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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

WEDNESDAY, SEPTEMBER 2, 1998

(Legislative day of Monday, August 31, 1998)

The Senate met at 9:15 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:

Dear God, our hearts are often restless. We long to rest in You. We feel an inner emptiness only You can fill, a hunger only You can satisfy, a thirst only You can quench. All our needs are small in comparison to our deepest need for You. No human love can fulfill our yearning for Your grace. No position can satisfy our quest for significance. No achievement can substitute for Your acceptance. Our relationship with You is ultimately all that counts. Grant us the sublime delight of Your presence. There is no joy greater than knowing You, no peace more lasting than Your Shalom in our souls, no power more energizing than Your enabling spirit empowering us. This is the day You have made for us to enjoy and to serve You. We intend to live it to the fullest to glorify You. In the name of our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Utah, is recognized.

SCHEDULE

Mr. BENNETT. Mr. President, this morning there will be a period of morning business for up to 15 minutes. Following morning business, the Senate will resume consideration of the Texas Compact conference report, with 40 minutes remaining for debate equally divided between Senators SNOWE and WELLSTONE.

At the conclusion of debate time, the Senate will proceed to a vote on the adoption of the conference report. Therefore, the first rollcall vote of today's session will occur at approximately 10 a.m.

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 foreign operations appropriations bill.

I thank my colleagues for their attention.

MORNING BUSINESS

Mr. BENNETT. Mr. President, under the previous order, I understand I am to be recognized for 15 minutes in morning business.

The PRESIDENT pro tempore. That is correct.

CENSURING THE PRESIDENT

Mr. BENNETT. Mr. President, yesterday, as is the habit in the Senate, the Republicans met in policy luncheon during the lunch hour, and during that meeting I made some comments which, under the terms of the meeting, normally remain confidential. Apparently they were sufficiently provocative that, within an hour or so of the meeting, my office was besieged with calls from reporters who wanted to know if I was going to proceed in the manner that had been reported to them. Others of my colleagues were similarly accosted by reporters who wanted to know what is Senator BENNETT going to do on the issue he raised in the policy lunch. Rather than try to respond to each of those reporters individually, I decided that I would take the floor this morning and make a presentation of what it was I said at the policy lunch yesterday, and thereby end any suspense anyone may have. I assure you, this issue is probably not worth the amount of concern that was stirred up yesterday, but I will make it clear what I said and what I have in mind.

The issue that was under discussion had to do with the behavior of the President of the United States, as indicated by his statement to the people of America several weeks ago. I made this comment. I said that if any Member of this body had engaged in that kind of behavior, he or she would be subject to censure for that behavior, and I singled out three areas in particular which I feel would be worthy of censure.

The first: It is now clear that the President of the United States had a relationship with an intern who was under his control and in his purview

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

within the White House, which was improper, or, in the words of the President himself, ''wrong.'' This was not a chance encounter. It was not a matter of her bringing him a piece of pizza, catching his eye, he catching her eye, she smiled at him, he smiled at her, and something improper happened and that was the end of it. It was an affair with sexual activity that began in December of 1995 and continued for 18 months, including the period of time after she had left the White House and was no longer in the President's direct line of report. And it ended, apparently, only because it was discovered and reported in the public. If any Member of this body had that kind of a relationship with an intern in his office he would, I think, very appropriately be subject to censure from the Ethics Committee and by the Senate as a whole. That is the first item.

The second item: When this matter became public, the President went before the public and insisted in the most emphatic possible language that it had not happened. Furthermore, he then gathered his Cabinet and his closest aides around him and, in direct personal contact with many of them, assured them that the public reports of this activity were false, and urged them to go forward and speak in his behalf repeating that denial. We had members of the President's Cabinet come before the Congress and repeat that denial, in effect lying to the Congress from their position as Cabinet officers on behalf of the President of the United States. This, in my opinion, is the second thing that would justify censure, lying and urging others, particularly members of his official family, to lie in various fora, including an official forum of the Congress of the United States.

Then there is the third: While this was going on, for a period of 7 to 7½ months, the President allowed many of his subordinates, aides and supporters to not only lie about this issue—admittedly, they thought they were telling the truth because they had believed the President—but also to attack and smear those who were telling the truth; to go after the reputation of those who had come forward with an accurate description of what was going on and attempt to destroy those reputations in the public arena. This, in my opinion, would be a third reason for censure. And I repeat, I am convinced that if any Member of this body had, No. 1, engaged in that kind of extended improper sexual relationship with an intern; No. 2, lied to his own associates and urged those associates to go forward and lie in his behalf; and, No. 3, then sat by while others of his official family smeared the reputations of those who were telling the truth, a motion for censure would be brought upon this floor and passed, I believe, overwhelmingly.

So I raised in the policy luncheon yesterday the possibility of having a motion of censure raised as a sense-of-the-Senate resolution with respect to the President of the United States. I pointed out that this should in no way prejudge any impeachment activity that might occur in the House of Representatives for several reasons. In the first place, we do not know what is in Judge Starr's report that will come to the House of Representatives, and what I have described has public circulation, indeed confirmation by the President himself, and therefore need not depend upon Judge Starr's report in order for us to act upon it.

Second, Judge Starr's report and the action of the House of Representatives will not take place, if such action does occur, until the 106th Congress. I believe that something as serious as this should be commented on by the 105th Congress. I do not know that I will be in the 106th Congress. I hope I will be. The political signs in my home State indicate that I will be. But I can take nothing for granted, and I raised with my colleagues yesterday the possibility of having this Congress go on record as stating that it found totally unacceptable and subject to condemnation—because the word ''censure'' is a synonym for condemn—the actions of the President in the three areas I have described.

I pointedly said I do not want to go beyond those three areas with any resolution of censure because I do not know what is in Ken Starr's report. I do not want to prejudge the issue of whether or not those three items constitute impeachable offenses or high crimes and misdemeanors as such offenses are described in the Constitution. I think that is the responsibility for the House to undertake under the Constitution, and the House, in the 106th Congress, will make that decision.

I raised that possibility within the Republican policy luncheon, for conversation and counsel from my colleagues. I received a good deal of conversation and counsel from my colleagues, both in that luncheon and subsequent to it, and I have reflected on the matter myself in conversations with my staff. But, as I said, it was within an hour or so after I had made essentially the same statement that I have made here within the policy luncheon that members of the press were after me and some of my colleagues, to say, ''Is Senator BENNETT going to offer a motion of censure with respect to the President of the United States?'' I told those reporters, as I indicated earlier, that I would give them their answer today.

The answer is no, Senator BENNETT will not be offering a motion of censure, for two reasons. First, there are some who would interpret that motion of censure as an attempt to bring this issue to closure. Closure, interestingly enough, is a psychological term, not a legal term. In legal terms, you come to guilty or innocent; you come to ''case closed,'' with a final finding of fact. Closure seems to be a psychological term where you say the individual is now able to deal with this issue.

But, aside from the semantic question involved, I do not want to be a party to any suggestion that the investigation of the President's behavior and the consideration of whether or not that behavior constitutes an impeachable offense should come to an end by virtue of the resolution that I might offer. So, for that first reason, I have concluded that I will not, in fact, offer this resolution.

The second reason I have decided not to offer the resolution is because some have suggested that, since the Senate would ultimately be the jury that would try any accusations with respect to impeachment, I should not, as a Member of the Senate, prejudge the case. I can draw a fine line with which I would be comfortable that would say that my resolution of censure, saying that I found this behavior in the three areas I have described to be reprehensible, would not prejudge a determination as to whether that behavior constituted a high crime or misdemeanor under the Constitution, and I would be comfortable with that distinction. But since there are some who would not be comfortable and who would suggest that by offering the resolution I was prejudging the case, I have also, for that second reason, decided that I will not offer that resolution.

That, I hope, Mr. President, clears up, if anybody had any concerns about what I said yesterday in the policy luncheon, what I intend to do.

I conclude, however, with this one final thought with respect to this issue. One of the reasons I considered offering the resolution, so that the Senate at least would go on record as making it clear that this behavior was unacceptable, is because I imagined this scenario in the future:

Let us suppose that at some point in the future—pick a date, 5 years—the superintendent of West Point, a married man in his early fifties, became involved sexually with a 21-year-old female cadet who had come to his office to bring him coffee. The superintendent maintained a sexual relationship with that female cadet for the next 18 months while she was still within his purview and under some form or other of his control. Other cadets found out about the relationship and began talking about it in the scenario I am describing.

The superintendent, let us suppose, adamantly denies that the relationship is going on, recognizing that it is totally inappropriate and wrong. An investigation is opened whereby legally constituted authorities from the Department of Defense check into the rumors. The superintendent attacks the investigator, smears his ability and his integrity, denies absolutely to his own circle of aides that the affair had ever taken place, and allows the impression to go forward throughout the entire community that he is the subject of a witch hunt being undertaken by the Department of Defense.

After 7 months of stonewalling, denying and refusing to cooperate, the superintendent is then forced to admit that, No. 1, the relationship did take place; No. 2, he has been lying through the 7 months; and, No. 3, there has been a smearing of the reputation of people of high integrity.

I would not want, under that circumstance, to have the superintendent then approach the Department of Defense with a poll showing that 58 percent of the cadets were happy under his superintendency at West Point and say, ''Since the Commander in Chief did something like this 5 years ago and no reprimand of any kind came out of the Congress, why cannot I do exactly the same thing under these circumstances and not have it affect my career?''

I wish the precedent to be laid down that says that this kind of activity, whether it constitutes impeachable offenses or not, cannot go uncommented on in an official way. And just because I have decided that I will not offer this resolution in this Congress at this time for the two reasons I have outlined, I do make it clear, Mr. President, that should the voters of Utah send me back here to serve in the 106th Congress, I will do what I can to give Members of Congress a clear opportunity, regardless of impeachment proceedings, to express their opinion on the behavior of the President of the United States in this circumstance.

I yield the floor.

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. ASHCROFT). The Senate will proceed to the conference report to accompany H.R. 629, which the clerk will now report.

The assistant legislative clerk read as follows:

A conference report to accompany H.R. 629, an act to grant consent of Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. The time on this conference report is limited to 40 minutes to be equally divided.

Who yields time?

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I am now pleased to yield to my colleague from Maine, Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Thank you, Mr. President.

Mr. President, I rise to join the senior Senator from Maine, Senator SNOWE, in urging my colleagues to approve the conference report on H.R. 629, legislation that would ratify the Low-Level Radioactive Waste Disposal Compact, known as the Texas Compact.

In entering into an agreement for the disposal of low-level radioactive waste, the States of Maine, Texas, and Vermont followed the direction established by the Congress in the Low-Level Radioactive Waste Policy Act and its 1985 amendments. That legislation contemplated that States would form agreements of this nature for the disposal of low-level waste, and thus, by ratifying the compact, Congress will be completing a process that it set in motion.

Since 1985, Congress has ratified 9 compacts involving 41 States. Put differently, 82 of the 100 Members of this body live in States with compacts that have already been ratified by the Senate, and with the approval of the Texas Compact, that number will rise to 88. In short, what Maine, Texas, and Vermont are seeking today has already been routinely granted in the vast majority of States.

While the disposal of radioactive waste is bound to generate controversy, this agreement has been overwhelmingly approved by the legislatures of the three compacting States, signed by their Governors, and, in the case of the State of Maine, endorsed by voters in a referendum. This is consistent with the congressional determination that the States bear responsibility for the disposal of low-level radioactive waste and that, in the interest of limiting the number of disposal sites, they work together to carry out this responsibility. Indeed, ratification by Congress is necessitated only because State-imposed limitations on the importation of waste would otherwise violate the commerce clause.

Mr. President, the Senator from Minnesota, whom I enjoy serving with on the Committee on Labor and Human Resources, has criticized the disposal site that is under consideration by the State of Texas. Apart from the fact that the location of the site is a matter for Texas to determine and is not a component of this bill, that criticism is unsupported by the facts.

In making the decision to consider the proposed site in Hudspeth County, TX, there has been extensive public involvement as well as a thorough environmental and technical review. The county was found to have two critical characteristics for a disposal site; namely, very little rainfall and very low population density. Indeed, the county is the size of the State of Connecticut and has a population of only 2,800 people, and it must be remembered, Mr. President, that this is only a proposed site. Final approval will not be forthcoming unless all of the standards established by Texas law are satisfied.

The decision to consider the site in Texas has nothing to do with who lives there. It has everything to do with the fact that very few people live there.

This body has been presented with nine low-level radioactive waste compacts. It has not imposed changes on any one of those agreements. In keeping with congressionally established policy for the disposal of low-level waste, Maine, Texas, and Vermont are simply seeking the same treatment.

I commend my colleague from Maine, Senator SNOWE, for her leadership on this issue, and I urge my colleagues to support the conference report. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I rise again this morning to speak against the conference report to H.R. 629. This is the Texas-Maine-Vermont Compact which will result in the dumping of low-level radioactive waste from Texas, Maine, and Vermont, and potentially other States, at a dump located in Texas. The dump is expected to be built in the town of Sierra Blanca in Hudspeth County where 66 percent of the residents are Latino, and 39 percent live below the poverty line.

Mr. President, the construction of this dump site in this community raises important questions of environmental justice. This is not just about the people in Hudspeth County or about the people in Sierra Blanca, or about west Texas for that matter. This is a fight for communities all across the country who do not have the political clout to keep this pollution out. This is a fight for minority communities who are burdened with a disproportionate share of these sites.

It seems to be a pattern in our country, whenever we decide where we are going to build a power line or where we are going to build a nuclear waste dump site or where we are going to put an incinerator, it never is located in communities where people who live in those communities have political clout. It is not located where the heavy hitters and the well-connected and the people who give the big contributions live. It is almost always located in communities of color.

Mr. President, there is an article today that I recommend for my colleagues in the New York Times entitled, ''For Some, Texas Town Is Too Popular as Waste Disposal Site.'' This is all about what we are debating today. I just read the conclusion. Maria Mendez, a retired school aide from Allamore, who lives in the community, is quoted as saying:

I think Sierra Blanca was chosen for all this dumping because we don't have any political clout. I think it's a racism thing; I really do. Here we are, the hugest dump in the whole world. First sludge, now nuclear waste. Our home has been taken over as the nation's dumping ground.

Mr. President and colleagues, environmental justice is a difficult issue. Too often we hide behind excuses. We say, ''These are private sector decisions. This is a matter of State and

local responsibility. It is too hard to prove.'' But this is pretty easy. The dump will not be built if we reject this compact. We have direct responsibility, we have a Federal role, a direct Federal role. We cannot wash our hands of this. We cannot walk away and pretend we are not to blame. We are all responsible. And it is important to take a stand.

This compact raises troubling issues of environmental justice. In this case, the Texas Legislature selected Hudspeth County. They already selected Hudspeth County. And the Texas Waste Authority selected the Sierra Blanca site after the Authority's scoping study had already ruled out Sierra Blanca as scientifically unsuitable. The Waste Authority selected the site after the Authority's own scoping study had ruled Sierra Blanca out as scientifically unsuitable; that is to say a geologically active area; that is to say an earthquake area.

Communities near the preferred site have had enough political clout to keep the dump out, but Sierra Blanca—already the site of the largest sewage sludge project in our country—was not so fortunate. The Waste Authority does a scoping study. The scoping study says this is not scientifically suitable, but the Waste Authority goes ahead and chooses this community. Why not? Disproportionately poor, disproportionately Latino. This is an issue of environmental justice.

The residents of Sierra Blanca, Hudspeth County and west Texas do not want this dump. Last night, some of my colleagues talked about the election of one official, and they said the people want this dump. This candidate was elected, and he was for it. But twenty surrounding counties and 13 nearby cities have passed resolutions against it. And no city or county in west Texas supports it.

Nor would any Senator in this Chamber want this waste dump site built in their backyard. I doubt whether any Senator in this Chamber has ever been faced with this. These waste dump sites are not put where Senators live. They are put in the communities disproportionately of color, disproportionately low-income. This is a debate about environmental justice in our country.

Over 800 adult residents of Sierra Blanca have signed petitions opposing the dump. A 1992 poll, commissioned by the Texas Waste Authority, showed 64 percent opposition in Hudspeth and Culberson Counties. Republican Congressman BONILLA, who represents Hudspeth County, and Democratic Congressmen REYES and RODRIGUEZ, who represent neighboring El Paso and San Antonio, have all actively opposed the dump site.

In an October 1994 statewide poll, 82 percent of Texans said they were against it. Local residents have had no say over whether the waste dump site will be constructed in Sierra Blanca. They were never consulted at any stage in the decision-making process.

As a matter of fact, Mr. President, a 1984 public opinion survey commissioned by the Texas Waste Authority provides some useful context for what is going on. Let me just quote from what their consultant said. This is the report:

> 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.

The concern is that if this poor Hispanic community finds out more about this, they will be opposed to it. Indeed, people in the community are opposed. And they should be.

Mr. President, my colleague, with all due respect, last night said we need to have the compact to protect the people in Hudspeth County from becoming a national repository of nuclear waste. That is not the way it works.

The conference report on H.R. 629 would allow appointed compact commissioners to import radioactive waste from any State or territory. And both the State of Texas and nuclear utilities across the country will have an economic incentive to bring as much waste as possible to make this site economically viable and to reduce their disposal costs.

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.

Mr. President, the Texas Observer, March 28, 1997, had it right:

> 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 the 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.

Of these nine compacts, I want to point out to my colleagues that not one compact has built a nuclear waste dump site.

Mr. President, here is what is so egregious about what has happened here. To avoid turning this low-income, Mexican-American community into a national repository for radioactive waste, I offered two amendments. Colleagues, this is really what the vote is about. Twice you have been on record. The Senate has unanimously said, A, ''We support an amendment which makes it clear that the waste can only come from Maine, Vermont, and Texas. We support an amendment that puts in the language what we say this is about.'' That was passed twice by the unanimous vote of the U.S. Senate.

The second amendment said that the people in Hudspeth County would have a chance to prove local discrimination in court, that if they could show they have been unfairly targeted then they could go to court to challenge this.

My colleagues, Democrats and Republicans, we have gone on record twice supporting these amendments. In the dark of night—no wonder people get so disillusioned about this process—the conference committee stripped out both amendments, took both amendments out.

