(D) refusing to bargain with or make concessions to terrorist organizations;

''(E) isolating and applying pressure on states that sponsor and support terrorism to force such states to terminate their support for terrorism;

''(F) assisting the United States in efforts to apprehend terrorists who have targeted United States nationals and interests;

''(G) sharing information and evidence with United States law enforcement agencies during the investigation of terrorist attacks against United States nationals and interests;

''(H) extraditing to the United States individuals in its custody who are suspected of participating in the planning, funding, or conduct of terrorist attacks against United States nationals and interests; and

''(I) sharing intelligence with the United States about terrorist activity, in general, and terrorist activity directed against United States nationals and interests, in particular; and

''(2) any other matters that the President considers appropriate.''; and

(4) in subsection (e), as so redesignated, by striking ''national interests'' and inserting ''national security interests''.

CRAIG AMENDMENT NO. 3519

Mr. MCCONNELL (for Mr. CRAIG) proposed an amendment to the bill, S. 2334, supra; as follows:

On page 82, at line 10, strike ''Yugoslavia.'' and add in lieu thereof the following:

''Yugoslavia: *Provided further*, That funding for any tribunal under this act shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: *Provided further*, That funds under this act shall not be available for any tribunal during any period in which the Subcommittee on International Operations of the Committee on the Foreign Relations has not held hearings on the practices and procedures of such tribunal and reported to the Chairman of the Committee on Foreign Relations and the Committee on the Judiciary that such tribunal does not engage in any practice or procedure that is violative of fundamental principles of justice embodied in the guarantees and protections of the Constitution of the United States.''

SMITH (AND OTHERS) AMENDMENT NO. 3520

Mr. MCCONNELL (for Mr. SMITH of Oregon for himself, Mr. THOMAS, Mr. BROWNBACK, Mr. ALLARD, Mr. BOND, Mr. GRAMS, Mr. DODD, Mr. SESSIONS, MS. COLLINS, Mr. D'AMATO, Mr. WYDEN, and Mr. LAUTENBERG) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place in the bill, insert the following new section, and renumber the remaining sections accordingly:

SECTION 1. SHORT TITLE.

This section may be cited as the ''Equity for Israel at the United Nations Act of 1998.''

SEC. 2. EFFORT TO PROMOTE FULL EQUALITY AT THE UNITED NATIONS FOR ISRAEL.

(a) CONGRESSIONAL STATEMENT.—It is the sense of the Congress that—

(1) the United States must help promote an end to the inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nations region blocs, which serve as the basis for participation in important activities of the United Nations, including rotating membership on the United Nations Security Council; and

(2) the United States Ambassador to the United Nations should take all steps necessary to ensure Israel's acceptance in the Western Europe and Others Group (WEOG) regional bloc, whose membership includes the non-European countries of Canada, Australia, and the United States.

(b) REPORTS TO CONGRESS.—Not later than 60 days after the date of the enactment of this legislation and on semiannual basis thereafter, the Secretary of State shall submit to the appropriate congressional committees a report which includes the following information (in classified or unclassified form as appropriate);

(1) Actions taken by representatives of the United States, including the United States Ambassador to the United Nations, to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc:

(2) efforts undertaken by the Secretary General of the United Nations to secure Israel's full and equal participation in that body;

(3) specific responses solicited and received by the Secretary of State from each of the nations of Western Europe and Others Group (WEOG) on their position concerning Israel's acceptance into their organization; and

(4) other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations.

SMITH (AND OTHERS) AMENDMENT NO. 3521

Mr. MCCONNELL (for Mr. SMITH of Oregon, for himself, Mr. BIDEN, Mr. D'AMATO, and Mr. JOHNSON) proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place, add the following:

SEC. . SANCTIONS AGAINST SERBIA-MONTENEGRO.

(a) CONTINUATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions listed in subsection (b) shall remain in effect until January 1, 2000, unless the President submits to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a certification described in subsection (c).

(b) APPLICABLE SANCTIONS.—

(1) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to the government of Serbia-Montenegro.

(2) The Secretary of State should instruct the United States Ambassador to the Organization for Security and Cooperation in Europe (OSCE) to block any consensus to allow the participation of Serbia-Montenegro in the OSCE or any organization affiliated with the OSCE.

(3) The Secretary of State should instruct the United States Representative to the United Nations to vote against any resolution in the United Nations Security Council to admit Serbia-Montenegro to the United Nations or any organization affiliated with the United Nations, to veto any resolution to allow Serbia-Montenegro to assume the United Nations' membership of the former Socialist Federal Republic of Yugoslavia, and to take action to prevent Serbia-Montenegro from assuming the seat formerly occupied by the Socialist Federal Republic of Yugoslavia.

(4) The Secretary of State should instruct the United States Permanent Representative on the Council of the North Atlantic Treaty Organization to oppose the extension of the Partnership for Peace program or any other organization affiliated with NATO to Serbia-Montenegro.

(5) The Secretary of State should instruct the United States Representatives to the Southeast European Cooperative Initiative (SECI) to oppose and to work to prevent the

extension of SECI membership to Serbia-Montenegro.

(c) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) the representatives of the successor states to the Socialist Federal Republic of Yugoslavia have successfully negotiated the division of assets and liabilities and all other succession issues following the dissolution of the Socialist Federal Republic of Yugoslavia;

(2) the government of Serbia-Montenegro is fully complying with its obligations as a signatory to the General Framework Agreement for Peace in Bosnia and Herzegovina;

(3) the government of Serbia-Montenegro is fully cooperating with and providing unrestricted access to the International Criminal Tribunal for the Former Yugoslavia, including surrendering persons indicted for war crimes who are within the jurisdiction of the territory of Serbia-Montenegro, and with the investigations concerning the commission of war crimes and crimes against humanity in Kosova;

(4) the government of Serbia-Montenegro is implementing internal democratic reforms; and

(5) Serbian, Serbian-Montenegrin federal governmental officials, and representatives of the ethnic Albanian community in Kosova have agreed on, signed, and begun implementation of a negotiated settlement on the future status of Kosova.

(d) STATEMENT OF POLICY.—It is the sense of the Congress that the United States should not restore full diplomatic relations with Serbia-Montenegro until the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations in the House of Representatives the certification described in subsection (c).

(e) EXEMPTION OF MONTENEGRO.—The sanctions described in subsection (b)(1) should not apply to the government of Montenegro.

(f) DEFINITION.—The term ''international financial institution'' includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(g) WAIVER AUTHORITY.—

(1) The President may waive the application in whole or in part, of any sanction described in subsection (b) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs or to achieve a negotiated settlement of the conflict in Kosova that is acceptable to the parties.

(2) Such a waiver may only be effective upon certification by the President to Congress that the United States has transferred and will continue to transfer (subject to adequate protection of intelligence sources and methods) to the International Criminal Tribunal for the former Yugoslavia all information it has collected in support of an indictment and trial of President Slobodan Milosevic for war crimes, crimes against humanity, or genocide.

(3) In the event of a waiver, within seven days the President must report the basis upon which the waiver was made to the Select Committee on Intelligence and the Committee on Foreign Relations in the Senate, and the Permanent Select Committee on Intelligence and the Committee on International Relations in the House of Representatives.

KYL AMENDMENT NO. 3522

Mr. KYL proposed an amendment to the bill, S. 2334, supra; as follows:

Beginning on page 119, line 1 of the bill, strike all through page 120, line 13, and insert the following:

SECTION 601. CONDITIONS FOR THE USE OF QUOTA RESOURCES.—(a) None of the funds appropriated in this Act under the heading ''United States Quota, International Monetary Fund'' may be obligated, transferred or made available to the International Monetary Fund until 30 days after the Secretary of the Treasury certifies that the Board of Executive Directors of the Fund have agreed by resolution that stand-by agreements or other arrangements regarding the use of Fund resources shall include provisions requiring the borrower—

(1) to comply with the terms of all international trade obligations and agreements of which the borrower is a signatory;

(2) to eliminate the practice or policy of government directed lending or provision of subsidies to favored industries, enterprises, parties, or institutions; and

(3) to guarantee non-discriminatory treatment in debt resolution proceedings between domestic and foreign creditors, and for debtors and other concerned persons.