Would it be such a crime if we passed this compact with an amendment that made it clear that the waste could only come from Texas, Maine, and Vermont? That is what they say the compact is about. Would it be such a crime if this Hispanic community had some way of seeking redress of grievance and could challenge discrimination in court? That amendment was taken out. That is why this compact is flawed. That is why we should vote against it.

Environmental justice is a national responsibility. We have a national responsibility to remedy this injustice because if we do not, the Congress will be complicit in the construction of this dump.

This is not purely a State or local issue. We have to vote on it. We have to vote up or down. That is what our constitutional system is all about. This compact requires congressional consent. The Texas Compact cannot take effect without Federal legislation, since all 50 States—not just the compact States—will be asked to give their consent.

Construction of the Sierra Blanca dump depends upon enactment of this conference report. If we reject it today, Texas will not build a dump in Sierra Blanca. But within 60 days of enactment, if you vote for this, Maine and Vermont will pay Texas $25 million to begin construction.

Let me point out this is different from all the other compacts because it is crystal clear where the site is going to be. The Texas Legislature already selected Hudspeth County, and the Texas Waste Authority already identified a dump site near Sierra Blanca. That is what is at issue here.

Our consent ought to be conditional. We ought to make it clear that the compact can take effect only if the waste comes from these three States only. But the conference committee knocked that amendment out—the utility companies didn't want that.

We ought to make it clear the people of Hudspeth County at least have a right to appeal this site selection. I think people in Maine and Vermont agree with that idea, but we took that amendment out.

This is not a debate about State or local rights. The conference committee

followed the wishes of the nuclear utilities, not the local residents—the utilities who were going to benefit from cheap disposal of nuclear waste. They supported this legislation with no amendments. That is why this legislation is so flawed.

On July 7, 1998, two administrative hearing officers recommended that the license for the Sierra Blanca dump be denied. They made a good decision. What they said was that this is a tectonically active area. We have a very real danger of earthquakes. This does not make sense from the point of view of science. And they were right.

But the problem is that the Texas Environmental Agency, the TNRCC, made up of officials appointed by the Governor, are not bound by what these hearing officers have recommended. The executive director has gone on record saying that he doesn't agree. And the Governor has gone on record saying that Hudspeth County and Sierra Blanca is the right place for this dump to be.

I say to my colleagues that we really have two choices here. We can say, look, if we don't know where the site is going to be, then let's put off the vote. But, no, that is not what we are doing. The idea here is to just ram this through. As soon as we do, believe me, it will go in Hudspeth County, Sierra Blanca. That will be a travesty.

I want to just cite for colleagues the broad coalition of religious, environmental, social justice and public interest groups that oppose this: The League of United Latin American Citizens, LULAC; Greenpeace; the Texas NAACP; the Mexican American Legislative Caucus of the Texas House of Representatives; the Sierra Club; the House Hispanic Caucus; the Bishop and the Catholic Diocese of El Paso; the United Methodist Church General Board of Church and Society; Friends of the Earth; Physicians for Social Responsibility; the League of Conservation Voters; and 100 other local and national civic organizations.

I ask unanimous consent to have printed in the RECORD a letter from Robert Bullard, a professor at Clark Atlanta University, a leading expert on environmental justice.

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

CLARK ATLANTA UNIVERSITY,
Atlanta, GA, September 1, 1998.

Vice President AL GORE,
The White House,
Washington, DC.

DEAR VICE PRESIDENT GORE: We are pleased to have an administration that cares about people, the environment, and justice. This letter is to express my concern about the Texas/Maine/Vermont Compact and its environmental justice implications. The issue is plain and simple. To allow the compact to go forward would be an act of environmental racism. For this administration to stand silent does not show a commitment to environmental injustice that follows a national pattern of siting waste facilities and other locally unwanted land uses or LULUS in people of color and low-income communities.

Having written several books and researched environmental problems in communities of color for more than two decades, it is very clear to me that the Sierra Blanca case is a classic case of environmental racism. For this administration to stand silent does not show a commitment to environmental justice or a commitment to protect the civil rights of the residents in Sierra Blanca, Texas. Many grassroots community leaders I have talked to want to see the Clinton Administration come out with a strong, bold, and powerful public statement in opposition to the Texas/Maine/Vermont Compact.

The people in Texas and across the nation need your help and support.

Sincerely,

ROBERT D. BULLARD,
Ware Professor and Director.

Mr. WELLSTONE. Mr. President, let me read a portion of the letter.

This letter is to express my concern about the Texas/Maine/Vermont Compact and its environmental justice implications. The issue is plain and simple. To allow the compact to go forward would be an act of environmental injustice that follows a national pattern of siting waste facilities and other LULUs [locally unwanted land uses] in people of color and low-income communities. Having . . . researched environmental problems in communities of color for more than two decades, it is very clear to me that the Sierra Blanca case is a classic case of environmental racism.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Maine has 15 minutes 50 seconds remaining and the Senator from Minnesota has 3 minutes 59 seconds remaining.

Ms. SNOWE. May I be informed when I have consumed 10 minutes?

The PRESIDING OFFICER. The Chair will inform the Senator when she has consumed 10 minutes.

Ms. SNOWE. Mr. President, I think it is important this morning to review some of the facts regarding this conference report before the Senate that creates this Texas Compact, because I do think that some of the facts have been lightly regarded during the course of this debate.

This is nothing that hasn't been done before. This conference report will ratify a compact between the States of Texas, Maine and Vermont for the disposal of low-level radioactive waste, as has been done on nine previous occasions by the U.S. Congress in response to a mandate by the Congress in both 1980 and 1985 that required the States to accept responsibility for the disposal of low-level radioactive waste.

Mr. President, 41 States—including the State of Minnesota, the State which the Senator represents and who opposes this compact—have entered into a compact over the last 20 years in response to the mandate that was issued by the U.S. Congress. There are nine such compacts.

This compact in this conference report does not deviate from the previous compacts. The fact of the matter is this compact gives greater control to the State of Texas in terms of the determination of the siting and all of the other factors to repeatedly and safely dispose of low-level radioactive waste. This compact allows the State of Texas, the State of Vermont and the State of Maine to do what 41 other States, including Senator WELLSTONE's own State of Minnesota, do—to dispose of this low-level radioactive waste. The States are responsible for making this determination, whether it is in their State or out of their State, for the waste that is generated within their borders.

There are other factors that have to be clarified here today. The Senator from Minnesota said no other States in these compacts have determined or designated other sites—which is incorrect—at the time of the ratification. In fact, three other compacts—the Northwest, the Rocky Mountain and the Southeast, which passed by the Congress in 1985—had operating facilities that were intentionally designated as the compact's regional facility.

As has been said, the failure of this Congress to ratify this conference report to create this compact will result in no facility being built in Texas.

As this chart illustrates, there are 684 such storage sites in the State of Texas. They are temporary. They are interim storage facilities. What does that mean? It means that they don't have to meet all the same strict requirements that a permanent storage facility will have to meet. So if this conference report is ratified by the Congress, that means the State of Texas can consolidate into one permanent facility to meet all of the State, local and Federal requirements.

It is not, as the Senator from Minnesota has suggested, that we are running roughshod, we are going to override all of the strict Federal, State and local regulatory requirements with respect to safety and health regulations, and of course environmental regulations. This issue isn't going to go away. The waste has already been generated. In fact, even the administrative law judge wants the commission to go back to review essential factors to indicate that the process is working so that all of the requirements under Federal, State and local law are examined very carefully, in terms of the site, so that it is environmentally and geologically safe and sound. But even the administrative law judge determined on July 7 that, indeed, the State of Texas is in need of a low-level waste disposal site.

Congress did not put conditions on the nine other compacts that were ratified by Congress on previous occasions. So this compact should not be dealt with any differently. We are going to adhere to all of the safe requirements that have been established in law. So the siting in Texas is not being done in a vacuum. To the contrary.

Just to name a few of the regulatory requirements that have to be reviewed and have to be satisfied and have to be adhered to and are being done, as included in this book right here that goes through the entirety of the process

that has been implemented in the State of Texas for a siting of a facility, there is the Civil Rights Act, which has to be adhered to; title VI of the Civil Rights Act has to be regarded; the Clean Water Act; the Clean Air Act; the Toxic Substances Control Act; the Atomic Energy Act; the 1980 Low-Level Radioactive Waste Policy Act; the 1985 Amendments; the Texas Radiation Control Act, and the Texas Health and Safety Code. They all must be adhered to.

So there is a process. The Senator from Minnesota suggests that there has not been a process, or public participation. To the contrary, there has been extensive public participation, and the process is not over. This compact is site neutral. That doesn't mean to say that the State of Texas hasn't been examining the site in Sierra Blanca, but the process has not been completed. It is being examined very carefully. There has been public participation. There have been numerous hearings within Hudspeth County and Sierra Blanca specifically about this issue. The Texas Legislature overwhelmingly has supported it in both the house and senate, as have the Governors, Governor Richards and Governor Bush; the State of Vermont, both legislatures, and the State of Maine, on a bipartisan basis. In fact, 24 of the 30 members of the Texas congressional delegation are all in support of this conference report. So it has been regarded.

I want to read to my colleagues an open letter to the people of the State of Texas from 100 residents of Sierra Blanca and Hudspeth County. I ask unanimous consent to have a letter from Judge Peace, the county judge, printed in the RECORD.

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

HUDSPETH COUNTY COURTHOUSE,
Sierra Blanca, TX, August 25, 1998.

Hon. KAY BAILEY HUTCHISON,
Russell Office Building,
Washington, DC.

DEAR SENATOR HUTCHISON: It is my understanding that the United States Senate will be considering the Texas/Maine/Vermont Compact soon. I want to thank you for supporting this important measure. Its passage will bring needed revenue and opportunity to our area. Sierra Blanca has already benefited greatly from the presence of the Texas Low-Level Radioactive Waste Disposal Authority in the area. The benefits (jobs and infrastructure improvement) will increase during construction and operation of the low-level radioactive waste disposal facility. The truth is the socieconomic benefits for the residents of Sierra Blanca are enormous and overwhelmingly positive. Continued economic benefits are absolutely critical to the future development of Hudspeth County.

I want you to know that the majority of citizens favor the development of such a facility. I have enclosed an advertisement that recently ran in the Austin American Statesman, paid for by donations and community funds. The people of Sierra Blanca and Hudspeth County voiced their support for a better future and tangible real life advances that will make our communities more livable. The advertisement reflects the widespread support in our area for this project; the support runs across the business community to elected officials. During the recent primary elections, this issue was openly debated in the County Judge, Commissioners Court, and County Democratic Chairmanship races; those who supported the project won, while those who opposed it lost.

Thank you for your continued support. If you have further questions or if I can help you in any other way, please feel free to call.

Sincerely,

Judge JAMES A. PEACE.

Ms. SNOWE. I want to read this open letter that was placed as an advertisement in a local newspaper:

We support the approval of the license for the proposed radioactive waste disposal facility near our town. It offers hope for a better future and tangible, real-life advances that will make Sierra Blanca and Hudspeth County more livable. The overwhelming majority of residents support this project near our town for the following reasons:

A halt to exporting our children to other areas for employment; a larger job market for all residents of Sierra Blanca and Hudspeth County; the ripple effect seen from additional businesses and services to support the facility; improved medical care; increased property values; a broader tax base; enhanced infrastructure; disposal fees paid to the county; upward mobility, and an improved standard of living; a better perception of our community by ourselves and others.

The critics—almost all of whom live outside the community—say the proposed site is not a reasonable road to economic development for Sierra Blanca. We say that these people do not speak for us and that this is our only road in sight.

I believe the people of Hudspeth County have spoken. I ask unanimous consent that this letter be printed in the RECORD.

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

[From the Austin American-Statesman, July 22, 1998]

AN OPEN LETTER TO THE PEOPLE OF THE STATE OF TEXAS FROM RESIDENTS OF SIERRA BLANCA, TEXAS AND HUDSPETH COUNTY

We support the approval of the license for the proposed radioactive waste disposal facility near our town. It offers hope for a better future and tangible, real life advances that will make Sierra Blanca and Hudspeth County more livable. The overwhelming majority of residents support this project near our town for the following reasons:

A halt to exporting our children to other areas for employment,

A larger job market for all the residents of Sierra Blanca and Hudspeth County,

The ripple effect seen from additional businesses and services to support the facility,

Improved medical care,

A broader tax base,

Enhanced infrastructure,

Disposal fees paid to the County,

Upward mobility and an improved standard of living, and

A better perception of our community by ourselves and others.

Until the proposed project, the only method of upward mobility and economic development for the residents of Sierra Blanca was a bus ticket out of town. There was little hope for economic progress. Sierra Blanca was destined to be a small, remote, dying community.

The critics—almost all of whom live outside the community—say the proposed site is not a reasonable road to economic development for Sierra Blanca. We say that these people do not speak for us and that this is the only road in sight.

After four years of intensive review, TNRCC issued a favorable Environmental Assessment. We are totally satisfied that the project will be safe and the residents of Sierra Blanca want it to be licensed. It is a sign of hope and a brighter future.

The only negative socio-economic impact would be the denial of the license and the decision to site the facility elsewhere.

Ms. SNOWE. The fact of the matter is that there has been extensive public participation, and it has not been completed. In fact, there were local elections in Hudspeth County, and all of the candidates who were in support of this facility were elected or reelected. I think that speaks volumes. This was an issue in those campaigns. I will also submit for the RECORD the list of supporters of the compact and the following letters; a letter from nine Texas Members of the House of Representatives; the Governors of Maine, Texas and Vermont; a letter from the National Governors' Association; the National Conference of State Legislatures; the Nuclear Regulatory Commission; a ''Dear Colleague'' by two members of the Texas House of Representatives. All of them are in support of the Texas Compact before us here today.

I ask unanimous consent that the list and these letters be printed in the RECORD.

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

SUPPORT FOR TEXAS COMPACT CONSENT ACT

ORGANIZATIONAL SUPPORT (18 NATIONAL ORGANIZATIONS, 11 REGIONAL ORGANIZATIONS)

Organizations United (American Association of Physicists in Medicine, American College of Nuclear Physicians, American Council on Education, American Heart Association, American Medical Association, American Nuclear Society, American Society of Nuclear Cardiology, Appalachian Compact Users of Radioactive Isotopes Association, Association of American Medical Colleges, California Radioactive Materials Management Forum, Council on Radionuclides and Radiopharmaceuticals, Edison Electrical Institute, Health Physics Society, International Isotope Society, Michigan Coalition of Radioactive Material Users, National Association of Cancer Patients, National Electrical Manufacturers Association, Nuclear Energy Institute, Pharmaceutical Research and Manufacturers of America, Society of Nuclear Medicine, Society of Prospective Medicine); Robert Carretta, Chair, Organizations United.—March 16, 1998; May 1, 1996.

Society of Nuclear Medicine, Southwestern Chapter; Resolution. Southwestern Chapter of the Society of Nuclear Medicine.—April 1997.

Texas Radiological Society; Resolution. Texas Radiological Society.—April 4, 1997.

Texas Medical Association; Resolution. Texas Medical Association.—April 4, 1997.

Texas Radiation Advisory Board; Resolution. Texas Radiation Advisory Board.—March 16, 1996.

Health Physics Society; Resolution. South Texas Chapter of the Health Physics Society.—February 24, 1996. Resolution. North Texas Chapter of the Health Physics Society.—February 22, 1996.

Radiation Safety Officers; Resolution. Radiation Safety Officers Advisory Group of

the University of Texas System.—February 12, 1996.

Texas Society of Professional Engineers; Resolution. Texas Society of Professional Engineers.—January 26, 1996.

California Radioactive Materials Management Forum; Alan Pasternak, Technical Director, California Radioactive Materials Management Forum.—October 6, 1997.

WASHINGTON, DC,
March 13, 1998.

Hon. PAUL WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: As members of the Texas delegation, we urge you to lift your hold on H.R. 629/ S. 270, the Texas Low-Level Radioactive Waste Disposal Compact.

This bill follows the guidelines set forth by Congress in 1985, setting up a compact for the disposal of low-level radioactive waste. The legislation is strongly supported by the three states affected—Texas, Maine, and Vermont—and H.R. 629 passed the House by an overwhelming vote of 309–107.

We appreciate the concerns that have been expressed about radioactive waste, and the impact that it could have on our environment if not properly handled. We agree that these are important issues which must be fully and completely examined—a process that is currently under way in Texas through an intense administrative hearing process.

But ultimately, low-level radioactive waste exists and all parties are better served if there are safe and secure disposal facilities. While this may not be the best solution for all states—such as Minnesota—the Texas State Legislature, in conjunction with the state leadership of Vermont and Maine, has come to agreement for the waste generated in those states.

Finally, concerns have been raised regarding the location of the proposed disposal site in Texas. This site was not selected by the U.S. Congress, and the bill before us does not reference a specific site.

We urge you to lift your hold on this Texas bill so that the process may move forward and this agreement may be implemented.

Chet Edwards, Martin Frost, Max Sandlin, Eddie Bernice Johnson, Ralph Hall, Charles W. Stenholm, Ken Bentsen, Gene Green, Jim Turner.

STATE OF TEXAS,
OFFICE OF THE GOVERNOR,
Austin, TX, July 15, 1997.

DEAR SENATOR: As the Governors of the member states, we strongly urge passage by the U.S. Senate of S. 270, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act.

The 1980 Low-Level Radioactive Waste Policy Act and its 1985 amendments make each state ''responsible for providing, either by itself or in cooperation with other states,'' for disposal of its own commercial low-level radioactive waste. In compliance with this federal legislation, the states of Texas, Maine and Vermont have arranged to manage their waste through the terms of the Texas Compact. This compact passed the legislatures of the states involved and is supported by all three Governors. Texas, Maine and Vermont have complied with all federal and state laws and regulations in forming this compact. For the Congress to deny ratification of the Texas Compact would be a serious breach of states' rights and a rejection of Congress' previous mandate to the states.

It is important to remember that S. 270 is site neutral—a vote on S. 270 is neither a vote to endorse nor oppose the proposed site in Texas. Federal legislation leaves the siting of a facility to state governments and should be resolved during formal licensing proceedings. Currently, the Texas Natural Resource Conservation Commission is conducting the appropriate hearings.