COATS AMENDMENT NO. 3523

Mr. COATS proposed an amendment to the bill, S. 2334, supra; as follows:

On page 31, line 7, strike ''and'' and all that follows through ''(KEDO)'' on line 9.

Beginning on page 32, strike line 10 and all that follows through line 24 on page 33 and insert the following: ''That, notwithstanding any other provision of law, of the funds appropriated under this heading not less than $56,000,000 shall be available only for antiterrorism assistance under chapter 8 of part II of the Foreign Assistance Act of 1961.''.

BROWNBACK AMENDMENT NO. 3524

Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill, S. 2334, supra; as follows:

On page 26, line 5, insert ''and infrastructure for secure communications and surveillance systems'' after ''training''.

BOND AMENDMENT NO. 3525

Mr. MCCONNELL (for Mr. BOND) proposed an amendment to the bill, S. 2334, supra; as follows:

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

(a) FINDINGS.—Congress finds that—

(1) Iraq is continuing efforts to mask the extent of its weapons of mass destruction and missile programs;

(2) proposals to relax the current international inspection regime would have potentially dangerous consequences for international security; and

(3) Iraq has demonstrated time and again that it cannot be trusted to abide by international norms or by its own agreements, and that the only way the international community can be assured of Iraqi compliance is by ongoing inspection.

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

(1) the international agencies charged with inspections in Iraq—the International Atomic Energy Agency (IAEA) and the United Nations Special Commission (UNSCOM) should maintain vigorous inspections, including surprise inspections, within Iraq; and

(2) the United States should oppose any efforts to ease the inspections regimes on Iraq until there is clear, credible evidence that the Government of Iraq is no longer seeking to acquire weapons of mass destruction and the means of delivering them.

(c) REPORT.—Not later than 30 days after the date of enactment of this Act, the President shall submit a report to Congress on the United States Government's assessment of Iraq's nuclear and other weapons of mass destruction programs and its efforts to move toward procurement of nuclear weapons and the means to deliver weapons of mass destruction. The report shall also—

(1) assess the United States view of the International Atomic Energy Agency's action team reports and other IAEA efforts to monitor the extent and nature of Iraq's nuclear program; and

(2) include the United States Government's opinion on the value of maintaining the ongoing inspection regime rather than replacing it with a passive monitoring system.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mr. SPECTER. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services to meet on Tuesday, September 1, 1998, at 2:00 p.m. for a hearing on ''Use of Mass Mail to Defraud Congress.''

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

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Youth Violence, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Tuesday, September 1, 1998 at 9:30 a.m. to hold a hearing in room 226, Senate Dirksen Building, on: ''Fixing a Broken System: Preventing Crime Through Intervention.''

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

ADDITIONAL STATEMENTS

THE YEAR 2000—SIXTEEN MONTHS AND COUNTING

• Mr. JOHNSON. Mr. President, I rise today to speak about a critical issue which I fear has not received the attention it deserves. I am speaking about the Year 2000 computer problem which will strike in a mere sixteen months.

The year 2000 holds potential problems for all Americans. At numerous hearings by the Senate Banking Subcommittee on Financial Services and Technology, on which I serve, witnesses have testified that the year 2000 problem involves more than just computers—it is a pervasive problem for which there is no quick fix. But fix it we must, because there can be no extension of time.

I commend the efforts of Senator BENNETT, Chairman of that Banking Subcommittee, for his tireless efforts

to raise the profile of Y2K issues. Senator BENNETT now chairs the joint task force on Y2K, and he will be a forceful advocate for the necessity of addressing this issue.

Government, businesses, farms and homes rely on computers for nearly every aspect of their operations—from paying Social Security, to operating vehicles and equipment, to calculating interest, to conducting elections, to launching missiles. A failure in one computer system could not only be devastating to that particular operation, but could also have a domino effect.

For these reasons, it is vitally important that government and the private sector work together to avoid a potential disaster. According to a recent General Accounting Office (GAO) study, the federal government is extremely vulnerable to year 2000 problems because of its widespread dependence on computer systems.

The GAO study found uneven progress and made a number of recommendations for federal agencies to implement. Among them are the need to establish priorities, solidify data exchange agreements, and develop contingency plans.

GAO testimony before the Senate Agriculture Committee, on which I also serve, focused on the U.S. Department of Agriculture's (USDA) computer systems. The GAO concluded that if not properly fixed, severe consequences could result such as:

Payments to schools, farmers and others in rural communities could be delayed or incorrectly computed.

The economy could be adversely affected if information critical to crop and livestock providers and investors is unreliable, late or unavailable.

The import and export of foodstuffs could be delayed, thus increasing the likelihood that they will not reach their intended destinations before their spoilage dates.

Food distribution to schools and others could be stopped or delayed.

Public health and safety could be at risk if equipment used in USDA's many laboratories to detect bacteria, diseases, and unwholesome foods is not compliant.

These are a few of the potential year 2000 computer problems in just one agency of the federal government. Many federal agencies have made tremendous progress in solving their computer problems, but many more have been remiss. Therefore, the role of the Administration through the President' Council on Year 2000 Conversion becomes even more important in ensuring the federal government's readiness for year 2000.

I am encouraged by President Clinton's recent initiatives to increase national and global awareness of the Y2K problem and to facilitate private sector attempts to address it. The President's ''Year 2000 Good Samaritan'' legislation is designed to promote private sector exchange of year 2000-related information and would help our national preparedness for 2000.

Y2K will not just impact the United States. In today's global economy, no area can remain isolated from any other. The United States also will contribute $12 million to assist the World Bank's plan to raise awareness of the problem in developing countries.

I am also encouraged by the recent testing of Y2K compliance by Wall Street firms which are conducting a series of tests to see whether U.S. markets will face Y2K difficulties. These firms represent the type of foresight which will limit any dislocation caused by the Y2K glitch. This is the first known comprehensive effort to check the compliance of corporate America for the Y2K bug, and I hope more sectors of the economy quickly follow suit.

The potential difficulties are almost incalculable, when we consider the tremendous role computers play in our everyday lives. From food distribution to air traffic control. From our monetary infrastructure to electric power grids. Telecommunications systems and traffic lights. All of these necessities we take for granted could be impacted on January 1, 2000.

Congress must continue it's oversight to make certain that the necessary resources are brought to bear on this critical issue. We have made progress, but there is still a tremendous amount of work to be done. The clock is running, and we cannot afford to fail to meet the year 2000 deadline.●

GRAND RAPIDS' COMMUNITY SUCCESS

● Mr. ABRAHAM. Mr. President, I rise to bring to my colleagues' attention an important article from The American Enterprise magazine. In it Michael Barone of Reader's Digest lauds the great success of Grand Rapids, Michigan in rebuilding its economy and community. Mr. Barone reports that a vital combination of entrepreneurship, public spirit, and responsible philanthropy have brought the people of Grand Rapids together to build a vibrant economy and public life.

Business and community leaders in Grand Rapids have joined together to rehabilitate the downtown area. They have encouraged one another to sponsor important projects like the Van Andel Institute for nutrition research and Faith Inc., which trains people from close-in neighborhoods and places them in full-time jobs. A pro-business environment has facilitated the growth of diverse businesses, from furniture manufacturers to merchandisers. And Grand Rapids' respect for free markets and entrepreneurship has maintained an economy in which unemployment is low and small business thrives, with 80 percent of local businesses employing fewer than 30 people.

Mr. President, as we in the Senate continue our debate over how best to encourage the revitalization of distressed urban areas, I hope we will learn from cities like Grand Rapids. As a member of the Renewal Alliance and a strong supporter of its efforts to help distressed urban areas, I feel that Grand Rapids can provide us with an extremely helpful model of what works. This great city shows the importance of local involvement, free markets, and faith in rebuilding strong communities.

I heartily recommend this article to my colleagues and ask that its text be printed in the RECORD.

The article follows:

[From the American Enterprise, Sept./Oct. 1998]

A CITY WHERE BUSINESS AND PHILANTHROPY FLOURISH

(By Michael Barone)

Looking for a city with a tradition of community involvement, creative local philanthropy, vibrant cultural institutions old and new? Try Grand Rapids. The home town of President Gerald Ford, the city proposed by Chicago Tribune publisher Colonel Robert McCormick as a new national capital, Grand Rapids remains largely unknown nationally and even in Michigan is often overshadowed by Detroit. But greater Grand Rapids is now approaching a million people, its strong local economy has led Michigan's economic recovery, and its successful entrepreneurs have built civic institutions the envy of many metro areas two or three times the size. Civil society is alive and well here.

What are Grand Rapids' secret? One is a vigorous free market economy, built steadily over decades. Grand Rapids was first settled by New England Yankees and immigrants from Germany and the Netherlands at the falls of the Grand River, in the heart of Michigan's immense forests. Its first industries were lumber and a natural offshoot, furniture. In the first decades of this century Grand Rapids was the nation's leading producer of household furniture. But the forests were overharvested, the furniture market collapsed in the Depression, and after World War II manufacturers relocated to North Carolina.

Some furniture manufacturers who survived turned to office furniture. Today three of the nation's four largest office furniture manufacturers are located in Grand Rapids or nearby Holland. But there is plenty of diversity as well. The city is a leader in injected plastic moldings and a major center for tool and die shops, with lots of small successful firms. It is the headquarters of Meijer, whose 100-plus Thrifty Acres stores combine supermarkets with general merchandise stores—a formula Wal-Mart has copied but has not been able to make pay as well as Meijer. Grand Rapids is the headquarters of Universal Wood Products, the nation's largest fence producer. It is the home of Gordon Foods and Bissell carpet sweepers. It has one large General Motors plant and dozens of auto suppliers. Ada, a village six miles east, is the home of Amway, privately owned by the Van Andel and DeVos families, founded in a garage in 1959, now selling over $7 billion of home care housewares, and cosmetic products in 52 countries, most of them manufactured in Grand Rapids' Kent County.

Most of Grand Rapids' successful companies are small: 80 percent of businesses employ fewer than 30 people, according to John Caneppa, former chairman of Grand Rapids' Old Kent Bank. Firms that have grown bigger have done so through creative innovation and good employee relations. Local office furniture manufacturers pioneered modular units and electronic connectors. Amway

took an old idea—direct sales—and made it work on a scale never seen before. Fred Meijer, to make shopping more pleasant for parents with kids, installed mechanical ponies in his stores which cost one cent per ride and personally hands out ''Purple Cow'' cards for free ice cream cones.

Employee relations are also an important part of Grand Rapids' success. ''We have 60,000 people working with us,'' Fred Meijer says. ''We need them; so let's treat them like we need them.'' If any of us makes a mistake, he adds, ''we don't need to be bawled out, we need to be helped to succeed.'' That way, the ''job will be better, and everybody will be more productive.''

Nor is there an adversarial relationship between business and government. ''The best thing government can do is to get out of the way,'' says Grand Rapids City Manager Kurt Kimball. ''To try to create an environment that enables the private sector to achieve its ends. Prosperity for business means prosperity for residents. Then we'll have the resources for quality of life.'' Says GR magazine editor Carol Valade, ''There is a very low tolerance for government here—the attitude is, I will do it myself. And a tremendous respect for the arts of the entrepreneur. It spills over into government. The city removed 98 percent of its effluents from its sewers, without federal funds—the only city in Michigan to do so.''

Successful small businesses and small businesses that have grown large but have stayed headquartered here, have helped build Grand Rapids' cultural institutions. Even the banks have remained local. Old Kent is still based in Grand Rapids, though it has spread outward; First Union sold out to Detroit-based NBD, but David Frey, whose grandfather founded the bank, has kept the Frey Foundation here, and 85 percent of its grants are in western Michigan. ''Giving money intelligently is hard work,'' Frey says. ''A lot of due diligence is required. But there's the prospect of great satisfaction.''

Anyone walking through downtown Grand Rapids can see some of the reasons for that satisfaction. Twenty-five years ago, downtown Grand Rapids looked dumpy, with aging and often empty commercial buildings, and a grubby convention center. Then Grand Rapids' business leaders decided to make it something special. ''Always the private sector has taken the lead,'' says Frey. ''And people are willing to put corporate money into projects. Then they would get the city, county, or state governments to forge a coalition.'' Phase one, in the mid-1970s, included a new Old Kent building and Vandenberg Center, which replaced abandoned warehouses. Phase two included the Amway Plaza Hotel and the Gerald Ford Museum. Phase three includes the recently opened Van Andel Arena for Grand Rapids' minor league hockey and basketball, a new convention center, and a downtown campus for Grand Valley State College.

The secret is leadership and commitment. ''We have people who give time and effort and support. They sit at the same table,'' says Pete Secchia, head of Universal Products, and also a leader of Michigan's Republican Party who served as Ambassador to Italy under Bush. ''When we promise something,'' says Fred Meijer, sitting around a table with other Grand Rapids business leaders, ''we don't do it lightly. Not one of us has ever reneged on a promise.'' If there are problems, someone jumps in and solves them. ''The Amway Plaza would be torn down or destitute if Amway hadn't picked it up,'' Meijer adds.

With no major university or medical school, Grand Rapids has missed out on the boom in biomedicine. But that's likely to change with the building of a Van Andel Institute for nutrition research at Grand Rapids' Butterworth Hospital. Steve Van Andel, who has succeeded his father Jay as co-head of Amway, describes the process. ''We watched our fathers build the firm. The second generation got even more involved with the community. The building decision was also made by the second generation of the Van Andel and DeVos families. My dad and family have been discussing it for years. We decided to do something. Dad was always interested in nutrition, so we decided to build an institute that would work on nutrition research and education.'' He is thinking big. Peter Cook, who owns several big car dealerships and is on the board, says that it has five Nobel Prize winners as advisers and will have 200 to 300 doctors and scientists in a $30 million building.

Grand Rapids' philanthropists are buttressed not by the liberalism of so many national foundations but by traditional virtues. It's an early-to-bed-early-to-rise town, where people eat at home with their families. ''Everyone is doing well but restaurants,'' says Secchia, ''but the breakfast joints are filled at 6:30 in the morning,'' The churches are busy on Sundays, filled with people from all economic levels; the billionaire Van Andels and DeVoses pray at a modest Reform church not far from downtown. Or as Peter Cook puts it, ''A lot of our people have done more than their share in giving. We grew up in a Christian home and tithed, and after that you gave more. We give 30 to 40 percent of our income. . . . That type of thing is very influential. This is a good place to work and live.''

Entrepreneurial and religious impulses also inform Grand Rapids' programs to help the poor. Gene Pratt, now retired, tells of raising $1 million in less than two hours to renovate his community center, and how a kids' gardening project produced City Kids Barbecue sauce, got it stocked in Meijer's and other local supermarkets, and got 5 percent of the market. Verne Barry, head of the Downtown Development Agency, came to Grand Rapids in 1985 after living homeless in New York. With ministries and social service agencies he founded Faith Inc., which won competitive contracts with 25 local manufacturers. Hiring people from close-in neighborhoods, his group got commitments for 10 percent of the jobs on projects like the Van Andell Arena. He claims that more than 50 percent of those with little work experience are now in permanent employment.

Grand Rapids has low crime, low unemployment, and scandal-free local government. But statistics tell only part of the story. For Grand Rapids' leaders have put the imprint of their own personalities on the civic institutions they've built. The Grand Rapids Museum hosted an exhibit of the artist Perugino in 1997–98; Secchia helped set it up using his Italian contacts and the fact that Perugia is a sister city. Fred Meijer took over a 20-acre parcel of industrial property and built the Frederik Meijer Gardens, one of the nation's largest conservatories. Amid the plants and the gardens outside he placed 70 bronze sculptures he has collected over the years. You can see him there some days, smiling and enjoying himself as he leads kids around, explaining the plants and sculptures, and handling out Purple Cow cards for free ice cream cones—the spirit of Grand Rapids in person.●

WHAT'LL YA' HAVE? A TRIBUTE TO THE VARSITY

● Mr. CLELAND. Mr. President, I would like to take this opportunity to salute Georgia's beloved Varsity Restaurant for 70 years of prospering business and never-ending dedication to its customers and employees. People have come from all around the world simply for a sampling of the Varsity's great food and down home hospitality.

The Varsity was founded by Frank Gordy in 1928. As the world's largest drive-in, the Varsity's hot dogs, chili dogs, hamburgers, chili burgers, onion rings, french fries, and fried pies are the best in the world. The Varsity also sells more Coca-Cola than any other single outlet in the world. Whether you get your ''dogs'' at Atlanta's North Avenue Varsity, the Gwinnett Varsity off Jimmy Carter Blvd., the Varsity Jr. on Lindbergh Drive or the Varsity on Broad Street in Athens you are guaranteed to go back for more.