Please vote to supply the member states of the Texas Compact with the same protections that you have already given 42 states in the nine previously approved compacts. Thank you for your time and attention on this very important matter. We appreciate all efforts made on behalf of states' rights.

Sincerely,

GEORGE W. BUSH.
HOWARD DEAN, M.D.
ANGUS S. KING, JR.

NATIONAL GOVERNORS ASSOCIATION,
March 2, 1998.

DEAR MEMBER OF CONGRESS: On behalf of the National Governors' Association, we urge you to adopt S. 270 without amendment. This bill provides congressional consent to the Texas-Maine-Vermont Low-Level Radioactive Waste Compact. The National Governors' Association (NGA) policy in support of this compact is attached. We are convinced that this voluntary compact provides for the safe and responsible disposal of low-level waste produced in the three member states.

As you know, under the Low-Level Radioactive Waste Policy Act (LLRWPA) of 1980, Congress mandated that states assume responsibility for disposal of low level radioactive waste, and created a compact system that provides states with the legal authority to restrict, dispose of, and manage waste. Since 1995, forty-one states have entered into nine congressional approved compacts without amendments or objections. The Texas-Maine-Vermont Compact deserves to be the tenth.

Your support for this bipartisan measure, which has the full support and cooperation of the Governors and legislatures of the three participant states, will be crucial.

If you have any questions concerning this matter, please don't hesitate to contact Tom Curtis of the NGA staff at (202) 624–5389.

Sincerely,

GOVERNOR GEORGE V. VEINOVICH,
Chairman, National Governors' Association.
GOVERNOR TOM CARPER,
Vice Chairman, National Governors' Association.

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
Washington, DC, March 11, 1998.

Re: S. 270, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act

NCSL URGES YOU TO SUPPORT THIS BILL WITHOUT AMENDMENT

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

DEAR SENATOR LOTT: The National Conference of State Legislatures (NCSL) urges you to support S. 270, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act, which will allow the states of Maine, Texas, and Vermont to continue to work together to develop a facility in Hudspeth County, Texas for the disposal of the low-level radioactive waste produced in those three states. NCSL has consistently reiterated its firm belief that states must be allowed to exercise their authority over the storage and disposal of low-level radioactive waste, authority that was granted to them by Congress in the Low-Level Radioactive Waste Policy Act of 1980 and the Low-Level Waste Policy Act Amendments of 1985.

NCSL is concerned about H.R. 629, the version of the Texas Low-Level Radioactive Waste Disposal Compact Consent Act which passed through the House of Representatives last October. H.R. 629 was amended with language that was not in the compact as approved by the Maine, Texas and Vermont state legislatures. No low-level radioactive waste compact between states has ever been amended by Congress. We believe that the amendments to H.R. 629 would establish an unfortunate precedent for Congressional tinkering with agreements that have already been passed by their relevant state legislatures.

The states of Maine, Texas, and Vermont have already expended significant time and resources in order to negotiate an agreement on the Hudspeth County facility. It would be inappropriate for Congress to attempt to alter a valid effort by the Compact states to meet their responsibilities under the Low-Level Radioactive Waste Policy Act. We urge you to support S. 270 without amendment.

Sincerely,

CRAIG PETERSON,
Utah State Senate, Chair, NCSL Environment Committee.
CAROL S. PETZOLD,
Maryland House of Delegates, Chair, NCSL Energy & Transportation Committee

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NUCLEAR REGULATORY COMMISSION,
Washington, DC, March 20, 1998.

Hon. OLYMPIA J. SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATOR SNOWE: In response to the request from your staff, here are the views of the Nuclear Regulatory Commission (NRC) on two proposed amendments to S. 270, a bill to provide the consent of Congress to the Texas Low-Level Radioactive Waste (LLW) Disposal Compact. The proposed amendments would add two new conditions to the conditions of consent to the compact: (1) that no LLW may be brought into Texas for disposal at a compact facility from any State other than Maine or Vermont (referred to below as the ''exclusion'' amendment): and (2) that ''the compact not be implemented . . . in any way that discriminates against any community (through disparate treatment or disparate impact) by reason of the composition of the community in terms of race, color, national origin, or income level'' (referred to below as the ''discrimination clause''). These amendments raise some significant questions of concern to the NRC.

First, no other Congressional compact ratification legislation has included such conditions to Congress' consent. Making the Congressional consent for this compact different from that for other compacts would create an asymmetrical system and could lead to conflicts among regions. In the past, Congress has set a high priority on establishing a consistent set of rules under which the interstate compact system for LLW disposal would operate.

With respect to the exclusion condition, while the Low-Level Radioactive Waste Policy Act of 1980 and the Low-Level Radioactive Waste Policy Amendments Act of 1985 authorize compact States to exclude LLW from outside their compact region, the terms of doing so are left to the States. This is consistent with the intent of these statutes to make LLW disposal the responsibility of the States and to leave the implementation of that responsibility largely to the States' discretion. Thus, the addition of the exclusion condition to the compact would deprive the party States of the ability to make their own choices as to how to handle this important area. In addition, restriction on importation of LLW into Texas to waste coming

from Maine or Vermont could prevent other compacts (or non-compact States) from contracting with the Texas compact for disposal of their waste (such as has occurred between the Rocky Mountain and Northwest compacts). This type of arrangement with existing LLW disposal facilities may well become a preferred economical method of LLW disposal. It is also important to note that the exclusion condition may hamper NRC emergency access to the Texas facility pursuant to section 8 of the Low-Level Radioactive Waste Policy Amendments Act of 1985.

With respect to the discrimination clause, the Commission supports the general objectives of efforts to address discrimination involving ''race, color, national origin, or income level.'' However, it is unclear how a condition containing broad language of the type contained in the proposed amendment would be applied in a specific case involving a compact. This lack of clarity is likely to create confusion and uncertainty for all parties involved, and could lead to costly, time-consuming litigation. Including such a provision in binding legislation may have broad significance for the affected States and other parties and would appear to warrant extensive Congressional review of its implications.

In light of the above, the NRC opposes the approval of amendments to S. 270 that would incorporate the exclusion condition or an undefined discrimination clause into the Texas compact bill.

Sincerely,

SHIRLEY ANN JACKSON.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR CBC MEMBER: We are writing to ask you to vote for H.R. 629, a bill we both are cosponsoring to ratify the Texas-Maine-Vermont Low-Level Radioactive Waste Compact.

Although H.R. 629 specifically provides Congressional consent for the Texas, Maine, and Vermont Compact which provides for the safe, responsible disposal of low-level waste produced in those three states, every state has a stake in the success of this compact. The Low-Level Radioactive Waste Policy Act (LLRWPA) of 1980 requires states to manage the disposal of low-level waste. The compact system provides a mechanism for states to ensure their control over the origin of the waste and allows the individual host staet—with input from interested citizens—to determine the appropriate location for the disposal site.

Your state may or may not be one of the 41 states that have entered into the 9 compacts previously ratified by congress. Either way, passage of H.R. 629 will reaffirm your State's right both to control local land use and, subject to federal and state health, safety, and environmental laws, to determine the best and safest location for disposing of your State's waste.

Through bipartisan cooperation, the Governors and Legislatures of Texas, Vermont, and Maine negotiated and ratified this Compact in full compliance with all federal and state laws. Since 1985, nine other compacts comprising 41 states have been ratified by congress without amendment or objection. Please join us in helping all of our States to protect the health and safety of our citizens by co-sponsoring and voting for the Texas-Maine-Vermont Low-Level Radioactive Waste Compact ratification bill.

In the last Congress, some members of the Texas delegation opposed ratification of the Compact because of concerns over the location for the proposed site in Texas. We are satisfied that all appropriate health, safety, and environmental concerns are being addressed in a responsible manner by the Texas state government.

The Commerce Committee reported H.R. 629 on June 25th. The bill will be coming to the floor soon. We strongly urge you to vote for this bill.

EDDIE BERNICE JOHNSON,
Member of Congress.
SHEILA JACKSON LEE,
Member of Congress.

Ms. SNOWE. The fact of the matter is that there has been a public process. There has been very careful evaluation and concern about the views of the constituents in the local area of Hudspeth County, of Sierra Blanca, of the State of Texas. The fact is, the Senator from Minnesota wants to treat the States of Texas, Vermont, and Maine differently from 41 other States, including the Senator's own State of Minnesota.

The States of Texas, Vermont, and Maine are doing just what the Congress required them to do—enter into a compact. The failure of this Congress to approve this conference report and ratify this compact would mean that the State of Texas could not create one safe permanent disposal for low-level radioactive waste; that they would have to maintain 684 temporary storage facilities that do not meet the strict Federal, State and local requirements that this permanent facility would be required to meet.

So, Mr. President, I urge my colleagues to adopt this conference report. I reserve the balance of my time.

The PRESIDING OFFICER (Mr. INHOFE). The Senator has 9 minutes remaining.

Mr. WELLSTONE. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. WELLSTONE. Mr. President, would the Chair please notify me when I have 2 minutes remaining?

The PRESIDING OFFICER. The Senator will be so notified.

Mr. WELLSTONE. Mr. President, A, this is the only compact the Senate has considered where we have a site identified for construction of a compact dump. In this particular case, 90 percent or more of that waste is going to come from nuclear power plants.

B, with all due respect to my colleague, the argument that the people in Sierra Blanca and Hudspeth County want this is an argument that just cannot be accepted on the floor of the U.S. Senate. Eight hundred adult residents of this town of Sierra Blanca signed petitions in opposition. A 1992 poll commissioned by the Texas Waste Authority showed 64 percent in opposition. In a poll in 1994, 82 percent of Texans were against it. It just doesn't wash.

Third, as colleagues follow this debate, again, the Texas legislature selected Hudspeth County. The Texas Waste Authority selected the Sierra Blanca site after the Authority's own scoping study said it is not scientifically suitable. But this was the path of least political resistance. This is an issue of environmental justice. This is being put on the back of a community that is disproportionately Hispanic and poor. That is what today's article in the New York Times is all about.

Finally, let me name some of the members of a coalition of religious, environmental, social justice and public interest groups who oppose the compact. I cite the League of United Latin American Citizens, LULAC. The Latino community should make us accountable on this vote. This is an issue of environmental justice. Then there is GreenPeace, the Texas NAACP, the Texas House of Representatives Mexican-American Legislative Caucus, the Sierra Club, the House Hispanic Caucus, and the League of Conservation Voters. I reserve my final 2 minutes, the balance of my time.

Mr. LEAHY. Mr. President, let me go back to the basic reason we are debating this Compact today. This Compact is before the Senate today because we shifted the responsibility to manage low-level nuclear waste to the states almost a decade ago. Congress encouraged the states to enter into compacts to share this responsibility. Forty-one states have already followed our direction by entering into compacts very similar to the one we have before us today. With the expectation that Congress would ratify their compact, just like we have nine other times, the states of Texas, Vermont and Maine entered into this Compact.

That was more than four years ago. We have delayed this Compact long enough. The amendments that Senator WELLSTONE offered to the Compact when it passed the Senate earlier this year would delay implementation of this Compact even further. When the Conference Committee considered these amendments, we not only heard opposition to the amendments from the National Governors' Association and the Nuclear Regulatory Commission, but also from each of the governors of Texas, Maine and Vermont.

Their letter urges Congress to pass the Compact without amendments. The letter makes it clear that the governors believe that the amendments would require re-ratification by the states and would undoubtedly lead to costly and time-consuming litigation. But their letter raises what I think is the most important question: what is our role in ratifying this Compact? Congress has passed nine other compacts without any amendments. In fact, we passed them by unanimous consent. So why is this Compact so different? Contrary to Senator WELLSTONE's statement, the Compact makes no mention of a site. Nowhere in this legislation will you find a mention of Sierra Blanca, Texas. The people of Texas will make a decision for themselves. The Compact will not.

We are not here to select the site for them. We are not here to write the Compact agreement for them. We are not here to decide how much waste should be deposited at the facility or where that waste should come from. The states have already made those decisions for themselves. As the governors pointed out, the Wellstone amendments would have been an ''infringement on state sovereignty.'' It

would have been the first time Congress amended an original contract negotiated by the states. Inclusion of these amendments in the Compact would deny the states the right Congress gave them to make their own choices as to how to handle disposal of low-level nuclear waste.

The amendments offered to the Compact by Senator WELLSTONE were inappropriate. I can understand Senator WELLSTONE's concern that too many sources of pollution and waste facilities are targeted to minority and low-income areas, but one of his amendments would have created new opportunities for litigation that go far beyond the ''environmental justice'' guidance recently proposed by the Environmental Protection Agency. The amendment would also apply federal environmental justice standards to states for the first time. Congress should address the issue of environmental justice. But we should take the time to do it right, not through amendments to an agreement between three states that are following the lead of nine other similar agreements.

The second amendment attached by Senator WELLSTONE also expands the role of Congress in approving these compacts. This Compact is the result of years of negotiation among the three states and approved by the legislatures of those states. Senator WELLSTONE argues that his amendment would give Texas protection from having to accept waste from states other than Maine and Vermont. However, the Compact already gives Texas the majority vote in deciding if and from whom additional waste may come. This amendment is unnecessary and would only lead to further delay of the Compact since it will likely require re-ratification by the member states. In fact, under the Wellstone amendment, Texas may be more open to accepting waste from other states because it would not have the protection of the exclusionary provisions of the Compact.

The States of Texas, Maine and Vermont have done their job. They have negotiated a compact among them to provide for the responsible disposal of low-level radioactive waste and submitted it to this body as required under Federal statute, for the consent of the Congress. Now, we need to do our job. Those Senators who support the basic premise that we agreed to in 1980, that states should have the responsibility to dispose of their waste, should vote for this bill. It is the responsibility of Congress to follow through on the direction we gave to states in 1980 and ratify this Compact.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I am very pleased to be able to yield 4 minutes to my colleague from the State of Texas, Senator HUTCHISON.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President. I thank the Senator from Maine.

Mr. President, I think it should be noted that all six Senators from three affected States are supportive of this legislation.

I want to begin my remarks with the most important thing I can possibly say, and that is, I would never support a hazardous waste site in my State that wasn't in full compliance with Federal and Texas environmental laws and regulations. This is the most important of all of the things that I could possibly say.

This compact came about because of Federal legislation—the Low-Level Radioactive Waste Policy Act and its 1985 amendments. They allowed States to come together, and encouraged States to come together, to find waste disposal facilities that would meet the needs of our country.

In fact, all of us would love not to have any waste that would be put anywhere. But if we didn't have waste, we wouldn't have medical remedies, we wouldn't have the cures for people's diseases. That is what this waste is. It is not nuclear waste. It not high-level hazardous waste. It is low-level medical waste.

The law has created 41 States that have formed 9 low-level radioactive waste compacts. Minnesota is a member of one such compact ratified by Congress in 1985. Nine compacts have been formed. And the compact that Texas, Maine, and Vermont have created is no different from these, and it seeks to provide the citizens of our three States the same protections enjoyed by the State of Minnesota and the other 40 States that have formed compacts.

I think it is very important that we address the issue of how this came about.

A compact agreement was negotiated by former Governor Ann Richards with the Governors of Maine and Vermont. The compact was overwhelmingly approved by the Texas State Legislature and signed by Governor Richards in 1993. That compact now enjoys the support of our current Governor, George Bush, and our Lieutenant Governor, Bob Bullock.

Maine's compact was passed by their legislature and signed in 1993. It also passed a State-wide referendum. In Vermont, legislation was passed by the legislature and signed by the Governor in 1994. I don't think the Federal Government has a mandate to nullify a contract among three State Governors and ratified by their legislatures.

I think it is also important that we address the local issue that has been addressed by the Senator from Minnesota.

We have not yet—the three States together, nor the State of Texas—decided on a place for this radioactive waste. However, there is careful consideration being given to Hudspeth County, which is the focus of where they are looking for the site of this low-level waste compact as a place where they are going to put the waste.

Hudspeth County is the third largest county in Texas, with 4,566 square miles. It has a population of 3,200 people.

I want my colleagues to know that the vast majority of the county's leadership support locating this facility in Hudspeth County as long as it is done in an environmentally safe way, which the Governor has promised will happen or it will not be created.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. SNOWE. Mr. President, I ask unanimous consent that the Senator from Texas have 2 additional minutes.

The PRESIDING OFFICER. The Senator from Maine has only 1 additional minute remaining.

Ms. SNOWE. Mr. President, I was informed earlier that I had 9 minutes remaining.

I ask unanimous consent for 1 additional minute and the Senator from Minnesota to have an additional minute.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, I certainly will not object. My understanding is that the Senator from Texas needed additional time.

If additional time is added on your side and then added to my side as well, that will be fine with me.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. There is one other addition I would like to have, and that is that the Senator from Minnesota have an additional 1 minute as well.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, reserving the right to object, what is the agreement?

The PRESIDING OFFICER. I think this side would have 4 additional minutes remaining, of which the Senator from Texas would use 1, and you would have 3 additional minutes remaining.

Mr. WELLSTONE. So the additional minutes added to the side in favor of this would be the same as the amount of time added to the opposition. Is that correct?

The PRESIDING OFFICER. That is not correct.

Mr. WELLSTONE. That is not correct?

The PRESIDING OFFICER. There would be 2 additional minutes remaining, and you would be getting 1 additional minute.

Mr. WELLSTONE. I will say what would be fair would be 2 additional minutes on each side.

Ms. SNOWE. I agree with that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President.

It is very important that the people of our country know that the people of Hudspeth County want this low-level waste authority. They in fact had an election this past May in the primaries. The county elections were held. And every opponent of the Low-Level Radioactive Waste Compact who sought office in Hudspeth County lost.

I ask unanimous consent to have printed in the RECORD a letter of support from the Hudspeth County judge, James Peace, and 300 community leaders in the county in support of the compact; and, furthermore, letters from the National Governors' Association, the Western Governors' Association, the National Conference of State Legislatures, the Nuclear Regulatory Commission of the United States, the M.D. Anderson Cancer Center in Houston, the University of Texas System, the Texas Tech University Health Sciences Center in El Paso, and the University of Texas Health Science Center at San Antonio.

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

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, March 2, 1998.

DEAR MEMBER OF CONGRESS: On behalf of the National Governors' Association, we urge you to adopt S. 270 without amendment. This bill provides congressional consent to the Texas-Maine-Vermont Low-Level Radioactive Waste Compact. The National Governor's Association (NGA) policy in support of this compact is attached. We are convinced that this voluntary compact provides for the safe and responsible disposal of low-level waste produced in the three member states.

As you know, under the Low-Level Radioactive Waste Policy Act (LLRWPA) of 1980, Congress mandated that states assume responsibility for disposal of low level radioactive waste, and created a compact system that provided states with the legal authority to restrict, dispose of, and manage waste. Since 1995, forty-one states have entered into nine congressional approved compacts without amendments or objections. The Texas-Maine-Vermont Compact deserves to be the tenth.

Your support for this bipartisan measure, which has the full support and cooperation of the Governors and legislatures of the three participant states, will be crucial.

If you have any questions concerning this matter, please don't hesitate to contact Tom Curtis of the NGA staff at (202) 624–5389.

Sincerely,

GOV. GEORGE V. VOINOVICH,
Chairman.
GOV. TOM CARPER,
Vice Chairman.

WESTERN GOVERNORS' ASSOCIATION,
Washington, DC, March 12, 1998.

DEAR SENATOR: The Western Governors' Association urges you and your fellow Senators to pass S. 270, without amendment. This legislation would ratify the Texas-Maine-Vermont Low Level Radioactive Waste Compact. Congress envisioned this type of compact when it passed the Low Level Radioactive Waste Policy Act (LLRWA) of 1980. This Compact is a voluntary group of states which joined together to identify and operate a site for the disposal of low level radioactive waste. The site and management program is fully supported by the Governor of Texas, the host state.

As you know, Congress requires the states to take responsibility for the proper disposal of the low level radioactive waste generated within their borders, and created the compact system to allow states to join together to meet this mandate. The Western Governors support such compacts particularly when the states join voluntarily and when the host governor supports the location and operation of the disposal site.

Your vote for adoption of S. 270, without amendment, is critical to its ratification. This will allow the three states to move towards complying with the LLRWA.

If you have questions please contact me or Rich Bechtel, Director of the WGA Washington Office.

Sincerely,

JAMES M. SOUBY.

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Washington, DC, March 11, 1998.

Re S. 270, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act
NCSL urges you to support this bill without amendment.

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

DEAR SENATOR LOTT: The National Conference of State Legislatures (NCSL) urges you to support S. 270, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act, which will allow the states of Maine, Texas, and Vermont to continue to work together to develop a facility in Hudspeth County, Texas for the disposal of the low-level radioactive waste produced in those three states. NCSL has consistently reiterated its firm belief that states must be allowed to exercise their authority over the storage and disposal of low-level radioactive waste, authority that was granted to them by Congress in the Low-Level Radioactive Waste Policy Act of 1980 and the Low-Level Waste Policy Act Amendments of 1985.

NCSL is concerned about H.R. 629, the version of the Texas Low-Level Radioactive Waste Disposal Compact Consent Act which passed through the House of Representatives last October. H.R. 629 was amended with language that was not in the compact as approved by the Maine, Texas and Vermont state legislatures. No low-level radioactive waste compact between states has ever been amended by Congress. We believe that the amendments to H.R. 629 would establish an unfortunate precedent for Congressional tinkering with agreements that have already been passed by their relevant state legislatures.

The states of Maine, Texas, and Vermont have already expended significant time and resources in order to negotiate an agreement on the Hudspeth County facility. It would be inappropriate for Congress to attempt to alter a valid effort by the Compact states to meet their responsibilities under the Low-Level Radioactive Waste Policy Act. We urge you to support S. 270 without amendment.

Sincerely,

CRAIG PETERSON,
Utah State Senate, Chair, NCSL Environment Committee.
CAROL S. PETZOLD,
Maryland House of Delegates, Chair, NCSL Energy & Transportation Committee.

U.S. NUCLEAR
REGULATORY COMMISSION,
Washington, DC, March 20, 1998.

Hon. OLYMPIA J. SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATOR SNOWE: In response to the request from your staff, here are the views of the Nuclear Regulatory Commission (NRC) on two proposed amendments to S. 270, a bill to provide the consent of Congress to the Texas Low-Level Radioactive Waste (LLW) Disposal Compact. The proposed amendments would add two new conditions to the conditions of consent to the compact: (1) that no LLW may be brought into Texas for disposal at a compact facility from any State other than Maine or Vermont (referred to below as the ''exclusion'' amendment); and (2) that ''the compact not be implemented . . . in any way that discriminates against any community (through disparate treatment or disparate impact) by reason of the composition of the community in terms of race, color, national origin, or income level'' (referred to below as the ''discrimination clause''). These amendments raise some significant questions of concern to the NRC.

First, no other Congressional compact ratification legislation has included such conditions to Congress' consent. Making the Congressional consent for this compact different from that for other compacts would create an asymmetrical system and could lead to conflicts among regions. In the past, Congress has set a high priority on establishing a consistent set of rules under which the interstate compact system for LLW disposal would operate.

With respect to the exclusion condition, while the Low-Level Radioactive Waste Policy Act of 1980 and the Low-Level Radioactive Waste Policy Amendments Act of 1985 authorize compact States to exclude LLW from outside their compact region, the terms of doing so are left to the States. This is consistent with the intent of these statutes to make LLW disposal the responsibility of the States and to leave the implementation of that responsibility largely to the States' discretion. Thus, the addition of the exclusion condition to the compact would deprive the party States of the ability to make their own choices as to how to handle this important area. In addition, restriction on importation of LLW into Texas to waste coming from Maine or Vermont could prevent other compacts (or non-compact States) from contracting with the Texas compact for disposal of their waste (such as has occurred between the Rocky Mountain and Northwest compacts). This type of arrangement with existing LLW disposal facilities may well become a preferred economical method of LLW disposal. It is also important to note that the exclusion condition may hamper NRC emergency access to the Texas facility pursuant to section 8 of the Low-Level Radioactive Waste Policy Amendments Act of 1985.

With respect to the discrimination clause, the Commission supports the general objectives of efforts to address discrimination involving ''race, color, national origin, or income level.'' However, it is unclear how a condition containing broad language of the type contained in the proposed amendment would be applied in a specific case involving a compact. This lack of clarity is likely to create confusion and uncertainty for all parties involved, and could lead to costly, time-consuming litigation. Including such a provision in binding legislation may have broad significance for the affected States and other parties and would appear to warrant extensive Congressional review of its implications.

In light of the above, the NRC opposes the approval of amendments to S. 270 that would

incorporate the exclusion condition or an undefined discrimination clause into the Texas compact bill.

Sincerely,

SHIRLEY ANN JACKSON.

HUDSPETH COUNTY JUDGE,
Sierra Blanca, TX, August 25, 1998.

Hon. KAY BAILEY HUTCHISON,
Russell Office Building,
Washington, DC.

DEAR SENATOR HUTCHISON: It is my understanding that the United States Senate will be considering the Texas/Maine/Vermont Compact soon. I want to thank you for supporting this important measure. Its passage will bring needed revenue and opportunity to our area. Sierra Blanca has already benefited greatly from the presence of the Texas Low-Level Radioactive Waste Disposal Authority in the area. The benefits (jobs and infrastructure improvement) will increase during construction and operation of the low-level radioactive waste disposal facility. The truth is the socioeconomic benefits for the residents of Sierra Blanca are enormous and overwhelmingly positive. Continued economic benefits are absolutely critical to the future development of Hudspeth County.

I want you to know that the majority of citizens favor the development of such a facility. I have enclosed an advertisement that recently ran in the Austin American Statesman, paid for by donations and community funds. The people of Sierra Blanca and Hudspeth County voiced their support for a better future and tangible real life advances that will make our communities more livable. The advertisement reflects the widespread support in our area for this project; the support runs across the business community to elected officials. During the recent primary elections, this issue was openly debated in the County Judge, Commissioners Court, and County Democratic Chairmanship races; those who supported the project won, while those who opposed it lost.

Thank you for your continued support. If you have further questions or if I can help you in any other way, please feel free to call.

Sincerely,

JAMES A. PEACE.

[From the Austin American-Statesman, July 22, 1998]

AN OPEN LETTER TO THE PEOPLE OF THE STATE OF TEXAS FROM RESIDENTS OF SIERRA BLANCA, TEXAS AND HUDSPETH COUNTY

We support the approval of the license for the proposed radioactive waste disposal facility near our town. It offers hope for a better future and tangible, real life advances that will make Sierra Blanca and Hudspeth County more livable. The overwhelming majority of residents support this project near our town for the following reasons:

A halt to exporting our children to other areas for employment
A larger job market for all the residents of Sierra Blanca and Hudspeth County
The ripple effect seen from additional businesses and services to support the facility
Improved medical care
Increased property values
A broader tax base
Enhanced infrastructure
Disposal fees paid to the County
Upward mobility and an improved standard of living
A better perception of our community by ourselves and others

Until the proposed project, the only method of upward mobility and economic development for the residents of Sierra Blanca was a bus ticket out of town. There was little hope for economic progress. Sierra Blanca was destined to be a small, remote, dying community.

The critics—almost all of whom live outside the community—say the proposed site is not a reasonable road to economic development for Sierra Blanca. We say that these people do not speak for us and that this is the only road in sight.

After four years of intensive review, TNRCC issued a favorable Environmental Assessment. We are totally satisfied that the project will be safe and the residents of Sierra Blanca want it to be licensed. It is a sign of hope and a brighter future.

The only negative socio-economic impact would be the denial of the license and the decision to site the facility elsewhere.

THE UNIVERSITY OF TEXAS
MD ANDERSON CANCER CENTER,
Houston, TX, February 20, 1995.

Hon. HENRY BONILLA,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BONILLA: Early this session, Congress will have the opportunity to ratify the Texas Compact, an interstate compact entered into by Texas, Maine and Vermont for the disposal of low-level radioactive waste at a joint facility. As President of The University of Texas M.D. Anderson Cancer Center at Houston, I write to tell you of the great importance of this legislation to M.D. Anderson Cancer Center.

Along with five other health related components of The University of Texas System, M.D. Anderson engages in important research and medical activities which require the use of radioactive materials. Such materials are an essential part of biomedical research into illness like cancer, AIDS, and Alzheimer's disease. Radioactive matter is used extensively in the development of new drugs and is critical to the process of diagnosing and treating patients. For example, radioactive tracer elements are used to detect coronary artery disease and lung and bone scans help locate blood clots or cancerous cells. Radiation therapy is also effective in controlling the spread of many types of cancer.

The low-level radioactive waste generated by research and detection and treatment of illnesses must be disposed of in a responsible, permanent manner. Ratification of the compact between Texas, Maine and Vermont will provide Texas with $25 million, sent by the other two states, to help defray the costs involved with developing a safe facility. This legislation which will be sponsored by Congressman Jack Fields and several co-sponsors from the Texas delegation, finalizes years of negotiations between the states and safeguards Texas against having to accept out-of-compact waste in the future.

Again, I urge your support of the Texas Compact and your consideration to join Congressman Fields as a co-sponsor. Congress gave the states a mandate to manage their low-level radioactive waste. With your vote for ratification, Texas can move forward toward that goal.

Sincerely,

CHARLES A. LEHAISTRE,
President.

TEXAS TECH UNIVERSITY
HEALTH SCIENCES CENTER AT EL PASO,
El Paso, TX, October 17, 1995.

KAY BAILEY HUTCHINSON,
Russell Senate Bldg.
Washington, DC.

DEAR SENATOR HUTCHINSON: Enclosed is a review of the Radioactive Waste Disposal Site that I completed on 18 July 1995. Texas needs this radioactive waste disposal site. We have 2,217 users of radioisotopes in Texas. We know of 684 sites that produce radioactive waste that must be disposed of properly in order to safeguard the health of all Texans.

Medical diagnosis and treatment with radioisotopes is a significant factor at hospitals and cancer treatment centers. Radioisotopes are used at many Texas Universities and teaching institutions. There has to be a site for disposal of their wastes. We can not simply store this material on site at 684 different places.

We have to look to the total disposal of radioactive waste in Texas and do the best possible job so that future generations are not affected by sloppy disposal and contamination of ground water or food chains. The Eagle Flat site at Sierra Blanca meets those needs.

We need your support in approving HR 558 which is the compact between Texas, Maine, and Vermont. Congress has approved 9 compacts which includes 41 states. Please vote for approval of the 10th compact so that Texas can move forward on proper disposal of radioactive wastes with input and monies from Maine and Vermont.

The site selected in Hudspeth County is being reviewed by the Texas Department of Natural Resources. Approval by that state agency will enable Texas to properly dispose of its radioactive waste. The state approval process continues to move forward at this time. Public hearings at the state level are scheduled for Spring 96.

Sincerely,

CHARLES H. WILLIAMS,
Chairman, Institutional Review Board.

THE UNIVERSITY OF TEXAS HEALTH
SCIENCE CENTER AT SAN ANTONIO,
San Antonio, TX, December 5, 1995.

Re passage of H.R. 558/low-level radioactive waste compact.

Hon. LAMAR SMITH,
U.S. Representative, District 21,
San Antonio, TX.

DEAR CONGRESSMAN SMITH: It is my understanding that the House of Representative may once again vote on a low-level radioactive waste (LLW) compact among Texas, Maine, and Vermont. As you evaluate this issue, I thought you might be interested in the importance of such compacts to The University of Texas Health Science Center at San Antonio.

As you know, UTHSCSA engages in important research, medical treatment, and diagnosis using radioactive materials. These activities could be curtailed, or even possibly eliminated, if long-term, reliable LLW disposal is not available. Much, if not all, of our research depends on radioisotopes used as ''tracers.'' These isotopes allow researchers to identify cells being studied without using dyes or chemicals which would interfere with the experiment. Virtually all aspects of contemporary biomedical research depends on the use of these radioisotopes.

Currently, at UTHSCSA, the following research is underway using low-level radioactive materials: (1) Cancer research on causes and treatment of different types of cancer; (2) Exploration and mapping of human genomes; (3) Studies on the effects of aging; (4) Diabetes in the Hispanic population; (5) Bone loss, density, growth, and osteoporosis; (6) Genes that suppress tumors; (7) Pathogenicity of various infectious agents; and (8) Studies of neuroendocrinology and pineal physiology.

According to figures from the Texas Low-level Radioactive Waste Disposal Authority, approximately 23% of the LLW sent to the proposed Texas disposal facility will be generated by medical research and health facilities, including the fifteen academic and health institutions of The University of

Texas System. The University of Texas System and the UTHSCSA rely on Congress to support the State's efforts to provide generators of LLW a safe, secure, and permanent LLW disposal facility.

Thank you for your further consideration of this issue, which is of great concern to this University and its important research and health care goals. We appreciate your interests and support.

Sincerely yours,

JOHN P. HOWE III,
President.

Mrs. HUTCHISON. Mr. President, the issue before us today is whether the citizens of Texas, Maine, and Vermont will enjoy the same protections as 41 other States to ensure safe and environmentally sound disposal of dangerous radioactive material.

The local support is there. The Governor has assured us that there will not be a site selected until all of the scientific data shows that this is where it should go, and we are doing exactly what Congress directed us to do in creating safe places for this low-level radioactive waste.

I hope my colleagues will support this, as all of the six Senators who have a direct interest in this are doing.

Thank you, Mr. President. I thank the Senator from Maine. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, will the Chair notify me when I have 1 minute left?

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I say to my colleagues that the site has been selected. The only remaining question is final licensing. The site in Hudspeth County, Sierra Blanca, is disproportionately Hispanic and disproportionately poor. That is what this debate is all about. This is an injustice. If you vote for this compact, you will be ratifying this injustice. If you vote against this compact, then this will not happen.

That is why LULAC, that is why the League of Conservation Voters, that is why the Sierra Club, that is why the religious community, that is why 100 different organizations from around the country, that is why people came here, as difficult as it was, all the way from Hudspeth County to say please don't do this.

We had two amendments that would have made this fair.

Please, colleagues, listen to this. One amendment that you voted for said that if the people in Hudspeth County can prove that this is discriminatory, they should have a right to do so in court. The other amendment says let's make it clear that the waste can only come from Maine, Vermont, and Texas. Twice the Senate went on record with unanimous votes supporting both those amendments, and in the conference committee those amendments were knocked out. The utility industry wanted them knocked out. They don't want the people to have any kind of remedy for discrimination. There is no assurance that the waste will come just from Maine, Vermont, and Texas. They want this to be a national repository site.

That is why we should vote against this compact—the first compact ever with a clear site for building a compact nuclear waste dump. This is an environmental injustice.

I reserve the remainder of my time.

Ms. SNOWE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Ms. SNOWE. Mr. President, let me make a final comment. I think we have had very extensive debate.

I believe that the facts have been emphasized and clarified with respect to this issue. The fact of the matter is, this compact adheres to all of the standards that have been applied to previous compacts ratified by the Congress, nine such instances as mandated by the U.S. Congress. The fact is, 82 Senators in this body represent States that have compacts, but the Senator from Minnesota is saying that somehow the States of Texas and Vermont and Maine should be discriminated against, that they should not be allowed to enter into a compact to safely dispose of low-level radioactive waste—waste, yes, that is generated by universities, by medical centers, by defense facilities, by power plants.

The Senator from Minnesota is saying that somehow we should be treated differently from his own State of Minnesota and all of the other 40 States that are included in these compacts. The State of Texas has procedures, has a public process, has a political process to determine where the site should be located. The Senator from Minnesota is somehow suggesting that the State of Texas does not have the trust and the confidence of the people that it serves to make a judgment in adherence to their State environmental and public and health and safety laws as well as the Federal Government, all of which, I might add, have to be adhered to, all of which have been outlined in this process throughout. This has not been something that somehow has materialized out of thin air, overriding and breaching all of the environmental and safety laws in America.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. SNOWE. So I would urge my colleagues to adopt this conference report that allows the States of Texas and Vermont and Maine to do what 41 other States, including the State of Minnesota, have been able to do in the past.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Colleagues, you have never voted for a compact with a specific site for building a compact dump, not with a site in Sierra Blanca, not with a site disproportionately Hispanic and poor.