The menu is extensive and the Varsity's volume is legendary. Two miles of hot dogs, a ton of onions, 2500 pounds of potatoes, and 5,000 fried pies are served every day. Six 50 gallon pots of chili are made from scratch and, like all specialty items, are prepared from original recipes. Varsity orange is piped from the kitchen to faucets at the serving counter and the popular frosted version is also on tap.

Every time I come home to Atlanta from Washington, D.C., stopping by the Varsity is a must on my agenda. In fact, it is often my first stop after leaving the airport. All Georgians can attest that the Varsity's heavy weight, chili steak, frosted orange or fried pies are unlike any other food in the world. I cannot count the number of meals I have eaten at this Atlanta institution, but the memories of dining at the Varsity are endless.

Mr. President, I ask that you join me, our colleagues, and the entire Gordy family in recognizing 70 years of mouth-watering food and fond memories, and in wishing the entire Varsity family many more successes in the future.●

THE VERY BAD DEBT BOXSCORE

● Mr. HELMS. Mr. President, at the close of business yesterday, Monday, August 31, 1998, the federal debt stood at $5,564,553,479,478.04 (Five trillion, five hundred sixty-four billion, five hundred fifty-three million, four hundred seventy-nine thousand, four hundred seventy-eight dollars and four cents).

Five years ago, August 31, 1993, the federal debt stood at $4,403,247,000,000 (Four trillion, four hundred three billion, two hundred forty-seven million).

Ten years ago, August 31, 1988, the federal debt stood at $2,575,800,000,000 (Two trillion, five hundred seventy-five billion, eight hundred million).

Fifteen years ago, August 31, 1983, the federal debt stood at $1,348,374,000,000 (One trillion, three hundred forty-eight billion, three hundred seventy-four million).

Twenty-five years ago, August 31, 1973, the federal debt stood at $461,845,000,000 (Four hundred sixty-one billion, eight hundred forty-five million) which reflects a debt increase of

more than $5 trillion—$5,102,708,479,478.04 (Five trillion, one hundred two billion, seven hundred eight million, four hundred seventy-nine thousand, four hundred seventy-eight dollars and four cents) during the past 25 years.●

12th ANNUAL ENTREPRENEURIAL WOMEN'S CONFERENCE

● Mr. DURBIN. Mr. President, I rise today to offer my congratulations to the Women's Business Development Center (WBDC) as it celebrates the 12th Annual Entrepreneurial Women's Conference. The event, which is to be held on September 9, 1998, at Chicago's Navy Pier, will celebrate the Women's Business Development Center's second decade of outstanding service to women in the business community.

The Women's Business Development Center is a Chicago-based nonprofit women's business assistance center devoted to providing services and programs that support and accelerate the growing role of women business owners in the economy. Since its founding in 1986 by Carol Dougal and Hedy Ratner, the Women's Business Development Center has facilitated more than $20 million in women's business loans and has assisted women-owned businesses in gaining over $90 million of government and private contracts. More than 30,000 women business owners have benefitted from the following programs and services: counseling, workshops, entrepreneurial training, the Women's Business and Finance Programs, the Women's Business Enterprise Initiative, the Entrepreneurial Woman's Conference and the Women's Business and Buyers Mart.

The success of the Women's Business Development Center has inspired similar initiatives across the country. Women's business development programs modeled after the Center have been launched by economic development organizations in Indiana, Ohio, Florida, Massachusetts, and Pennsylvania. The tremendous inroads made by women in the business community over the past decade is due in no small part to the efforts of these organizations.

Mr. President, there are now more than 7.7 million women-owned businesses in the United States, and 250,000 of these businesses are located in my homestate of Illinois. Nationally, women's businesses generate $2.3 trillion of sales and employ one out of every four U.S. company workers.

Given the importance of women-owned businesses to the economy, I look forward to hearing about the continued successes of the Women's Business Development Center in the years to come. Once again let me offer my congratulations to the Women's Business Development Center on their 12th anniversary.●

5TH ANNUAL CROATIAN FESTIVAL

● Mr. ABRAHAM. Mr. President, I rise today to recognize the 5th Annual Croatian Festival that took place August 29–30, 1998 at St. Lucy Croatian Catholic Church in Troy. The Croatian Festival is a very important event for the Croatian community of Michigan, in that it showcases the beautiful Croatian culture and heritage and unites the 20 various Croatian organizations in the state who have come together to organize the Festival. Over the past few years, the Festival has proven to be a very exciting time with exhibits focusing on different regions of Croatia, a variety of Croatian foods, games and traditional Croatian music.

In addition to serving as a celebration of the Croatian culture, the Festival serves the very important purpose of raising funds to assist and reduce the debt of St. Lucy Croatian Catholic church. I wish St. Lucy success as they strive for this goal. I also want to extend my best wishes to the entire Croatian community of Michigan.●

GEMOLOGICAL INSTITUTE OF AMERICA AND GEM LABORATORY

● Mrs. BOXER. Mr. President, I rise today to commend the exemplary work of the Gemological Institute of America (GIA) and the GIA Gem Laboratory.

GIA has been the nation's leader in gemology training and education since 1931, conducting valuable research and establishing standards upon which purchasers of gems in the United States and abroad have come to rely.

The Federal Trade Commission (FTC), in establishing regulations concerning gems that are the subject of trade in the United States, adopted standards developed by GIA.

GIA's Gem Laboratory—located in New York City and Carlsbad, California—operates to protect the public from misrepresentation of gems, to assist in the recovery of stolen property, and to provide information useful in the prosecution of criminals involved in gem fraud or theft.

The Gem Laboratory is also the main body applying the FTC's regulations on gems (26 CFR Part 23), such that consumers have a means of determining whether the products they purchase are, in fact, the real thing. It serves an essential role in identifying gems and in detecting synthetics as well as colored, doctored, or treated gems being marketed as natural and in deterring those who might attempt to profit by misrepresenting their goods to American consumers.

The Laboratory can achieve these purposes only because it is responsible for identifying and/or testing a large proportion of the significant gems purchased by consumers in the United States.

The Laboratory's extensive computerized gem database enables it to identify stolen gems that it had previously tested and inhibits the fencing of stolen gems, thereby providing an important deterrent to gem theft.

At the request of the United States Customs Service and pursuant to licensing by the Nuclear Regulatory Commission, the Gem Laboratory also tests for irradiated gems posing a health risk to the American public.

The Federal Bureau of Investigation and local law enforcement agencies rely on the Gem Laboratory for assistance in solving crimes involving gems. The Laboratory has been instrumental in solving many such crimes, providing crucial evidence and expert testimony essential to their successful prosecution.

Mr. President, I commend GIA and the GIA Gem Laboratory for their contribution to the protection of the consumer. Through its work, the Gem Laboratory significantly lessens the burdens of the federal government that would otherwise have to be borne by the FTC, the FBI, the Customs Service, and other government agencies.●

REPORT OF THE SPECIAL INVESTIGATION UNIT ON GULF WAR ILLNESSES

● Mr. ROCKEFELLER. Mr. President, today the Committee on Veterans' Affairs released the final report of its Special Investigation Unit (SIU) on Gulf War Illnesses. The report represents the culmination of the unit's year-long, 20-member staff investigation into issues surrounding the illnesses that have affected many veterans of the 1990–91 Persian Gulf War.

The Gulf War ended over seven years ago, but the aftermath of this military victory will remain with us for years to come. This brief war represented a critical turning point in our concept of modern warfare. For the first time since World War I, we faced the possibility of widespread use of chemical warfare agents. Previously, concerns about the use of ''weapons of mass destruction'' focused on the threat of nuclear warfare, increasingly possessed by the more developed nations of the world, but still limited in availability. But in the Gulf, we came face-to-face with the threat of the ''poor man's atomic weapons''—chemical and biological weapons.