This is an environmental vote. This is a geologically active area. The science says no, but it is the path of least political resistance. This community is targeted. We will now vote. If you vote for this compact, you vote for an injustice. Do the right thing and vote against this compact.

Twice you have gone on record, colleagues, by unanimous vote: yes, for the compact as long as people have a right to challenge this and have a chance to prove discrimination. Yes, we vote for the compact if we make it clear that this won't become a national repository site and the waste can only come from Maine and Vermont and Texas. And both of those amendments, in the dark of night, were stripped by the conference committee.

That is why so many religious and civil rights organizations have said vote against this. LULAC, the League of Conservation Voters, the Sierra Club, the Catholic diocese, the Methodist Church, so on and so forth. This is a justice vote. We have to vote on this, and once and for all it is important for us to be on the side of justice and vote no on this compact.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. WELLSTONE. Does my colleague have any time remaining?

The PRESIDING OFFICER. Her time has expired.

Mr. WELLSTONE. I then will yield the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

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. 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 Georgia (Mr. COVERDELL), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Alaska (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 ''yea.''

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 PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 78, nays 15, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—78

Abraham	Faircloth	Lott
Allard	Feinstein	Lugar
Ashcroft	Ford	Mack
Baucus	Frist	McCain
Bennett	Gorton	McConnell
Biden	Graham	Mikulski
Bond	Gramm	Moynihan
Breaux	Grams	Murray
Brownback	Grassley	Nickles
Bumpers	Gregg	Robb
Burns	Hagel	Roberts
Byrd	Hatch	Rockefeller
Campbell	Hollings	Roth
Chafee	Hutchinson	Santorum
Cleland	Hutchison	Sarbanes
Coats	Inhofe	Sessions
Cochran	Jeffords	Shelby
Collins	Johnson	Smith (NH)
Conrad	Kempthorne	Smith (OR)
Craig	Kerrey	Snowe
D'Amato	Kohl	Specter
Daschle	Kyl	Stevens
DeWine	Landrieu	Thomas
Dodd	Leahy	Thompson
Dorgan	Levin	Thurmond
Enzi	Lieberman	Warner

NAYS—15

Akaka	Harkin	Reed
Boxer	Kennedy	Reid
Bryan	Kerry	Torricelli
Durbin	Lautenberg	Wellstone
Feingold	Moseley-Braun	Wyden

NOT VOTING—7

Bingaman	Glenn	Murkowski
Coverdell	Helms	
Domenici	Inouye	

The conference report was agreed to.

Mr. MCCONNELL. addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider the last vote be laid upon the table.

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

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

UNANIMOUS-CONSENT REQUEST—H.R. 2183

Mr. DASCHLE. Mr. President, I think that we want to finish this foreign operations appropriations legislation, and I hope that we can do it. I hope we can do it sometime soon. I note there are a number of amendments that are left to be considered on this important piece of legislation. I commend our ranking member and the chairman for their efforts in resolving this important piece of legislation in a timely way. There are a number of other amendments that must be considered before we can come to closure.

The question then comes as to what we take up next. Yesterday, we discussed on the Senate floor how important it is that one of the bills that we take up next be the Patients' Bill of Rights, managed care reform. The other piece of legislation, Mr. President, that ought to be taken up immediately is legislation that was already passed in the House, the Shays-Meehan bill, H.R. 2183, the campaign finance reform bill.

Mr. President, the House deliberated on that bill for some time. House Members worked their will. They did a good job in dealing with all of the controversial aspects of campaign reform this year. They recognize, as many of us recognize, that we are not going to solve the problem with one piece of legislation. But they made a major contribution to solving the problems we face with regard to soft money and independent expenditures and reporting and enforcement.

Whether or not we move this issue forward will be determined by whether or not we are willing to act in the course of the next 6 weeks. Time is running out. I applaud Senators MCCAIN and FEINGOLD for their news conference this week wherein they said they will press for this legislation, they will offer their bill as an amendment to another bill at some point in the future.

Mr. President, whether it is the McCain-Feingold bill or the Shays-Meehan bill, this Senate must not lose the opportunity to complete its work on campaign finance reform this year. We must have the opportunity to address the issue. We must take up that legislation.

I will be propounding a unanimous consent request at some point this morning—in just a few moments—to ask that campaign finance reform be the next order of business, to ask, again as we did yesterday, that it be laid aside for other important appropriations bills simply because we recognize the urgency of passing appropriations legislation on time. We are way past due. We have not passed a budget. We have not passed any of the appropriations bills. Not one has been signed into law.

Mr. President, to the extent we can do all that we can to resolve the remaining procedural and other related problems on appropriations, we must do so. But there is no question that, as we look to what must be completed prior to the end of this year, the two issues that have to be addressed are the campaign finance reform bill and the Patients' Bill of Rights that we discussed yesterday.

We come to the floor this morning simply to focus attention on the need for expeditious consideration of this legislation, on how critical it is that we, as Republicans and Democrats, agree, as did Members in the House, to make it the kind of priority it deserves to be, to address the array of problems that we have.

I cannot think of a more diverse philosophical body than the House today. We have the far left and we have the far right. We have the extremes on both sides. With all of the extreme positions that Members are capable of taking, they came together and passed the Shays-Meehan bill just before we left.

Mr. President, now it is our turn. Now we have an opportunity to do the same thing. Now we can pass the legislation here. We had a debate earlier. We were disappointed that we were not able to come to closure on it. But now is the time. The House has acted. So must we.

So far this cycle Republicans and Democrats have spent $37 million more than the last cycle—$37 million. Campaigns continue to escalate in cost and degrade in quality. More and more, there is a rush for dollars. More and more questions are asked about how money is raised. More and more, the people are turned off and tuned out by a political process that has gone awry. They ask that we react. They ask that we show some leadership. They ask that we take some steps to correct this situation before it gets even worse. The House heard; and the House reacted. The Senate now must do the same.

There is no better time to do it than now. We all are cognizant of the fact that there are only 60 days left before the next election. Within those 60 days, there will be even more money raised, tens of millions of dollars raised, across this country. As we speak, I guarantee you, there are Senators and House Members and candidates in small rooms everywhere dialing for dollars—incessant dollar dialing that has reached an unprecedented threshold. And the implications of all that money become more serious, the implications for the legislative process, the implications for campaigns themselves, the implications for the democracy that we all treasure.

Mr. President, there has to be an end at some point. We have to curtail this incessant effort to raise more and more money at the cost of the credibility of the American people as they view our campaigns in 1998.

Not all of us are on the floor right now, but if we were, I say with unanimity our Democratic caucus wishes to express the hope that we can pass the Shays-Meehan bill this week, next week, or certainly at some point before we leave. If we pass the Shays-Meehan bill as it passed in the House, which I am prepared to do, I will accept it. I will take the language that was passed in the House and I will send it off to the President. He has already indicated he will sign it. We don't have to go to conference. There is nothing we have to do that would complicate our actions once it passes in the Senate.

So let's do it. Let's agree, as Republicans and Democrats, that it is important to do it now. The time is running out. I urge my colleagues—urge my colleagues—to agree.

Mr. President, I ask unanimous consent that upon the disposition of the foreign operations appropriations bill, the Senate proceed to the consideration of H.R. 2183, the House-passed campaign finance reform bill, that only relevant amendments be in order, that it be the regular order, but that the majority leader may lay the bill aside for any appropriations bills and appropriations conference reports.

Mr. MCCONNELL. I object.

The PRESIDING OFFICER (Mr. SANTORUM). The objection is heard.

Mr. DASCHLE. Mr. President, I am not surprised, but I am disappointed.

We will continue to persist. We will continue to make the effort each day, either in the form of unanimous consent requests like this, or with amendments offered to bills that will be considered. We will not let this issue pass. It is essential that we consider this legislation before it is too late, before we run out of time, before we miss a golden opportunity to seize the moment and do what the Senate should have done earlier this year, should have done last year, should have done 10 years ago. This will not go away. We can do it either the easy way or the hard way, but we will continue to persist.

Mr. WELLSTONE. Will the minority leader yield for a question?

Mr. DASCHLE. I am happy to yield to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, before coming back, I was at the Minnesota State Fair, which is quite a focus group—almost half the State's population comes there in 13 days. Without going through my conversations with people in Minnesota, I want to ask you whether or not back home in South Dakota or as you travel around the country, what kind of discussions do citizens have with you about the mix of money and politics and reform?

Does the minority leader think that this is, in fact, a burning issue to people? We have been told for so long that people don't really care about campaign finance reform. What is the minority leader hearing from people in South Dakota? What is he hearing from citizens in our country? Why does he, as the leader of our party, put this at the very top of his priorities?

Mr. DASCHLE. The Senator from Minnesota raises an important point.

As I talked to South Dakotans all over the state this last month of August, I found it remarkable how many people simply said they don't want to have anything to do with the political process anymore. I had many, many Republicans who said they are just sick and tired of what is happening out there. Most of it, they said, relates to the money—the money chase, the implications of more money, the influence of big money on the legislative process. They are tired of it.

I think without question they all understand that the rules, the laws, need to be changed.

It was remarkable to hear the consistency with which people expressed that point of view to me—Republicans, independents, and Democrats; they all said it. They all indicated with increasing intensity that unless we change the system we could lose it, that unless we change the rules we will become victims of the current ones.

That, to me, is the essence of why this is so essential, why it is important that we act now.

Mr. FEINGOLD. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator from Wisconsin for a question.

Mr. FEINGOLD. Mr. President, before I ask a question, let me thank the minority leader for his tremendous leadership on this issue and for maintaining the support of the entire Democratic caucus for reform—whether it be the McCain-Feingold bill or the Shays-Meehan bill, which is very similar.

One of the criticisms made of this bill consistently, which I obviously have never found very valid, is that it is a partisan bill. The fact is that seven Republicans have supported this bill out here on the floor, and the number in the House was overwhelming.

I wonder if the minority leader is aware that a quarter of all the members of the Republican Party in the House supported this legislation.

Mr. DASCHLE. I was aware of that, and I think the Senator from Wisconsin raises a very important point. I actually believe that there are at least 25 percent of the Republican caucus in the Senate who support campaign reform. I just wish they would express themselves, as I know the House already has, in that regard.

As I talk to colleagues on the other side of the aisle, they tell me they are supportive of it. They tell me they understand we need to see some change. I just hope that some additional courageous Republican Senators will step forth and join us. All we need are 60 votes; we already have 45 Democratic Senators. As the Senator from Wisconsin knows, we already have several Republican Senators who have expressed support and are willing to continue to support our effort. So a dozen or so additional Republican Senators would put us over the top.

Mr. FEINGOLD. Mr. President, this is precisely the reason the senior Senator from Arizona and I announced yesterday that we will be forcing the issue if your proposal is not agreed to, to bring this up, because we do believe that there will be Members on the other side of the aisle here who will support us. In fact, we are down, now, to only eight people.

The fact is that originally people said, ''You only have several cosponsors. You only have two Republicans. It will never get through the House.'' That is just a series of what I regard as excuses.

Mr. President, now it is very simple. The President has said he is ready to sign the bill. A majority of this body has indicated on the record they are for the bill and a majority of the other House is dramatically in favor of the bill.

I just wonder if the leader would comment for a minute on the significance if we don't get this done this year. Unfortunately, we can't pass a bill that will affect this election, the one that will happen in 60-some days. That was an agreement we had. We worked hard and we would have loved to avoid the abuses that are going on right now as we speak. But there is another election coming up in the year 2000.

I wonder if the leader would talk for a minute about what it means if we don't get the job done now.

Mr. DASCHLE. The Senator from Wisconsin probably knows better than anybody in this Chamber the implications of doing nothing. No one has worked harder, provided greater leadership, and engendered more respect on both sides of the aisle than the Senator from Wisconsin. He is running, as am I, this year. He knows the race for dollars. He understands the implications of that race. He understands, as well, the average cost of a Senate race right now is over $4 million. He knows, as I do, that we have already surpassed last year's record-breaking levels, last cycle's record-breaking levels in the amount of money required to be successful.

He knows, as I do, we will be seeing double-digit figures when it comes to what it will take to wage a successful Senate race anywhere in the country. He knows the implications of that. I must say, Mr. President, you don't need any imagination to recognize just what a devastating effect that has.

I was at two fundraising breakfasts this morning, neither for myself. That is exactly what is happening all over this city and across this country—fundraiser after fundraiser, more and more money generated with implications on the legislative and political process.

Where does it end? How will we possibly recruit candidates in the future when we tell them: We want you to be a part of the Democratic process, but we want you to cough up $10 million to do so if you are going to be in the U.S. Senate?

How can we do that? How can we recruit with a straight face—except for those who have the resources and the wherewithal? How many more millionaires should we have in a representative body of 100 people? We have some very good and diligent and hard-working people of wealth in this country, and I am glad they are here. But I want to make sure that working families are also represented, that we elect people who understand what it takes to earn a paycheck and make ends meet, to send a child to college. I want those people in the Senate as well. How do you do it when you have to raise $10 million? Who do you turn to? So the Senator from Wisconsin very appropriately raises the question, ''What are the implications?'' There are many, many more. We can talk all day long about the implications. Those are just a few.

Mr. FEINGOLD. Mr. President, I thank the leader for his statements and for his leadership on this issue. I was enthusiastic about coming back to work on this issue again after I have had conversations with people like the Senator from Michigan. I was very enthusiastic when I had a chance to meet with the senior Senator from Arizona.

We decided definitely yesterday to move, and move soon, on this issue. I am even more excited and enthusiastic that we can finish the job. The excuses are over. The whole thing is down to eight Senators. It is time to do the job. I thank the leader very much.

Mr. DASCHLE. I thank the Senator for his comments. I appreciate the contribution he has made. I will be happy to yield to the Senator from Massachusetts for a question, if he has one.

Mr. KERRY. I thank the leader. I will ask the leader, first of all, a series of questions. My first question is, I assume the leader has reached out to the majority leader of the Senate and suggested to him that there is a way in which the U.S. Senate could take an appropriate amount of time to properly deal with this effort. I wonder if the leader will share with the Senate and with the country what the response is of the Republican side of the aisle with respect to the ability of the Senate to carry out its responsibilities here.

Mr. DASCHLE. The Senator from Massachusetts raises the question, ''What is the response?'' We got it a few minutes ago. We asked very reasonably that we take up this bill next—that we finish the foreign ops appropriations bill, which is critical. We have to get these appropriations bills done.

As I have noted, not one of the 13 appropriations bills has been signed into law. Here it is now September. The next fiscal year is less than 4 weeks away, and we have yet to pass one appropriations bill. So we recognize that we have to get our work done in that regard, but we also recognize that there will be gaps, that there are other needs out there, legislatively, and there can be no greater needs than the request we made yesterday about a Patients' Bill of Rights consideration and the request we make today on campaign finance reform. Why? Because the House has already acted on both bills.

So the response we got today, as I noted, was disappointing because we are trying to be reasonable. We are suggesting that only relevant amendments be offered. We are suggesting that we lay the bill aside to finish our work on appropriations bills. We would be prepared to suggest other options. In fact, I would even go so far—and I haven't talked to my colleagues about this, so I am premature in making this offer, but just for the record I would be willing to accept a vote, up or down, on the Shays-Meehan bill—no questions asked; no amendments. Let's just have a vote, up or down, on Shays-Meehan and send it to the President if it passes. I would be prepared to do even that. Many colleagues might want to go farther than that.

How much time does it take to have one vote? How much time does it take to consider something that has already passed in the House, such as the Shays-Meehan bill? I talked to the Senator from Wisconsin. He is not one of those who is so concerned about pride of authorship that his name has to be on it. He said he would be prepared to take whatever we would do here to get either bill passed. He has taken a very meritorious position on this issue. My point is, in answer to the Senator from Massachusetts, we have tried to be as reasonable about this as we know how to be.

Mr. KERRY. I ask the leader further, what options, then, might be available to the minority at this point in order to try to make clear our serious determination to see this issue properly addressed in the U.S. Senate?

Mr. DASCHLE. Well, the Senator from Massachusetts is as much of a legislative strategist as I am, and he and I and others have talked about what our recourse is given the intransigence on the other side. I suppose we have two options that I am aware of. There may be others, but there are two in particular. One we tried this morning—asking consent over and over that this legislation be scheduled. The second is to take it upon ourselves to schedule it by offering it in the form of an amendment to whatever bill may come along. I have noted already publicly, and the Senator from Wisconsin has noted yesterday in a news conference, that those options are available to us and we will use them as we see the need.

I hope that will not be necessary. I hope that we can come to some agreement. I hope that we can be reasonable about this and recognize that the House has acted, and that having a vote on Shays-Meehan isn't too much to ask. But those are our options. We aren't going to lay back and just accept the fact that our Republican colleagues would prefer not to deal with this issue. It is too important not to deal with it. It is too much of a priority for too many Americans and for the political system, not to mention the Democratic caucus, for us to ignore it. So we will use those options and others, if they become available to us, because this is as important a bill and important an issue as there is pending before the Senate today.

Mr. KERRY. Mr. President, I appreciate the answer of the leader. I ask him further if he would agree that despite the fact that there is a great difficulty in the current atmosphere in this country and in the context within which our politics is being played out in Washington and in the national media—there is a great difficulty in conveying to the public the importance of an issue, but I assume that the leader would agree with me that all the great words that are spoken on the floor of the Senate, all of the meaning of this institution, all of the history that is wrapped up in this most watched and intriguing and certainly successful experiment in democracy on the face of the planet, that all of us really are facing a fundamental distortion that the American people understand today—in a process that has seen the cost of elections rise more than 100 percent; more and more millions of dollars are being spent and less and less Americans are able to access the system. Less and less people are able to take part, and more and more special interests are taking the system and defining it in terms of the money that they have available to them.