Chemical and biological weapons have been around for a long time. The United States and its allies abandoned the use of chemical weapons many years ago. In April 1997, the United States Senate ratified the Chemical Weapons Convention, joining many other nations in the international disarmament of chemical weapons. But for terrorists and rogue nations, chemical and biological weapons remain the weapons of choice, and they are likely to play a significant role in the battlefields of the future. According to Secretary of Defense William S. Cohen, just as we faced this threat in the Gulf War, we are likely to face it again.

In hearings before the Committee on Veterans' Affairs, military heroes such

as General Norman Schwarzkopf and General Colin Powell recounted their fears about the potential use of chemical or biological weapons in the Gulf War. They described the dilemmas they faced as they realized that vaccine supplies were inadequate to protect the 697,000 men and women who were deployed to the Gulf, forcing our leaders to decide who would be protected and who would not. They recalled the anguish associated with making those decisions. But fortunately, the widespread use of chemical weapons and the massive casualties that had been predicted for that war did not occur.

After the Gulf War, it was generally agreed that we must be better prepared to meet this threat in the future. We needed to develop new technologies for the detection of chemical and biological weapons in the battlefield; to make sure that we had adequate supplies of vaccines and medical antidotes, and other protective equipment, especially masks and suits; and to ensure that our troops received adequate training to carry out their mission in the event of use of chemical/biological warfare. Given the crisis our military faced during the Gulf War as our leaders realized that we were not well prepared then, you might expect it would be high priority to make sure we are not caught unprepared again. Sadly, this has not been the case.

The SIU report finds that almost eight years after the Gulf War, our military is still not prepared to fight in a chemical or biological warfare environment. The Inspector General of the Department of Defense corroborated these findings in a recent report which states that with the exception of Navy surface ships, our armed forces are unable to assess unit chemical and biological defense readiness because unit commanders have not made this training a priority. Of the 232 units reviewed by the Inspector General, 80 percent were not fully integrating chemical and biological defense into unit mission training. This is completely unacceptable.

The SIU also found that training for chemical and biological warfare is still inadequate, and that the technology for battlefield detection of chemical warfare agents has not improved since the Gulf War. Although the threat of chemical and biological warfare has increased since the Gulf War and hangs heavy over the potential battlefields of the 21st century, the military still has inadequate supplies of vaccines and chemical/biological protective equipment. It is imperative that we be prepared to face these very real risks. Moreover, we must be ready for the possibility that the next terrorist attack on U.S. civilians may include such weapons. The task of domestic defense and preparedness poses an even greater challenge.

Recent events underscore the need to make this defense and readiness issue a national priority. Eight years after the Gulf War, United Nations inspectors still have not been able to fully assess Iraq's chemical and biological weapons capabilities. We have all seen the roadblocks that Saddam Hussein has succeeded in placing in the path of this international effort to inspect for these weapons. Fortunately, we did not have to send in military personnel in the recent U.S. attack to destroy the chemical plant in Sudan. Had we needed to, however, and if these terrorists had chemical and biological weapons, I fear our ground troops would have been ill-prepared to function in such an environment.

My concerns here are not new. In 1994, when I was chairman of the Committee, my staff issued a report that called attention to many of the long-term health concerns arising from our soldiers' exposures to environmental hazards. Many of the concerns raised then remain today.

Senator SPECTER and I will call upon Secretary Cohen to carefully consider the findings of this report and provide an emergency action plan to address these shortcomings. I am confident that he is as concerned about our military's preparedness for this threat as we are, and we look forward to his response.

Our military men and women must be protected and they must be prepared to fight in a chemical/biological warfare environment. That means that they need ongoing, quality training in chemical/biological defense and detection systems that will work quickly and reliably on the battlefield. It means that they need adequate supplies of the required chemical protection masks and suits, and training in how to properly use them under battlefield conditions. It means they need sufficient supplies of vaccines, antibiotics, and medical antidotes. And it means that they need well-trained medical personnel who are prepared to respond to chemical and biological warfare casualties, and the medical equipment needed to care for such casualties.

All of this means a commitment of time and funding across all the service branches, and the support and leadership of commanders everywhere to guarantee this commitment. Most of all, this requires a solid commitment from this Congress and President Clinton.

We have had enough talk of readiness—it's time to make it a reality if we are to fight on the battlefields of the 21st century.

Mr. President, I request that a summary of the report's findings prepared by my staff be printed in the RECORD.

The summary follows:

REPORT SUMMARY

The report of the Committee on Veterans' Affairs' Special Investigation Unit (SIU) on Gulf War Illnesses is thematically divided into 4 major sections or chapters.

Chapter 1 addresses DoD and CIA intelligence operations during the War and the destruction of the Khamisiyah munitions depot. It reviews some of the communication problems that existed with poor transfer of critical intelligence information between DoD and CIA on the locations of Iraqi chemical weapons facilities. It also critically reviews DoD's efforts to ''model'' the events that transpired at the U.S. demolition of the Khamisiyah munitions depot in March 1991. The SIU report is particularly critical of the Office of the Special Assistant for Gulf War Illnesses' (OSAGWI) efforts to research the weather conditions that existed on the day of the demolition, as it related to estimates of the numbers of U.S. servicemembers who would have potentially been exposed to low levels of chemical warfare agents, such as sarin.

The report points out that the OSAGWI modeling report does not integrate crucial weather information provided by a division of the Air Force that is typically viewed as expert on such issues. Further, the OSAGWI report was largely an internal document, and it was not subjected to the scientific rigors of the peer review process. The Special Investigation Unit (SIU) also contracted with a scientific consultant who supported these criticisms and found that the estimate of approximately 100,000 servicemembers who may have been exposed to be a grossly overestimated figure.

The defense and intelligence chapter also details the SIU's investigation of the question of whether there are additional Khamisiyahs or chemical weapons exposures to be found. On the basis of extensive review of classified and unclassified documents, interviews with military officials in Great Britain, France, the Czech Republic, and our Arab allies, and an interview with inspectors of the United Nations Inspection Team, the SIU found no evidence to either prove or disprove that the Iraqis offensively used chemical weapons during the Gulf War. The SIU did find that during the Gulf War, our military was not adequately prepared to deal with the threat of chemical or biological warfare, and our military continues to be inadequately prepared today.

Chapter 2 is an ''Assessment of Gulf War Veterans' Health Care Services and Compensation at the Department of Veterans Affairs.'' The SIU team found that VA has often inadequately monitored a number of Persian Gulf War health and benefits programs. As a result, VA demonstrates inconsistent compliance with their own regulations and policy directives, and inadequate implementation of services and benefits for Gulf War veterans. This chapter concludes that too many Gulf War veterans are dissatisfied with the health care that they are receiving from VA, and too few are receiving timely responses to their compensation benefits claims.

The SIU report states that ''although VA purports to operate as a single entity on behalf of veterans, in practice it is a loosely linked group of bureaucracies that operate largely in isolation from one another.'' This organizational structure contributes to problematic communication and bureaucratic hurdles that affect VA's ability to provide effective and efficient service to Gulf War veterans. The greatest problems were seen in VBA's handling of Gulf War compensation claims, and their processing was characterized as ''inconsistent and counterproductive.'' While the report notes problems with the health care provided to Gulf War veterans, the SIU staff also found a number of very caring and competent health professionals who were delivering appropriate health care, despite obstacles such as limited information and resources.

Chapters 3 and 4 focus specifically on health concerns and health research. This chapter reviews the chronology of health-related events, the assessment of the range of possible exposures in the Gulf War, the nature of the health problems that have

emerged, and the government research response on this issue. This information is presented in Chapter 3, ''Evaluations of Wartime Exposures, Gulf War Veteran Health Concerns, and Related Research, and Unanswered Questions.'' Chapter 4, ''Possible Long Term Health Consequences of Gulf War Exposures: An Independent Evaluation,'' contains the brief reports of scientists the SIU contracted with for independent reviews. These prominent scientists reviewed scientific literature on a variety of exposures including pesticides, PB, chemicals, stress, and other wartime and environmental hazards, and the health consequences that follow such exposures.

Both health chapters conclude that there is no single ''Gulf War Syndrome'' characterized by a single disease entity or diagnostic label. Instead, there is a significant proportion of Gulf War veterans who returned home with a number of chronic, poorly understood symptoms such as headaches, joint pains, rashes, fatigue, gastrointestinal difficulties, and other symptoms that are potentially disabling in some cases. In studies that have compared the rate of these symptoms among Gulf War veterans to the rate of symptoms in veterans of the same era who were not deployed to the Gulf, significantly more symptoms are reported by the Gulf War veterans. It is clear that many veterans are ill, and it is also clear that we may never know why.