I assume that the leader will share with me that this is not an ordinary issue that we are talking about. This is something that goes to the fundamental notion of what kind of democracy we market to the rest of the world, and that if we are not capable of changing our own house and putting in order this system, then we lose something, not just with respect to our democracy at home, but with respect to the rest of the world. I assume the leader will share with me and others here that, somehow, we have a responsibility in the next days to get this issue to rise to the full measure of importance that it has. I also assume the leader shares with me the view that, otherwise, what happened in the House becomes a sham, that the House may have taken a freebie vote, knowing that all they had to do was rely on the leadership of the Senate to say, ''We are not going to let it come up; we are going to let the parliamentary process kill this.'' I assume the leader will agree with me that that would do an enormous disservice to the full measure of what this issue is really all about.

Mr. DASCHLE. The Senator from Massachusetts puts his finger right on the question. What was that vote all about? Did they really hope, as we do, that it will be put on the President's desk for signature some time before we adjourn? Or was there some cynical ploy here to position themselves for election back home with the realization that it wasn't going anywhere? That is why this unanimous consent request is a test. That is why our continued persistence will continue to be the test as to how serious many of our Republican colleagues are, who publicly espouse campaign reform, when it comes to passing a bill. He is also correct in what he said about its implications.

This isn't my desk. I am standing at the Democratic whip's desk. But this desk happens to be Henry Clay's desk. Henry Clay sat at this desk over 100 years ago. I must say that in all of the time since he sat at this desk I don't know that our democratic process has ever been in greater jeopardy than it is today. Henry Clay used to sit at this desk and would have incredible debates about the direction this country was going to take. People would stay here overnight. People would be here for days and weeks fighting the issues and the policies of the day because they believed so deeply in the direction our country was going to take.

But do you know what happens? What happens is that we get told by our colleagues that ''I cannot be here on Monday. I have to go campaign. I

can't be here on Friday. I have to go raise money. In fact, I can't even be here on Tuesday mornings or Thursday afternoons because I have to go raise money.''

Henry Clay must be turning over in his grave. That isn't the U.S. Senate. The money chase? That isn't what he fought his whole life to protect and preserve as one of our finest patriots. We have to live up to that standard. And I swear we are not doing it so long as we are bridled and enslaved by the incredible money chase that goes on day after day relentlessly and gets worse each political season.

Mr. KERRY. I thank the leader for that important connection to the real history and the reality of what we are talking about.

In 1988, both parties—Democrats and Republicans—raised $45 million combined in so-called ''soft money''—$45 million only 10 years ago. In 1992, that number doubled to $90 million. And in the last race in 1996 when this Senator was running, that number rose to $262 million. Everyone knows that this time, in 1998, even more money will be spent, and everyone knows that money is being spent outside of the spirit of the law. It is being spent to directly impact candidacies to elect candidates even though it is so-called ''under the issue exception'' of the first amendment.

We have a very, very fundamental challenge. I thank the distinguished leader for his persistence and for his commitment to the notion that this issue is going to find its footing, its honest footing; it is going to find a way to penetrate the cynicism and the skepticism; and we are somehow going to break through and let the American people know that a majority of the U.S. Senate wants campaign finance reform and is prepared to vote for the Shays-Meehan bill now. There is only one thing stopping us. It is called the Republican majority. They don't want this to happen. They don't want it to happen because they are in favor of incumbency protection.

I am sure that the Democrat leader would agree with me that this really is one of the most fundamental and important changes we could make because how we can change health care, how we can affect education, how we can properly have all the disparate elements of American society represented is ultimately decided by the amount of money in our campaigns. I am sure that the leader will agree with me that if we are going to be a democracy representing all of America, we simply have to make this process more accessible and more available to the average person and to all Americans.

Mr. DASCHLE. I agree completely with what the Senator just said. In a democracy, it is supposed to be of and by the people. But how can it be of and by the people when you need the millions of dollars it now takes to be a legitimate candidate anywhere in the country? How can you say to people from working families, ''Look, we want you to be engaged, and not only vote and participate, but we would like you to help lead,'' if all we can do in response to their question about what it is going to cost is to admit that it costs millions of dollars that he or she doesn't have? How is it of and by the people when it becomes even more problematic with each cycle of escalating costs, already $37 million more this cycle than last cycle? That isn't democracy. That isn't what the Founding Fathers and what Henry Clay thought about when he thought about this system and what they were going to do to protect it.

I yield to the Senator from Illinois for a question.

Mr. DURBIN. Mr. President, I thank the Senator from South Dakota for making this unanimous consent request. I would like to ask him a question.

Many people who are watching this debate are not quite sure it is on the square. Is it possible that incumbent Senators now standing on the floor of the U.S. Senate really want to change the system that brought them to this body? I think there is a healthy degree of skepticism by people who are watching this debate wondering how they could want to change the system that brought them to their political position in life, brought them to the U.S. Senate.

Can the Senator from South Dakota tell us how close we are to enacting meaningful reform, whether it is the legislation by Senator FEINGOLD, by Senator MCCAIN, or by the Shays-Meehan bill from the House? How close are we to that moment where we could call a vote and actually produce a bill that would change the system dramatically? Is this a pipe dream? Is this a theory? Is this a political stunt, or is this a reality, a real possibility on the legislative side?

Mr. DASCHLE. I like the way the Senator from Illinois poses the question because it really brings it down to the essence of what we are asking. He asks how close we are. I would suggest we are 1 hour and one vote close. That is how close we are. I would be willing to settle for an hour of debate on either side and have the vote on Shays-Meehan this afternoon and send it off to the President.

What we get when we pass Shays-Meehan, or McCain-Feingold, is we finally get an end to ''soft money''; we finally get some constraints on this outrageous escalation of so-called independent issue ads. We get an array of additional improvements in our systems that constrain and further constrict the money-hungry process from continuing to escalate out of control. That is what we get with one vote and 1 hour.

Mr. DURBIN. If I could ask the Senator from South Dakota a further question, anyone watching this debate has to be puzzled. If the Senator from South Dakota is truthful in what he says, as I believe he is, and if a majority of the Senate supports this reform, why isn't this bill on the floor? If a majority of the Senators are prepared to vote for it, why isn't this bill being brought up for consideration at this moment?

Just a few minutes ago, the Senator from South Dakota made what is called a unanimous consent request to go to the bill. That is literally what it means. It takes unanimous consent of the Senate—not a majority vote—to bring it to the floor, and one Senator on the Republican side stood up and objected. So we were stopped in our tracks.

But can the Senator from South Dakota explain to those who are watching this debate why we have to go to a unanimous consent request to bring a matter to the floor which we believe enjoys the support of more than a majority of the membership of the Senate.

Mr. DASCHLE. The Senator from Illinois asks a good question. Why we have to ask unanimous consent is because even though it is in this calendar, the calendar of business—I could find the page very easily—of Wednesday, September 2nd, it is an item of business to be taken up by the Senate. Why? Because it has already passed in the House. But we have to ask unanimous consent because the Republican leadership is unwilling to schedule it. Even though it has now passed in the House, even though there is a majority of Senators who are prepared to support it, there is intransigence on the part of our Republican leadership to bring this bill up.

All we can do is hope that perhaps with some persistence and some repetition asking unanimous consent, or offering the bill as an amendment, we can take up what should be a normal course of business given the Senate Calendar.

Mr. DURBIN. I would like to ask one more question. I see my colleague from the State of Connecticut is up for a question as well. I will make one last request of the Senator from South Dakota.

The argument used most often by the critics of this campaign finance reform is an argument often used by the Senator from Kentucky, the Republican Senator who objected to this unanimous consent, which is that to reduce the amount of money being spent on a campaign will restrict free speech in America, will restrict the right of American citizens to express their views by spending their money in a political campaign.

Would the Senator from South Dakota address this, because I think it is the core issue here. Are we in fact reducing the amount of money at the expense of restricting the constitutional right to free speech? That I think is the crux of this debate, at least the nominal debate that we hear, and I would like the Senator from South Dakota to address it.

(Mr. STEVENS assumed the Chair.)

Mr. DASCHLE. I think it is a sad commentary that anyone could actually subscribe to the proposition that freedom of speech is directly related to the freedom to spend. The freedom to spend actually blocks out the freedom of speech, because if we are spending more and that becomes in essence the cacophony of voices in a campaign, the real freedom of speech—that is, the substantive debate, the opportunity to conduct meaningful campaigns on the issues—is drowned out.

So that in essence is what is happening. More and more money goes into 30-second attack ads, and less and less real speaking to the issues occurs. That in essence is the irony of this whole debate. That is the problem we are facing. We are reducing real freedom of speech with this unlimited freedom to spend.

Mr. DURBIN. I might say to the Senator from South Dakota in closing, beyond our rhetoric in the Chamber, take a look at the facts, and in 1996 we had more money spent on campaigns than any time in our history. We had the lowest percentage of eligible voters in American history in 72 years cast a vote in the Presidential election between President Clinton and Senator Dole.

That is an indication to me that the American people understand what the Senator from South Dakota is saying. They think there is something fundamentally flawed with this system and negative advertising, the money chase that the Senator from South Dakota addresses. If we do nothing else before we leave this year, I hope this Senate will address this important issue.

I thank the Senator from South Dakota for his leadership.

Mr. DASCHLE. I thank the Senator from Illinois for his good questions. And I yield to the Senator from Connecticut for a question.

Mr. LIEBERMAN. I thank the Senator from South Dakota.

If I may, before posing my question, I want to reflect upon an experience I had last year as a member of the Senate Governmental Affairs Committee which held extensive hearings into this subject matter of the 1996 campaign and how it was financed. And I must say as I look back to it, the mental image I have of it is being waist deep in muck and fighting our way through it. It was a stunning, mind-altering, ultimately embarrassing experience, to see what has happened to our great democracy and the extent to which, at a time when we question the public's trust in government, we have created a system that amounts to evasion of law clearly by lawmakers, by all of us in the lawmaking class, by those who are running for office.

And why do I say that? What became clear in those hearings, we have laws, we have laws that limit the amount of money that individuals can give to campaigns—$2,000 per individual. We have laws that limit the amount that a political action committee can give—$10,000 in the whole cycle—to a given campaign. We have laws that prohibit corporations and unions from contributing to political campaigns. It could not be clearer. And then there is created this so-called soft money loophole through which is driven not a Mack truck, a whole division, a whole army which has obliterated the limits.

So we have individuals giving hundreds of thousands of dollars, we have corporations and unions giving millions of dollars, we make a mockery of the law, and we have just the effect the Senator from South Dakota and the Senator from Illinois have just talked about, which is quite the opposite of reform here—restricting people's rights.

The reality, the place we have come to, the sad place we have come to, limits individual rights and, even more underneath that, the individual American's confidence that he or she has the same ability roughly as every other American to affect their Government. Why? You don't have to be a rocket scientist or a political scientist to come to the belief that an individual or a group that can give hundreds of thousands of dollars has more access to their Government than the average American does.

I remember that during the debate we had—one of the earlier debates we had on this subject—one of our colleagues brought out a chart, and to me it told a lot of the story, and it responds to, I know, some of the conclusions made by Members of the Senate that the public doesn't really care about campaign finance reform. I disagree. When you ask people what problems they are most worried about, campaign finance reform is not going to come out on the top of that list, in part because I think there is a misapprehension. I read a quote last year from somebody who said, ''Oh, campaign finance reform. Well, I care more about how they spend my tax money than how they raise their campaign money.'' The reality is that how campaign money is raised, as we have seen here and the leader has spoken to quite eloquently—how campaign money is raised affects how their tax money is spent and who pays taxes.

But look, we are leaders. We were elected to do what we think is right. We were elected to build confidence in our Government. So hopefully we will respond to more than just polls here.

The chart that I referred to earlier that one of our colleagues brought out had two lines on it. One showed the trend line of contributions to American political campaigns. The other showed the trend line of the turnout of Americans in voting—startling difference. As the money goes up, the public participation in elections goes down because people don't think their vote counts anymore.

I say to the Senator from South Dakota, as I think about the situation, as I know we got 52 votes for the McCain-Feingold bill here, and we were all raised to believe the will of the majority prevails in our democracy, it is not so in the Senate apparently. In the House, much to everybody's surprise—and I must say with some pride, due in good measure to the great leadership given by Congressman CHRIS SHAYS of Connecticut—the Shays-Meehan bill passed.

We have another opportunity to right this wrong. The problem is not going to go away. Just in the last week, the Attorney General has commenced initial inquiries that relate to campaign finance practices in 1996. And I can't believe after all that we have learned, after all that the media has told us, after all that we know—because as the Senator from South Dakota has said, it is our lives; we are being pulled by the money chase away from what should be the focus of our interest, which is the people's business—I can't believe that we are going to end this 105th session of Congress without doing something to reform our campaign finance laws.

So my question to the Senator from South Dakota, with thanks for his persistent leadership on this serious matter, is—well, two really. One, in the course of the Senator's career, if we are not able to pass campaign finance reform in this session, would the Senator not agree that this is one of the most grievous abdications of this Chamber's responsibility in a long time faced with a real problem? And second, I suppose, does the leader agree that part of what is needed here is for the public to speak to their elected leaders and plead with them, particularly in the Senate, those of our colleagues who can take us either to a vote or from 52 to 60 to break the filibuster, that it really matters to them that we adopt campaign finance reform this year?

Mr. DASCHLE. I thank the distinguished Senator from Connecticut for his leadership and tremendous effort that he has put forth to bring us to this point.

As to his first question, I hadn't raised until now the point that the Senator made so appropriately. I don't know if there are many Congresses that have spent more time investigating than this one has. This Congress has probably spent more money and more time investigating than any since the early 1970s. And as the Senator from Connecticut so appropriately points out, with all that investigation, there can be no question about the need for some reform. Obviously, there is a question about the need for enforcement and follow through after enforcement with regard to what may or may not have happened, the allegations, all of the information raised in these investigations. But then the question comes, What do we do about it? And we have been asking that question ever since the investigations here in the Senate have ended. What do we do about it?

How tragic it would be for us to say, ''Look, we have now exposed all of

these problems but we choose to do nothing. We choose to ignore the fact that reform is so critical.'' What does that say to the American people? Look, here are the problems. But, look here, we are not going to do anything about them.

So, the Senator from Connecticut raises, I think, the essence of what it is that we, as Senators, need to confront in our minds, in our hearts, about what is important before we close in a mere 6 weeks. We have investigated. We now know without any question, with great authority, there are some serious problems that have to be addressed. To wash our hands of the matter now would be a tragedy of an order that I do not think we have seen in this country.

As to what those of you who are watching may do, I hope Senators will receive mail and phone calls and comments from every constituent who has any interest in the democratic process, who understands that without some contact with your Senators there is a real chance they may not change their minds. So, contact is of the essence. I think it ought to be done as soon as possible.

I thank the Senator from Connecticut. I will be happy to yield to the Senator from Michigan for a question.

Mr. LEVIN. I thank the leader for yielding. I do have a number of questions.

First, let me say I think we have never been closer to enacting comprehensive campaign finance reform than we are at this moment. The majority of the Senate favors it. The House, through a very courageous act on the part of many of its Members, has overcome the opposition of the House leadership to pass Shays-Meehan.

It was said earlier this year that there would be no way of passing Shays-Meehan against the will of the leadership of the House of Representatives. But a very stalwart, gutsy coalition of Democrats and Republicans in the House found a way to have the majority rule in the House of Representatives. It was not easy. It took incredible energy and willpower. They exercised it and they prevailed, and the majority prevailed over the wishes of the leaders of the House of Representatives. So, now we are in a situation where the majority of the Senate favors comprehensive reform and the House has passed comprehensive reform.

The leader has spoken earlier as to what it is that is stopping us from trying to get comprehensive reform adopted in the Senate this year. The majority of the public clearly favors it. All public opinion polls show it. They are skeptical that we will do anything about it—the polls show that as well—but they favor it. Now we are going to come down, it seems to me, to a test of wills, a great and a historic test of wills in the U.S. Senate. The opponents of campaign finance reform have the right to filibuster. They have used that right, and they have the right to filibuster. But the proponents, the supporters of campaign finance reform, do not need to withdraw simply because there is a filibuster on the floor. If that were done, we would not have civil rights legislation. The people who supported civil rights legislation did not always have 67 votes going in. You can start with a majority and offer an amendment, or offer a bill, and just because the opponents filibuster the bill does not require us, those of us who support campaign finance reform, to give up our right to offer the amendment and to have the amendment disposed of by the Senate. And if the filibusterers want to tie up the Senate and prevent the Senate from voting, that is their right. But the supporters of campaign finance reform are not obligated to withdraw an amendment simply because the opponents use their right to filibuster.

That is why what we are now facing, given the opposition to the unanimous consent request this morning, is a historic test of wills between the majority that favors campaign finance reform, a bipartisan majority that now has seven Republicans and all the Democrats, and those who oppose campaign finance reform. We must not withdraw in the face of a filibuster. The stakes are too huge. They have been illuminated here this morning eloquently by the Democratic leader. The stakes are whether we are going to restore public confidence to a campaign finance system which is in tatters. We are supposed to have limits on contributions. It is supposed to be $1,000 per person per campaign. Corporations are not allowed to contribute to campaigns, and neither are unions. Yet, we have corporations and unions contributing huge amounts of money which, for all intents and purposes under any reasonable interpretation, support or oppose campaigns. That is what is now happening because of the soft money loophole.

We have a chance this year, better than we have ever had, to close that soft money loophole and to restore public confidence in the campaign finance system. We have a chance to do it. If we will show the same courage on a bipartisan basis as was shown in the House of Representatives, down that hall just a few weeks ago, we can pass campaign finance reform in the Senate. But what it will take is a determination on the part of the supporters not to withdraw our majority view in the face of a filibuster. The filibusterers have their rights to tie up the Senate. We have our rights to offer an amendment and seek a vote on that amendment. And, in the face of a filibuster, we need not withdraw and give in to a filibuster.

My question of the Democratic leader is this: Was it his hope this morning, and intent this morning in offering this unanimous consent proposal, that we have a course of action which would allow the Senate to work its will, to permit amendments to Shays-Meehan providing they are relevant? As I read the unanimous consent request and heard the unanimous consent proposal, relevant amendments would be in order. Was it the Democratic leader's proposal this morning that we have an opportunity to resolve this issue in a way which would allow us to do all of our other business and to avoid the kind of filibuster which we now very clearly see is going to be forthcoming from the objection to this unanimous consent agreement?

Mr. DASCHLE. I will respond to the Senator from Michigan. Before I do, let me say I wish the entire Chamber had heard what he has just said with regard to what it is we are trying to do and what the implications of this really are. I don't know of anybody in the Senate who has put more force, personally, and more of his own personal credibility, behind this issue than has the Senator from Michigan. I appreciate deeply his commitment.

The Senator poses a very understandable question. What is it we are asking here? What do we want? We simply want the opportunity to reflect the will of the majority of the Senate on an issue for which there is a moment of opportunity, from a historical perspective. This is our moment. If we fail in the next 6 weeks, we start all over with a new Congress, with all of the odds stacked as much against us, if not more, than they were this Congress. So what we are saying is let's seize the opportunity, let's seize the moment here and do what the House has already done. On a bipartisan basis, let's work with Republicans and Democrats to pass the Shays-Meehan bill. We will take it in any shape or form we can. I offered, as I know the Senator from Michigan heard, to simply take up the bill that was passed in the House and, on a 1-hour, one-vote basis, let's move it on to the President.

Obviously, I recognize the complexity of this legislation. I would be more than happy, as the request suggests, to consider entertaining relevant amendments because there are differences of opinion. Just yesterday, we argued for the need for relevant amendments to the Patients' Bill of Rights. So we are consistent in our request here. Let's have relevant amendments on the Patients' Bill of Rights. Let's have relevant amendments on campaign finance reform, if the minority chooses—the minority in this case being those who oppose campaign reform—to have them. So we are not asking for much. We are simply saying let's seize the moment, as the Senator from Michigan so appropriately described, and let's get on with doing what we were elected to do before it is too late.

Mr. LEVIN. I thank the leader for his leadership and for his comments.

Mr. DASCHLE. I thank the Senator from Michigan. I yield the floor.

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

The PRESIDING OFFICER (Mr. BURNS). The clerk will report the pending bill.

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 resumed consideration of the bill.

Pending:

McConnell/Leahy amendment No. 3491, to provide 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.

Inhofe amendment No. 3366, 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.

Kyl amendment No. 3522, to establish conditions for the use of quota resources of the International Monetary Fund.

Coats amendment No. 3523, to reallocate funds provided to the Korean Peninsula Energy Development Organization to be available only for antiterrorism assistance.

McCain modified amendment No. 3500, to restrict the availability of certain funds for the Korean Peninsula Energy Development Organization unless an additional condition is met.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the Kyl amendment No. 3522 that there be 40 minutes for debate prior to a motion to table, with the time equally divided and controlled in the usual form, with no intervening amendments in order prior to a tabling vote.

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

Mr. MCCONNELL. Mr. President, the distinguished Senator from Texas has patiently been waiting to offer an amendment.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3500

Mrs. HUTCHISON. Mr. President, I call up amendment No. 3500.

The PRESIDING OFFICER. If there is no objection, the pending amendment is set aside. If there is no objection, the pending amendment will be the McCain amendment No. 3500.

AMENDMENT NO. 3526 TO AMENDMENT NO. 3500

(Purpose: To condition the use of appropriated funds to the Korean Peninsula Energy Development Organization)

Mrs. HUTCHISON. Mr. President, I send a second-degree amendment to amendment No. 3500 to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself and Mr. MCCONNELL, proposes an amendment numbered 3526 to amendment No. 3500.

Mrs. HUTCHISON. 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:

Add the following proviso: (5) North Korea is not providing ballistic missiles or ballistic missile technology to a country the government of which the Secretary of State has determined is a terrorist government for the purposes of section 40(d) of the Arms Export Control Act or any other comparable provision of law.

Mrs. HUTCHISON. Mr. President, I will speak briefly about what Senator MCCAIN and I are trying to do.

My amendment says that no funds will be contributed to North Korea until the President has certified that North Korea is not providing ballistic missiles or ballistic missile technology to a country, the government of which the Secretary of State has determined is a terrorist government.

This adds to Senator MCCAIN's amendment which has the same prohibition of funding for North Korea if they are continuing to build a nuclear weapon.

Senator MCCAIN and I are clearly saying that the United States will not continue to fund an agreement with North Korea that we know is being violated. The McCain amendment deals with the nuclear capability North Korea appears to be building. It would restrict the use of funds for the Korean Peninsula Energy Development Organization pending a Presidential certification that North Korea has stopped its nuclear weapons program as it has promised to do. My amendment adds the requirement that North Korea is not transferring ballistic missile technology to other terrorist countries.

Mr. President, this week, we saw what trying to coerce and reward a totalitarian dictatorship will achieve. North Korea launched a two-stage ballistic missile toward Japan, a country which has provided emergency food relief to North Korea and wound up having a ballistic missile pass through their air space as thanks.

North Korea has admitted selling ballistic missiles to raise hard currency. It has made repeated threats to restart its nuclear program, claiming that the United States has not honored its obligations. Recently we learned of evidence that the North Koreans are ignoring their part of the agreement and building a new underground site for nuclear weapons development.

I raised concerns 4 years ago when the Clinton administration proposed this framework agreement. It seemed to be an all-carrot-no-stick approach to North Korea. The agreement was to help develop a peaceful nuclear program giving them 500,000 tons of heavy fuel oil. I was concerned that the nuclear weapons program would continue and that the fuel oil that we promised would be diverted to military use. I am sorry to say both seem to have occurred. The fuel was diverted almost immediately for military use.

Since signing the agreement, the North Koreans have also continued to conduct military operations against South Korea, sending spy submarines into South Korean waters and discharging commandos on to South Korean territory. This is hardly the behavior of a partner to an agreement, and sending them a no-strings gift of 35 million American taxpayer dollars is hardly a responsible act for the U.S. Congress to make.

The North Korean launch this week of the ballistic missile over the airspace of Japan was truly a shot across the bow of the civilized world. North Korea was warned beforehand that testing this type of missile would have a direct impact on our negotiations. They ignored the warning. We must make it clear to the North Koreans that we cannot and will not disconnect North Korean conventional military activity from the nuclear issue. Their failure to meet their obligations not to build nuclear weapons, nor to sell the technology to rogue nations, cannot be disassociated from our contribution to their country. We must stop rewarding dangerous North Korean provocations. This amendment will ensure that we do just that.

Mr. President, I urge adoption of the second-degree amendment to the McCain amendment.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I support the amendment by Senator HUTCHISON modifying the bill's language on funding for the Korean Energy Development Organization, which we refer to as KEDO.

I would like to step back for a moment to 1995, shortly after the agreed framework was signed in October of 1994. By March of 1995, there was the first evidence that the North Koreans were cheating. In hearings before this subcommittee and in writing, I challenged the administration's assertions that the North was in full compliance and that no U.S. oil was being diverted. Eventually, it became clear that the North was cheating and diverting oil. Although new monitoring procedures were established, there was no suspension of oil or a threat to cut off the program. I am convinced that this is when the North learned that they could engage in a pattern of challenge, deception and noncompliance without any penalty at all.

In fiscal year 1997, the Senate had an extensive debate about providing U.S. assistance to provide fuel oil to North Korea and to support administrative expenses for KEDO. The bill my subcommittee reported to the Senate capped funds at $13 million, half the administration's request, and provided the funds in three stages, requiring certification that the fuel was not—I repeat, not—being diverted for military purposes.

At that time, many of us were uncomfortable continuing any aid to this

terrorist regime, let alone doubling the amount available which the administration had requested. In its statement of policy, this is what the administration had to say at that time about any curbs, cuts or conditions:

Among our most serious concerns are the restrictions placed on the U.S. contributions to KEDO, especially the funding cap that reduces the request by nearly half. This funding is inadequate to meet our commitment to support the North Korea framework agreement and is unacceptable to the Secretaries of State and Defense. KEDO is one of the pillars of U.S. nonproliferation policy which seeks to ensure strategic stability in the Pacific. Our very modest $25 million request for funds helps continue the reduction of North Korea's nuclear weapons capacity, while leveraging strong burdensharing contributions from South Korea, Japan and other countries. The administration strongly urges the committee to remove the cap . . . and drop the needlessly restrictive certification language.

Again, that is what they had to say.

Regrettably, the administration prevailed on this floor in a 73-to-27 vote allowing full funding for KEDO. So I lost that one, I say to my friend from Texas.

Mr. President, I think it is now safe to say that on both the nonproliferation and burden-sharing front, KEDO is a bust.

All last week, the administration was too busy with bilateral talks in New York to brief the committee on the status of negotiations over allegations disclosed in the press that the North is building a secret facility to house a nuclear reactor replacing the one sealed under the Agreed Framework.

With those talks still underway, as the Senator from Texas pointed out, Monday—this week—for the first time in more than 5 years, North Korea carried out a flight test of a ballistic missile which the South Korean Government estimates has a range of over 1,200 miles. The first stage of the missile landed in waters between Russia and Japan, with the second stage flying over Japanese territory and falling into the Pacific. Understandably, the Japanese have withdrawn their pledge of billions of dollars for the construction of an alternative reactor—a perfectly logical response to what happened Monday.

Mr. President, if U.S. funding for KEDO is the pillar of our nonproliferation policy and the key to burden sharing, I think it is time we start building a new foundation for our policy. Secret nuclear facilities, flight testing, ballistic missiles, and who knows what other activities are not a nonproliferation policy, they are simply a nonpolicy.

Today, I say to the Senator from Texas, I think her amendment is excellent and is exactly the direction in which we should go. The administration will complain that these new conditions are not consistent with the Agreed Framework, that the North did not agree to suspend its nuclear weapons program in return for $30 million, they only agreed to freeze part of it.

Mr. President, it makes no sense for the United States to continue to pay for an agreement which fails to protect our allies and our interests in the Pacific. Monday's tests, along with the past pattern of deception and diversion, should convince all of us we should not spend millions more from our limited foreign aid coffers to prop up a government determined to acquire and to sell nuclear weapons.

As I mentioned previously, this is hardly the first time we have debated the administration's flawed policy on the peninsula. We have had years of compromise, capitulation, and concessions from the administration. The North blusters and blackmails; there is tough talk followed by no action or, worse still, concessions for more fuel and food.

Thirty-six thousand American troops standing guard in the South deserve more than that. Once and for all, it should be absolutely clear to the North, we will not pay their way to test, deploy, or sell nuclear weapons. We will not pay for the appearance or possibility of compliance with the Agreed Framework.

Again, I commend the Senator from Texas. I think her amendment is right on the mark and I congratulate her for it.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I want to thank the Senator from Kentucky, who is a cosponsor of this second-degree amendment, for helping us with it because obviously, when the committee was putting together its bill, we did not know of North Korea's provocative actions of last week.

I think it is imperative that the Senate act very decisively to say that we are not going to continue to appease a country that is clearly selling technology to rogue nations that would harm our own allies and, furthermore, is breaking an agreement they made with us in return for which we would have assisted the people of North Korea in developing peaceful energy sources.

I hope, with all my heart, that North Korea will back up, that it will keep its commitment to stop building a nuclear weapon. I hope that it will step back and stop selling ballistic missile technology to rogue nations. Then it would be eligible for the money that has been fenced in this bill.

But until they do, it would be highly irresponsible for the U.S. Senate to go forward with a no-strings-attached gift of 35 million taxpayer dollars that are against the interests of the United States and all of our allies.

Thank you, Mr. President. And I thank the Senator from Kentucky for his leadership on this issue.

Mr. MCCONNELL. Mr. President, I thank again the Senator from Texas and ask unanimous consent that her amendment be temporarily laid aside.

I see the Senator from Arizona is here. We have a time agreement on his amendment. I yield the floor.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The Senator from Arizona is recognized.

Mr. KYL. Thank you.

AMENDMENT NO. 3522

Mr. KYL. Mr. President, I call up amendment No. 3522. I inquire of the Chair as to what the time agreement is.

The PRESIDING OFFICER. The Senator has that right. The time limit is 40 minutes equally divided.

Mr. KYL. Thank you, Mr. President.

Mr. President, the Senate passed the supplemental appropriations bill last March. Included in that bill was a provision to provide $18 billion in additional budget authority for the International Monetary Fund. That funding, as we all know, was eventually stripped out of the supplemental conference report because Members could not come to an agreement on the funding or on reforms for the IMF.

Today, of course, we are back debating the foreign operations bill. Obviously, we are trying to develop some kind of consensus in going forward for the funding of the IMF. Unfortunately, in my view, this bill that we are debating right now does not go far enough to move the IMF toward reform, including in the areas of transparency and bankruptcy reform. It includes conditions much less restrictive than those voted out of the Appropriations Committee earlier this year.

I support the restrictions that were developed by the Appropriations Committee. As a result, I am offering this amendment today which, while not going as far as I would like, would move the IMF closer to reform than the current provisions of the fiscal year 1999 foreign operations bill will do.

As I said, when the Senate debated IMF reform in March, the full Senate Appropriations Committee approved, by a vote of 26–2, a series of reforms affecting IMF funding. They were not as strong as some of us would have liked. But instead of strengthening the provisions on the Senate floor, an amendment was offered to weaken them, and that amendment passed 84–16.

Those of us who voted against the weakening amendment in March are here today again to request that the Senate vote for this amendment and require the IMF and its recipients to use the $18 billion in U.S. taxpayer-contributed funds in more open and responsible ways.

The Kyl amendment changes only one of the reform sections included in the foreign operations bill. It does not prevent the United States from releasing funding to the IMF. The current IMF language requires the G–7 nations to publicly agree to seek policies that provide for new conditions. But seeking policies is not the same as requiring policies.

So my provision simply returns to the Senate Appropriations Committee-passed language and states that:

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 standby agreements or other arrangements regarding the use of Fund resources shall include provisions requiring the borrower [to agree to a set of conditions].

Passing an amendment that requires a commitment from the board of directors of the Fund to pass such a resolution makes more sense than just asking for a public commitment to such reforms. The IMF, by its nature, is often the antithesis of free market reform. IMF intervention often rewards negligent bankers or corrupt or incompetent governments and often does not reward individual countries that work through the private sector to get through tough times.

So my amendment, which does not cut off funding for the IMF, would nevertheless return to a stricter version of reforms than is currently included in this bill. There is a case that some have made that IMF funding should be eliminated altogether. I will not try to make that case today, although people like Lawrence Lindsay and Allan Metzer of AEI, for example, have made a strong argument that much of the money we have contributed to the IMF has been wasted. It is true that no money has been lost yet, although Lindsay suggests that the IMF is like the FDIC in the late 1970s or early 1980s. At that time, the taxpayers had not lost any money in the FDIC either.

If the world is ready to topple into an economic abyss, there probably is not much the IMF could do about it in any event. Its $23 billion in lending in 1997 was about a tenth of the private capital flow into developing countries alone. And in any event, there is evidence that suggests that the IMF has actually been a barrier to economic growth in poorer countries.

According to Johns Hopkins University economist Steve Hanke, few nations actually graduate from IMF emergency loans. Many stay on the dole for years on end. One study found of 137 mostly developing countries from 1965 to 1995, less than a third graduated from IMF loan programs. The Heritage Foundation found that of IMF borrowers from 1965 to 1995, no more than half were better off than when they started the loan programs. Almost all were actually poorer. Almost all were deeper in debt.

So what we are trying to do with this amendment is to restore some of the conditions that will ensure that the money American taxpayers have worked hard to earn will actually serve a useful and productive purpose if contributed to the IMF.

Clearly, the policies promoted by the IMF are important. Whether debt incurred by other nations as a result of IMF intervention is good or bad depends on the uses to which that debt is put. If it increases productive capital, income increases and the debt can be serviced from the increased wealth that is generated. If, however, borrowing is used to hold the exchange rate steady so private lenders can flee, there are no productive assets from which later interest payments can be made.

Unfortunately, it is the latter type of policies that are typically promoted by the IMF. The IMF promotes trade barriers in order to cut current account deficits. The IMF promotes tax increases to reduce budget deficits, and currency devaluations to adjust exchange rates. The IMF long ago admitted it was not committed to free markets, explaining that ''programs have accommodated such nonmarket devices as production controls, administered prices, and subsidies.'' These are the kind of policies that often bring economies to a halt.

The better policy is to promote fair and reliable bankruptcy laws, transparent and internationally accepted accounting procedures, minimal government interference in the allocation of credit, prudent oversight of banking systems, and competition among foreign and domestic banking organizations. All of these are the kind of reforms that we all agree should be pursued.

But that is as far as the foreign operations bill before us goes. Basically, it just says this is what we ought to be doing. It does not require the implementation of these reforms in the countries that are going to receive the IMF loans. As a result, it does nothing to assure that that money will not be wasted. By contrast, my amendment would ensure that reforms are accomplished before taxpayer dollars are allocated.

Why is it important to ensure that reform is accomplished first? In some cases, IMF programs have effectively subsidized very inefficient and even corrupt political systems. Former Secretary of State George Shultz suggested in testimony before the Joint Economic Committee earlier this year that creditors must be held accountable for their mistakes. Taxpayers should not assume the risk of bad decisions or those bad decisions will continue to be made.

That is the sad record, unfortunately, of many of the countries that have received these IMF loans in the past.

Bailouts effectively shield investors and politicians from the consequences of their poor economic decisions by ''socializing'' the risks and reducing the cost to failure associated with investment. Risks are socialized because everyone ends up paying for an individual investors' errors; the costs of failure are reduced because either directly or indirectly the IMF can compensate investors when their investments fail. IMF bailouts, as they are currently constructed, encourage investors to engage in activity they would likely avoid if there were no IMF to shield them from actions. Investors, not people or countries, are being bailed out. We should understand that when we talk about bailing out a country, that is really inaccurate. We are talking about bailing out investors. In the so-called Mexican bailout in 1995, the Mexican people suffered a sharp decline in the standard of living there, and there were large increases in unemployment and an overnight erosion of the savings. Investors, however, escaped with minimal losses.

Lawrence Lindsay contends IMF bailouts probably make systematic contagion more likely in the long run and suggests that the best protection we have against bankers overextending themselves to imprudent borrowers is the bankers' fear of losing money.