There are many reasons why the question of ''why are Gulf War veterans ill?'' cannot be answered.

First, DoD deployed many reservists and active military personnel to the Gulf without adequate pre-deployment medical evaluations; as a result, we do not know what preexisting illnesses or health conditions they may have had. In any health investigation, such information would serve as an important baseline from which to assess the pattern of emerging illnesses.

Second, DoD's medical recordkeeping for the Gulf War was grossly inadequate. There are no clear records of even basic information, such as the vaccine records of the men and women who served in the Gulf. It is unclear whether such records were ever kept or whether they were destroyed because they were not felt to be a high enough priority to warrant space on the military cargo planes returning to the United States after the war. Many of the medical records from the war are also missing, hindering any efforts to review information on the numbers of troops who were hospitalized or received medical care in the Gulf. Finally, there was no DoD recordkeeping on the range and extent of exposures present in the Gulf. All these factors seriously hinder any research efforts to establish a cause and effect for the health problems that followed the Gulf War.

Also, in addition to the broad range of possible exposures—heat, pesticides, PB, smoke from oil well fires, petroleum products, ultra-fine sand particles, stress, and others—and their individual health effects, there is also the issue of the potential effects of an almost infinite number of possible combinations of such agents. Health research today is often not designed or conducted in ways that allow us to fully understand the interactive effects of such agents and their subsequent health consequences. All these issues complicate, and in fact hamper, current examinations of the events of the Gulf War while trying to answer the question of ''why are Gulf War veterans ill?''.

Some of the scientific experts the SIU contracted with were able to provide very sound criticism of some of the hypotheses about Gulf War illnesses, such as discounting the role of a possible infectious agent, such as mycoplasma. They were also able to clarify issues such as the possible health effects of PB or pesticides, as well as the links between stressful exposures, such as combat, and long-term physical health. These experts also made a number of important recommendations regarding future research directions and better prevention of unnecessary health risks which were integrated into the report.

A number of the report's recommendations will be used to develop additional legislation. Many of the major legislative issues have been covered already in S. 2358, the legislation that was introduced by Senators ROCKEFELLER, BYRD, and SPECTER. Specifically, S. 2358, the Persian Gulf War Veterans' Act of 1998:

Calls for the Secretary of VA to contract with the National Academy of Sciences (NAS) to provide a scientific basis for determining the association between illnesses and exposures to environmental or wartime hazards as a result of service in the Gulf War;

Authorizes VA to presume that illnesses that have a positive association with exposures to hazards during the war were related to service even if there was no evidence of illness during service;

Extends VA's authority to provide health care to Gulf War veterans through 2001;

Requires the Secretary to task NAS with the identification of additional research issues that the government should conduct to better understand the adverse health effects of exposures to environmental or wartime hazards associated with Gulf War service;

Tasks NAS with assessing potential treatment models for chronic, undiagnosed illnesses that have affected Gulf War veterans;

Establishes a system to monitor the health status and health care utilization of Gulf War veterans with chronic, undiagnosed illnesses within VA and DoD health care systems;

Requires that VA, in consultation with HHS and DoD, carry out an ongoing outreach program to provide information to Gulf War veterans;

Extends and improves upon VA's Persian Gulf Spouse and Children Evaluation Program, and;

Requires the Secretary of VA to enter into an agreement with NAS to study the feasibility of establishing, as an independent entity, a National Center for the Study of Military Health. Such a center would evaluate and monitor interagency efforts and coordination on issues related to post-deployment and would look at issues of how to better prevent and treat post-conflict illnesses.

In addition to these important issues addressed by S. 2358, the report highlights further a number of shortcomings within VA's and DoD's current policies. They include:

The need for DoD to place a higher priority on training and preparedness for the threat of offensive use of chemical and biological weapons (CBW) in today's warfare scenarios, including better CBW detection systems, adequate supplies of protective masks and suits, adequate numbers of vaccines for protection, and medical isolation units for treatment of such casualties;

The need for greater prevention of unnecessary health risks in the battlefield (and on domestic military bases), such as unnecessary exposures to inappropriate use of and inadequate monitoring of environmental agents such as pesticides, solvents, depleted uranium, and other identified health hazards, to include coordination and consultation with EPA and CDC on identifying and managing such risks;

The need for DoD to participate in the proposed national, state-based birth defects registry in order to better assess the relative risks of birth defects in military populations;

Given VA's history with environmental health issues such as Agent Orange, atomic veterans, and Gulf War veterans' health concerns, the need for VA to create the position of an Assistant Secretary of Veterans Affairs for Deployment-Related Health Matters, with responsibilities to include oversight of issues such as battlefield illnesses;

The need for DoD and VA to improve monitoring of health care to Gulf War veterans, to include identification of any barriers to care currently in the system and the need to develop methods for early detection of illnesses with delayed onset, such as cancer;

The need to ensure comprehensive pre- and post-deployment medical examinations of Reservists who are placed on active duty for deployment for military operations; and

The need for the Secretaries of the Departments of Defense and Veterans Affairs to implement doctrine that reflects and builds upon the lessons learned from the Gulf War in order to avoid repeating many of these same mistakes with future military deployments and veteran populations.●

TRANSPORTATION AND TRAVEL REFORM ACT OF 1998

Ms. SNOWE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 533, H.R. 930.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 930) to require Federal employees to use Federal travel charge cards for all payments of expenses of official Government travel, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H.R. 930) to require Federal employees to use Federal travel charge cards for all payments of expenses of official Government travel, to amend title 31, United States Code, to establish requirements for prepayment audits of Federal agency transportation expenses, to authorize reimbursement of Federal agency employees for taxes incurred on travel or transportation reimbursements, and to authorize test programs for the payment of Federal employee travel expenses and relocation expenses, which had been reported from the Committee on Governmental Affairs, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Travel and Transportation Reform Act of **[**1997**]** *1998*''.

SEC. 2. REQUIRING USE OF THE TRAVEL CHARGE CARD.

(a) IN GENERAL.—Under regulations issued by the Administrator of General Services after consultation with the Secretary of the Treasury, the Administrator shall require that Federal employees use the travel charge card established pursuant to the United States Travel and Transportation Payment and Expense Control System, or any Federal contractor-issued travel charge card, for all payments of expenses of official Government travel. The Administrator shall exempt any

payment, person, type or class of payments, or type or class of personnel from any requirement established under the preceding sentence in any case in which—

(1) it is in the best interest of the United States to do so;

(2) payment through a travel charge card is impractical or imposes unreasonable burdens or costs on Federal employees or Federal agencies; or

(3) the Secretary of Defense or the Secretary of Transportation (with respect to the Coast Guard) requests an exemption with respect to the members of the uniformed services.

(b) AGENCY EXEMPTION.—The head of a Federal agency or the designee of such head may exempt any payment, person, type or class of payments, or type or class of agency personnel from subsection (a) if the agency head or the designee determines the exemption to be necessary in the interest of the agency. Not later than 30 days after granting such an exemption, the head of such agency or the designee shall notify the Administrator of General Services in writing of such exemption stating the reasons for the exemption.

[(b)] *(c)* LIMITATION ON RESTRICTION ON DISCLOSURE.—

(1) IN GENERAL.—Section 1113 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413) is amended by adding at the end the following new subsection:

''(q) Nothing in this title shall apply to the disclosure of any financial record or information to a Government authority in conjunction with a Federal contractor-issued travel charge card issued for official Government travel.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) is effective as of October 1, 1983, and applies to any records created pursuant to the United States Travel and Transportation Payment and Expense Control System or any Federal contractor-issued travel charge card issued for official Government travel.

[(c)] *(d)* COLLECTION OF AMOUNTS OWED.—

(1) IN GENERAL.—Under regulations issued by the Administrator of General Services and upon written request of a Federal contractor, the head of any Federal agency or a disbursing official of the United States may, on behalf of the contractor, collect by deduction from the amount of pay owed to an employee of the agency any amount of funds the employee owes to the contractor as a result of delinquencies not disputed by the employee on a travel charge card issued for payment of expenses incurred in connection with official Government travel. The amount deducted from the pay owed to an employee with respect to a pay period may not exceed 15 percent of the disposable pay of the employee for that pay period, except that a greater percentage may be deducted upon the written consent of the employee.

(2) DUE PROCESS PROTECTIONS.—Collection under this subsection shall be carried out in accordance with procedures substantially equivalent to the procedures required under section 3716(a) of title 31, United States Code.

(3) DEFINITIONS.—For the purpose of this subsection:

(A) AGENCY.—The term ''agency'' has the meaning that term has under section 101 of title 31, United States Code.

(B) EMPLOYEE.—The term ''employee'' means an individual employed in or under an agency, including a member of any of the uniformed services. For purposes of this subsection, a member of one of the uniformed services is an employee of that uniformed service.

(C) MEMBER; UNIFORMED SERVICE.—Each of the terms ''member'' and ''uniformed service'' has the meaning that term has in section 101 of title 37, United States Code.

[(d)] *(e)* REGULATIONS.—Within 270 days after the date of enactment of this Act, the Administrator of General Services shall promulgate regulations implementing this section, that—

(1) make the use of the travel charge card established pursuant to the United States Travel and Transportation System and Expense Control System, or any Federal contractor-issued travel charge card, mandatory for all payments of expenses of official Government travel pursuant to this section;

(2) specify the procedures for effecting under subsection [(c)] *(d)* a deduction from pay owed to an employee, and ensure that the due process protections provided to employees under such procedures are no less than the protections provided to employees pursuant to section 3716 of title 31, United States Code;

(3) provide that any deduction under subsection [(c)] *(d)* from pay owed to an employee may occur only after reimbursement of the employee for the expenses of Government travel with respect to which the deduction is made; and

(4) require agencies to promptly reimburse employees for expenses charged on a travel charge card pursuant to this section, and by no later than 30 days after the submission of a claim for reimbursement.

[(e)] *(f)* REPORTS.—

(1) IN GENERAL.—The Administrator of General Services shall submit 2 reports to the Congress on agency compliance with this section and regulations that have been issued under this section.

(2) TIMING.—The first report under this subsection shall be submitted before the end of the 180-day period beginning on the date of enactment of this Act, and the second report shall be submitted after that period and before the end of the 540-day period beginning on that date of enactment.

(3) PREPARATION.—Each report shall be based on a sampling survey of agencies that expended more than $5,000,000 during the previous fiscal year on travel and transportation payments, including payments for employee relocation. The head of an agency shall provide to the Administrator the necessary information in a format prescribed by the Administrator and approved by the Director of the Office of Management and Budget.

(g) REIMBURSEMENT OF TRAVEL EXPENSES.—In accordance with regulations prescribed by the Administrator of General Services, the head of an agency shall ensure that the agency reimburses an employee who submits a proper voucher for allowable travel expenses in accordance with applicable travel regulations within 30 days after submission of the voucher. If an agency fails to reimburse an employee who has submitted a proper voucher within 30 days after submission of the voucher, the agency shall pay the employee a late payment fee as prescribed by the Administrator.

SEC. 3. PREPAYMENT AUDITS OF TRANSPORTATION EXPENSES.

(a) IN GENERAL.—(1) Section 3322 of title 31, United States Code, is amended in subsection (c) by inserting after ''classifications'' the following: ''if the Administrator of General Services has determined that verification by a prepayment audit conducted pursuant to section 3726(a) of this title for a particular mode or modes of transportation, or for an agency or subagency, will not adequately protect the interests of the Government''.

(2) Section 3528 of title 31, United States Code, is amended—

(A) in subsection (a) by striking ''and'' after the semicolon at the end of paragraph (3), by striking the period at the end of subsection (a)(4)(C) and inserting ''; and'', and by adding at the end the following new paragraph:

''(5) verifying transportation rates, freight classifications, and other information provided on a Government bill of lading or transportation request, unless the Administrator of General Services has determined that verification by a prepayment audit conducted pursuant to section 3726(a) of this title for a particular mode or modes of transportation, or for an agency or subagency, will not adequately protect the interests of the Government.'';

(B) in subsection (c)(1), by inserting after ''deductions'' the following: ''and the Administrator of General Services has determined that verification by a prepayment audit conducted pursuant to section 3726(a) of this title for a particular mode or modes of transportation, or for an agency or subagency, will not adequately protect the interests of the Government''; and

(C) in subsection (c)(2), by inserting after ''agreement'' the following: ''and the Administrator of General Services has determined that verification by a prepayment audit conducted pursuant to section 3726(a) of this title for a particular mode or modes of transportation, or for an agency or subagency, will not adequately protect the interests of the Government''.

(3) Section 3726 of title 31, United States Code, is amended—

(A) by amending subsection (a) to read as follows:

''(a)(1) Each agency that receives a bill from a carrier or freight forwarder for transporting an individual or property for the United States Government shall verify its correctness (to include transportation rates, freight classifications, or proper combinations thereof), using prepayment audit, prior to payment in accordance with the requirements of this section and regulations prescribed by the Administrator of General Services.

''(2) The Administrator of General Services may exempt bills, a particular mode or modes of transportation, or an agency or subagency from a prepayment audit and verification and in lieu thereof require a postpayment audit, based on cost effectiveness, public interest, or other factors the Administrator considers appropriate.

''(3) Expenses for prepayment audits shall be funded by the agency's appropriations used for the transportation services.

''(4) The audit authority provided to agencies by this section is subject to oversight by the Administrator.'';

(B) by redesignating subsections (b), (c), (d), (e), (f), and (g) in order as subsections (d), (e), (f), (g), (h), and (i), respectively;

(C) by inserting after subsection (a) the following new subsections:

''(b) The Administrator may conduct pre- or postpayment audits of transportation bills of any Federal agency. The number and types of bills audited shall be based on the Administrator's judgment.

''(c)(1) The Administrator shall adjudicate transportation claims which cannot be resolved by the agency procuring the transportation services, or the carrier or freight-forwarder presenting the bill.

''(2) A claim under this section shall be allowed only if it is received by the Administrator not later than 3 years (excluding time of war) after the later of the following dates:

''(A) The date of accrual of the claim.

''(B) The date payment for the transportation is made.

''(C) The date a refund for an overpayment for the transportation is made.

''(D) The date a deduction under subsection (d) of this section is made.'';

(D) in subsection (f), as so redesignated, by striking ''subsection (c)'' and inserting ''subsection (e)'', and by adding at the end the

following new sentence: ''This reporting requirement expires December 31, 1998.'';

(E) in subsection (i)(1), as so redesignated, by striking ''subsection (a)'' and inserting ''subsection (c)''; and

(F) by adding after subsection (i), as so redesignated, the following new subsection:

''(j) The Administrator of General Services may provide transportation audit and related technical assistance services, on a reimbursable basis, to any other agency. Such reimbursements may be credited to the appropriate revolving fund or appropriation from which the expenses were incurred.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective 18 months after the date of enactment of this Act.

SEC. 4. REIMBURSEMENT FOR TAXES ON MONEY RECEIVED FOR TRAVEL EXPENSES.

(a) IN GENERAL.—Title 5, United States Code, is amended by inserting after section 5706b the following new section:

''§ 5706c. Reimbursement for taxes incurred on money received for travel expenses

''(a) Under regulations prescribed pursuant to section 5707 of this title, the head of an agency or department, or his or her designee, may use appropriations or other funds available to the agency for administrative expenses, for the reimbursement of Federal, State, and local income taxes incurred by an employee of the agency or by an employee and such employee's spouse (if filing jointly), for any travel or transportation reimbursement made to an employee for which reimbursement or an allowance is provided.

''(b) Reimbursements under this section shall include an amount equal to all income taxes for which the employee and spouse, as the case may be, would be liable due to the reimbursement for the taxes referred to in subsection (a). In addition, reimbursements under this section shall include penalties and interest, for the tax years 1993 and 1994 only, as a result of agencies failing to withhold the appropriate amounts for tax liabilities of employees affected by the change in the deductibility of travel expenses made by Public Law 102–486.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5706b the following new item:

''5706c. Reimbursement for taxes incurred on money received for travel expenses.''.

(c) EFFECTIVE DATE.—This section shall be effective as of January 1, 1993.

SEC. 5. AUTHORITY FOR TEST PROGRAMS.

(a) TRAVEL EXPENSES TEST PROGRAMS.—Subchapter I of chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

''§ 5710. Authority for travel expenses test programs

''(a)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an agency may pay through the proper disbursing official for a period not to exceed 24 months any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

''(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

''(3) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

''(b) The Administrator shall transmit a copy of any test program approved by the Administrator under this section to the appropriate committees of the Congress at least 30 days before the effective date of the program.

''(c) An agency authorized to conduct a test program under subsection (a) shall provide to the Administrator and the appropriate committees of the Congress a report on the results of the program no later than 3 months after completion of the program.

''(d) No more than 10 test programs under this section may be conducted simultaneously.

''(e) The authority to conduct test programs under this section shall expire 7 years after the date of enactment of the Travel and Transportation Reform Act of [1997] *1998*.''.

(b) RELOCATION EXPENSES TEST PROGRAMS.—Subchapter II of chapter 57 of title 5, United States Code, is further amended by adding at the end the following new section:

''§ 5739. Authority for relocation expenses test programs

''(a)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an agency may pay through the proper disbursing official for a period not to exceed 24 months any necessary relocation expenses in lieu of any payment otherwise authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

''(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

''(3) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

''(b) The Administrator shall transmit a copy of any test program approved by the Administrator under this section to the appropriate committees of the Congress at least 30 days before the effective date of the program.

''(c) An agency authorized to conduct a test program under subsection (a) shall provide to the Administrator and the appropriate committees of the Congress a report on the results of the program no later than 3 months after completion of the program.

''(d) No more than 10 test programs under this section may be conducted simultaneously.

''(e) The authority to conduct test programs under this section shall expire 7 years after the date of enactment of the Travel and Transportation Reform Act of [1997] *1998*.''.

(c) CLERICAL AMENDMENTS.—The table of sections for chapter 57 of title 5, United States Code, is further amended by—

(1) inserting after the item relating to section 5709 the following new item:

''5710. Authority for travel expenses test programs.'';

and

(2) inserting after the item relating to section 5738 the following new item:

''5739. Authority for relocation expenses test programs.''.

SEC. 6. DEFINITION OF UNITED STATES.

Chapter 57 of title 5, United States Code, is amended—

(1) in section 5721—

(A) in paragraph (4), by striking ''and'' following the semicolon at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(6) 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the territories and possessions of the United States, and the areas and installations in the Republic of Panama that are made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979); and

''(7) 'Foreign Service of the United States' means the Foreign Service as constituted under the Foreign Service Act of 1980.'';

(2) in section 5722—

(A) in subsection (a)(2), by striking ''outside the United States'' and inserting ''outside the continental United States''; and

(B) in subsection (b), by striking ''United States'' each place it appears and inserting ''Government'';

(3) in section 5723(b), by striking ''United States'' each place it appears and inserting ''Government'';

(4) in section 5724—

(A) in subsection (a)(3), by striking '', its territories or possessions'' and all that follows through ''1979''; and

(B) in subsection (i), by striking ''United States'' each place it appears in the last sentence and inserting ''Government'';

(5) in section 5724a, by striking subsection (j);

(6) in section 5725(a), by striking ''United States'' and inserting ''Government'';

(7) in section 5727(d), by striking ''United States'' and inserting ''continental United States'';

(8) in section 5728(b), by striking ''an employee of the United States'' and inserting ''an employee of the Government'';

(9) in section 5729, by striking ''or its territories or possessions'' each place it appears;

(10) in section 5731(b), by striking ''United States'' and inserting ''Government''; and

(11) in section 5732, by striking ''United States'' and inserting ''Government''.

SEC. 7. TECHNICAL CORRECTIONS TO THE FEDERAL EMPLOYEE TRAVEL REFORM ACT OF 1996.

Section 5724a of title 5, United States Code, is amended—

(1) in subsections (a) and (d)(1) and (2), by striking ''An agency shall pay'' each place it appears and inserting ''Under regulations prescribed under section 5738, an agency shall pay'';

(2) in subsections (b)(1), (c)(1), (d)(8), and (e), by striking ''An agency may pay'' each place it appears and inserting ''Under regulations prescribed under section 5738, an agency may pay'';

(3) by amending subsection (b)(1)(B)(ii) to read as follows:

''(ii) an amount for subsistence expenses, that may not exceed a maximum amount determined by the Administrator of General Services.'';

(4) in subsection (c)(1)(B), by striking ''an amount for subsistence expenses'' and inserting ''an amount for subsistence expenses, that may not exceed a maximum amount determined by the Administrator of General Services,'';

(5) in subsection (d)(2)(A), by striking ''for the sale'' and inserting ''of the sale'';

(6) in subsection (d)(2)(B), by striking ''for the purchase'' and inserting ''of the purchase'';

(7) in subsection (d)(8), by striking ''paragraph (2) or (3)'' and inserting ''paragraph (1) or (2)'';

(8) in subsection (f)(1), by striking ''Subject to paragraph (2),'' and inserting ''Under

regulations prescribed under section 5738 and subject to paragraph (2),''; and

(9) by striking subsection (i).

Ms. SNOWE. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The bill (H.R. 930) was passed.

AUTHORIZATION FOR REPRESENTATION BY SENATE LEGAL COUNSEL

Ms. SNOWE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 269 submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 269) to authorize production of Senate documents and representation by Senate Legal Counsel in the case of Rose Larker, et al. v. Kevin A. Carias-Herrera, et al.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, the case of Rose Larker, et al. v. Kevin A. Carias-Herrera, et al., pending in the Superior Court for the District of Columbia, involves claims of personal injury by the named plaintiff, a former employee of the Sergeant at Arms who worked in Environmental Services. The defendant in this case has issued a subpoena for documents to the Senate Sergeant at Arms. The enclosed resolution would authorize the Sergeant at Arms to produce such documents. It would also authorize the Senate Legal Counsel to represent the Sergeant at Arms in connection with the production of such documents.

Ms. SNOWE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 269) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 269

Whereas, in the case of *Rose Larker, et al.* v. *Kevin A. Carias-Herrera, et al.*, Civil No. 97CA06257, pending in the Superior Court for the District of Columbia, a subpoena has been issued for the production of documents of the Sergeant-at-Arms and Doorkeeper of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, officers, and employees of the Senate with respect to any subpoena, order, or request for testimony or document production relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Sergeant-at-Arms and Doorkeeper of the Senate is authorized to produce documents relevant to the case of *Rose Larker, et al.* v. *Kevin A. Carias-Herrera, et al.*

SEC. 2. That the Senate Legal Counsel is authorized to represent the Sergeant-at-Arms and Doorkeeper of the Senate in connection with the production of documents in this case.

MEASURE INDEFINITELY POSTPONED—S. 2160

Ms. SNOWE. Mr. President, I ask unanimous consent that S. 2160 be indefinitely postponed.

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

ORDERS FOR WEDNESDAY, SEPTEMBER 2, 1998

Ms. SNOWE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:15 a.m on Wednesday, September 2. I further ask that when the Senate reconvenes on Wednesday, immediately following the prayer, Senator BENNETT be recognized to speak for up to 15 minutes in morning business.

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

Ms. SNOWE. Mr. President, I further ask consent that following the statement by Senator BENNETT the Senate resume consideration of the Texas Compact conference report and there be 40 minutes of debate equally divided between Senators WELLSTONE and SNOWE. Further, that upon the conclusion or yielding back of time, the Senate proceed to a vote on adoption of the conference report without any intervening action or debate.

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

PROGRAM

Ms. SNOWE. Mr. President, for the information of all Senators, when the Senate reconvenes on Wednesday at 9:15 a.m., Senator BENNETT will be recognized for 15 minutes of morning business. Following the Senator's statement, the Senate will resume consideration of the Texas Compact conference report with 40 minutes of debate remaining. At the conclusion of that debate, the Senate will proceed to a vote on adoption of the conference report. Following that vote, the Senate will resume consideration of the foreign operations appropriations bill. Rollcall votes are expected throughout Wednesday's session as the Senate attempts to complete action on the Texas Compact, the foreign operations appropriations bill, and any other legislative or executive items cleared for action.

RECESS UNTIL 9:15 A.M. TOMORROW

Ms. SNOWE. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:20 p.m., recessed until Wednesday, September 2, 1998, at 9:15 a.m.