The amendment I am presenting today is an effort to ensure that these poor lending practices are not continuing. Virtually all of us have agreed that the IMF needs reform. In fact, we put that reform in the amendment that was adopted earlier this year to the supplemental appropriations bill. But that amendment rejected the Senate appropriations decision, which was made on a 26–2 vote, to have really meaningful reforms required—not simply pursued. That is the difference—do you try to pursue it or do you guarantee it before you give this taxpayer money.

Let me close with the final thought about what is not at issue because of our very real concern about the state of the Russian economy now. All of the experts agree that assistance to Russia will only work if Russia makes fundamental reforms, the kind of things that would be required under my amendment.

For example, the President in Moscow yesterday urged the Russians—quoting from a Washington Times story of today—to follow free market principles.

Here is what the President said:

Investors move in the direction of openness, fairness and freedom . . . you have to play by the rules.

That is precisely what would be required by my amendment.

The President said he would not give ''any fresh money unless it moves decisively toward reform.''

The article points out that IMF detractors are not proposing to withdraw money that has already been committed. I want to make that point crystal clear. We are not talking about not loaning money to the Russians, money that has already been committed. We are saying the same thing the President of the United States is telling them: You have to make a commitment to the fundamental reforms, otherwise the money is wasted and we both lose.

Mr. President, the same thing could be said of other countries in the world. These countries are not going to be denied loans if they establish the kind of rules of law required for a functioning

economy. If they don't, all the money in the world will not help them anyway. That is true for Russia, as well as it is for the other countries that might be receiving IMF loans.

In conclusion, my amendment simply restores the original committee language setting forth reasonable conditions for IMF loans. If we are unwilling to do this, then some will suggest that we are simply committing $18 billion in taxpayer funds to feel good about having done something to help countries having economic difficulties. Let's ensure that in approving our contributions to the IMF, that that money will be effectively spent.

I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, who controls time on the Kyl amendment?

The PRESIDING OFFICER. Senator KYL is in charge of 20 minutes. Do you rise in opposition or in support?

Mr. MCCONNELL. Maybe it was not clear in the unanimous consent agreement, but it was my understanding that Senator HAGEL would control the time in opposition to the amendment.

If not, I ask unanimous consent that Senator HAGEL control the time.

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

The Senator from Nebraska is recognized in opposition.

Mr. HAGEL. Mr. President, I yield myself such time that I will need to complete my statement.

Mr. President, I rise in opposition to the amendment of my friend, Senator KYL. Six months ago this body spoke very clearly and strongly on IMF. We voted 84–16 to approve a strong IMF package that has two parts: Strong and achievable IMF reforms and the full $17.9 billion funding for America's IMF contribution.

The IMF reform and funding language in the foreign operations bill today is identical to the reform package of the Senate-passed bill 6 months ago. We should not now start second-guessing ourselves and undoing what we have done. We should stand by the solid reforms and the funding package that won 84 votes in March.

The Kyl amendment would replace that carefully crafted language with a different and untested mechanism for reform, a mechanism that we considered but abandoned on the Senate floor early in our negotiation 6 months ago. I might add, Mr. President, this was after very long and detailed consultations with the Federal Reserve Chairman, Alan Greenspan, the Treasury Secretary, Bob Rubin, and many others.

Along with Senator MCCONNELL, Appropriations Chairman STEVENS, Senator GRAMM, Senator BIDEN and others, I helped craft the reforms that passed the Senate. We negotiated the reforms carefully, with the involvement of many Senators. It took weeks, many weeks. We worked word by word, line by line to present something to this body that was achievable, workable. The package we passed in March and includes meaningful IMF reforms that are also achievable.

We recognize that America alone cannot shape the world economy. So we required in our reform language the G–7 countries to come together to help reform the IMF. These reforms consist of the following: Reforms so IMF will require recipient countries to live up to their international trade obligations; reform so IMF will require recipient countries to eliminate crony capitalism and clean up corruption; reforms that will improve transparency of IMF operations, and to encourage bankruptcy law reforms in recipient countries.

Mr. President, these are not funny reforms. These are not patsy, weak reforms. The new IMF funding will go forward, but not until the Treasury Department succeeds in getting these reforms accomplished at the IMF. This is written into the reform legislation. These reforms are real and they will make a real difference at the IMF.

It would be absolutely irresponsible for Congress to shrug off the IMF as economies around the globe falter. We should not go backwards. America must continue to lead. The Senate must continue to lead. Global events, such as we have talked about today, yesterday, and will continue to talk about, have demonstrated even more forcefully the need for the U.S. to support the IMF.

Mr. President, the IMF is not perfect. It is not without flaws. It needs reform; indeed it needs reform. But, my goodness, at a time when we have economic chaos around the globe, we need many confidence builders, and the IMF institution in itself will not change this, but it will help. If we didn't have an IMF, what would we have? Would the United States want to step up to this alone? Would France or Germany? The second largest economy in the world—Japan—is in economic chaos, with no banking structure. We need some type of a mechanism to help address these issues. Asia was burning when the Senate acted 6 months ago. Now that fire has engulfed Russia and is spreading to Latin America. Our own economy is feeling this heat.

Mr. President, markets respond to confidence. Markets respond to confidence. Our debates today about IMF and other economic issues are not just about numbers, or about the arcane comparisons of one reform versus another reform. No, these debates are real and they are about sending a signal around the world. Is America engaged? Will we continue to lead? Or will America pull back? America's interests require us to help shore up confidence around the world.

This debate is about America's interests. This is not esoteric. This is about America's interests, America's economic stability and global stability. The U.S. suffered a record trade deficit in May, the fourth consecutive month. Exports hit their lowest point in 15 months. Over the first 5 months of this year, America's trade deficit increased nearly 40 percent from the same period last year. Why is that? Many parts of America's economy are already feeling the pain of the spreading Asian ''flu.'' Wall Street is on a roller coaster ride. The farm economy is suffering, largely due to the loss of overseas markets. Corn and soybean exports are down more than 50 percent from 2 years ago. Wheat exports are down more than 30 percent.

These economic problems will not be limited to American farmers and ranchers, and not even to America's investors. They will ripple through the economies of the Midwest and the rest of this Nation. Events around the world will continue to affect our economy here at home and global stability. When you have global instability, Mr. President, it goes far beyond economic instability. Global instability affects everything—our national defense, our interests and our economy. The situation in Japan is very dangerous. Many economies in Asia are clinging to Japan for support. Japan was a direct contributor to the financial package to Russia. I don't think I need to spell out to colleagues the disastrous effect of a significant downturn in the Japanese economy. Let me point out a headline from today's Washington Times: ''Tokyo's Troubles Overshadow Russia's: With Bad Economic Decisions, Japan Could Start a Worldwide Recession.''

This is not the time to lose our perspective and diddle and dawdle—reform versus technicality and reform versus technicality. This is the time for America to do the right thing, to step up and lead the world, help the IMF and insert the reforms that we passed by 84 votes last March.

I want to close, Mr. President, by quoting the last paragraph of a letter from the U.S. Treasury Secretary, Bob Rubin, which he sent to the congressional leadership yesterday. He talks about the IMF. He talks about how broadly the IMF plays a role across the global economic scene:

> More broadly, a fully equipped IMF is in the economic interest of our important trading partners throughout the world. While we agree that the IMF needs reform, and are committed to continuing our strong efforts to achieve meaningful change, it remains an effective and indispensable tool in the management of the international economy. I respectfully urge you and your colleagues to act with the utmost dispatch to pass this legislation.

Mr. President, the Senate should stand by the leadership that we provided on this issue in March. I respectfully suggest that my colleagues look at this Kyl amendment and defeat this Kyl amendment. Mr. President, I end by saying that when the time on the debate on this issue expires, I intend to make a motion to table the Kyl amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HAGEL. Mr. President, I yield 3 minutes to the distinguished chairman of the Senate Appropriations Committee, the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I thank the Chair. I came, as a matter of fact, to read the letter he has just read. So I will just be very brief.

I ask unanimous consent that that letter be printed in the RECORD following my remarks.

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

(See Exhibit 1.)

Mr. STEVENS. Mr. President, very clearly, this is a matter of the image of the United States in the total global economics of today. If we retreat from the vote that we achieved last spring, I think we will send a terrible message to the world at a time when we should be viewed as a leader in trying to restore the economies of the world.

So I hope this Senate will vote once again to support, providing the additional funding for the IMF that it needs, and that we will insist that we achieve the agreement of the House on this provision that is in the bill.

This is not the time for us to change our minds. This is a time to show the strong will of the Senate, that the United States remains clear in its objectives to assure that there are mechanisms to deal with international crises such as so many of our global trading partners face today.

I thank the Senator from Nebraska for his leadership. As a matter of fact, I thank all of those who come from the Agriculture Committee; they have been very forthright and direct in supporting the proper position on the IMF. I thank the Chair and the Senator from Nebraska.

EXHIBIT 1

DEPARTMENT OF THE TREASURY,
Washington, DC, September 1, 1998.

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

DEAR MR. LEADER: As the 105th Congress returns to complete its business in the few weeks remaining before adjournment, I am writing to urge once again that Congress immediately consider and pass the Administration's request for $18 billion in critical funding for the International Monetary Fund (IMF).

Since late last year, we have been urging action on this priority legislation. Events over the last eight months—not to mention the last few days and weeks—underscore the impact on the U.S. economy of developments abroad, including in Asia and Russia. We simply cannot afford any further delay in providing the IMF with the resources it requires to help contain the threat of further financial and political instability around the world.

Let me be clear, the fundamentals of the American economy remain sound, with continuing good prospects for strong growth with low inflation, but recent developments testify clearly to the impact of global uncertainty on U.S. financial markets and, ultimately, on our economy. While there has been progress in stabilizing economies in countries such as Korea and Thailand, which are implementing strong IMF programs, we have already seen a decline in US exports to key markets in Asia by over 20 percent through June of this year, amounting to over $22 billion worth of exports to key markets in Asia by over 20 percent through June of this year, amounting to over $22 billion worth of exports on an annualized basis.

Against this backdrop, it is critical that the United States takes the steps necessary to protect the interests of American workers, businesses, and farmers. More broadly, a fully equipped IMF is in the economic interest of our important trade partners throughout Latin America. While we agree that the IMF needs reform, and are committed to continuing our strong efforts to achieve meaningful change, it remains an effective and indispensable tool in the management of the international economy. I respectfully urge you and your colleagues to act with the utmost dispatch to pass this legislation.

Sincerely,

ROBERT E. RUBIN.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. Mr. President, I inquire how much time I have?

The PRESIDING OFFICER. The Senator from Arizona has 9 minutes. The Senator from Nebraska has 9 minutes 3 seconds.

Mr. KYL. Thank you. I doubt that we have to take the full amount of time in completing this debate. I want to make one critical point. The Senator from Alaska, the chairman of the Appropriations Committee, has just made the point that the United States cannot retreat from our international obligations or we will be sending a terrible message. I want to make it very clear that the Kyl amendment doesn't retreat at all. In fact, it moves forward.

The Kyl amendment simply institutes the language that the chairman of the Appropriations Committee supported when the committee voted 21–1 to ensure that the money lent by the United States would be effectively spent by requiring some conditions that will work.

Now, what the bill before us does is erase those conditions and put in some good-sounding language that isn't going to do the trick. As a matter of fact, both the lead editorial in the Wall Street Journal today, and a lead op-ed piece by David Malpass, the chief international economist at Bear Stearns, make the point that this money will not be spent effectively if we continue to follow current practices. As a matter of fact, from the latter op-ed piece, ''To avoid accountability, the U.S. maintains the facade that the IMF is dealing with the crisis and that Japan is to blame for much of it.''

Are we really going to do something about this crisis? I totally agree with my friend from Nebraska, Senator HAGEL, on the nature of the problem, and I believe that we essentially agree on the solution.

The only difference is how serious we are about implementing the solution. Here is the crux of the debate. Under the bill before us, there are two key phrases about how we are going to implement the funding, how we are going to spend the money and implement the reforms that we all agree to.

One, we are going to seek to implement these reforms—the language is on line 2 of page 120: ''and will seek to implement.'' And then down on line 19, ''The United States shall exert its influence with the Fund and its members to encourage'' these reforms. We are going to ''seek'' and we are going to try to ''encourage.''

That is not going to work. It is the same old thing.

What the Appropriations Committee voted 26 to 2 to do was to actually include the reforms. The language in my amendment says ''shall include.''

Those are the two operative phrases. That is the difference we are debating about the reforms we all agree to. The question is, Are we going to encourage these other countries that we lend the money to, to effect the reforms, or are we going to require that they shall be included in the agreement that we enter into with these countries?

All of us agree about the nature of the problem. We are all just as committed to an international economy. We all agree on the solution—the bankruptcy reforms, the transparency. There is no disagreement about that. The only disagreement is, are we going to require it—the Kyl amendment that the Appropriations Committee voted 26 to 2 to do—or are we going to seek to encourage people to do these things?

I submit that if all we are going to do is seek to encourage, we are going to end up in the same place as we have been, with countries spiraling downward and downward and downward.

The President of the United States had it right when he said in Russia yesterday, to get your fair share of investment, you have to play by the rules. If that is his opinion—and I know it is, and I agree with it—''have to play by the rules'' is a requirement. It is not something we are just asking them to do; it is something we are going to require them to do. It is our money we are lending to them for the good of us all. U.S. taxpayers have some right to insist that it is going to be spent wisely. We all agree that it hasn't worked in the past. The President is saying to the Russians: What you have been doing has not worked. You have to play by the rules.

The Kyl amendment says that the agreements shall require that the reforms be included. The current bill says we will seek to implement and will exert our influence to encourage.

On the one hand, you have a requirement; on the other hand, you have the same loose language that will allow these countries to continue to slide into economic despair because they don't have the courage or the ability to adopt the reforms, and they are not being required to do so by the Fund that is lending them the money.

That is why I urge the adoption of the original committee language which will be much stronger and will guarantee that this money will be spent wisely.

I reserve the remainder of my time.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I ask my friend if he would be willing—does he have any time to yield?

Mr. HAGEL. We have 9 minutes. I would be very happy to yield time. How much time?

Mr. BIDEN. I didn't want to take all that time. Will the Senator yield me 4 minutes?

Mr. HAGEL. All right. Thank you. I yield the distinguished Senator from Delaware 4 minutes.

Mr. BIDEN. Mr. President, the Senate has already spoken on the important question of U.S. support for a stronger International Monetary Fund.

Following the essential leadership of Senator STEVENS, along with my colleague on the foreign relations committee, Senator HAGEL, we went on record in March, by vote of 84 to 16, to provide full funding for U.S. participation in the IMF.

At that time, we also declined to place unworkable conditions on that funding.

As international lender of last resort, the IMF is right now part of our last line of defense against an economic chain reaction that could turn the financial turmoil on the front pages of today's newspapers into a real global crisis.

Mr. President, as I have said before, the IMF is certainly not a perfect institution. But I have not stopped going to my doctor because I think the health care system needs reform.

The Kyl amendment guarantees indefinite delay in the availability of the U.S. contribution to the basic reserves of the IMF, and in turn throws into doubt the participation of other nations who look to us for leadership.

This amendment would require that the IMF change its basic rules for providing emergency financial support—essentially a change in its bylaws—before the U.S. contribution can go forward.

Those rule changes themselves may well make sense—in fact, the IMF already makes such conditions part of the requirements for its loans.

But the requirement that the IMF must first formally adopt reforms in the conditions on countries that receive its funds—conditions, I might add, that we here in the United States could not meet in every case outselves—is a formula for deadlock and indefinite delay.

This is the opposite what is required of us at this crucial period.

As the leading economy in the world, we have a special obligation to support this international instututution—that we created, I might add—charged with maintaining stability in international financial markets.

The amendment now before us is a formula for delay, at the very time when we must act to restore confidence so lacking those markets.

I urge my colleagues to vote against the Kyl amendment.

Mr. President, one of the most able Senators in terms of his willingness to reason on this floor is the Senator from Arizona, Senator KYL.

I listened to what he just said about his amendment. He says: Look, all we are doing is going to require the IMF to do what the President says they should have to do anyway before we lend money. By implication, don't throw good money after bad, and so on and so forth.

What we are doing here is, if we adopt the Kyl amendment, it guarantees, in my view, an indefinite delay in the ability of the U.S. contribution to the basic reserve of the IMF and throws in doubt the participation of other nations who look to us for leadership. Right now it is a really simple deal. If we come up with our $18 billion commitment in total, roughly, what happens is, we control the outcome. No loan can be made. It needs an 85 percent vote. I think we have 18 percent control.

Why go ahead and throw sand in the gears here now knowing that we are going to, by fiat, in the minds of other nations, amend the way in which the IMF runs now without consultation or agreement by the other participants who make up 82 percent of the Fund, guaranteeing that this thing comes to a screeching halt?

If in fact the Senator believes the President is right, then he has to assume the President is not going to instruct the U.S. representative at the IMF to vote for releasing dollars without the commitments being met. But what you do now if you adopt the Kyl amendment is as good as not coming up with the $18 billion, because the other nations say: Hey, look, you once again are unilaterally changing the basic rule for providing emergency support, essentially a change in the bylaws of the IMF. Where I come from, that is not how you usually get cooperation. You don't unilaterally tell the French and the Brits and everyone else this is the way it is going to be. You already have that power. You have the power. Without the U.S. vote, nothing goes. Bingo. Nothing goes.

It seems to me the way to do this is, let's deal, as my friend from Nebraska has been often the lone voice in pointing out with this international financial crisis, and still have a little bit of confidence. This isn't going to fix the thing. This is just going to do in a shot—like a shot of adrenaline, a shot of confidence, we are stepping up to the plate. We are not backing away from an international obligation, as we see it, for our own safety's sake.

Then, if we want to sit down with our partners in the IMF and say, ''Look, it is time to change the bylaws,'' that is a different deal. But let's not do unilaterally what is going to, in my view, in my opinion, get a response from the other 82 percent of the voting block out there saying, ''Hey, U.S., you don't call it. You don't unilaterally change the rules.'' You can in effect unilaterally change the rules by voting no. You can sit in those meetings and say, ''Look, we ain't voting for this deal unless the following conditions are met.''

I respectfully suggest—and I realize my time is probably up—that we should oppose the Kyl amendment.

I yield the floor.

Mr. HAGEL. Mr. President, I yield to the Senator from Minnesota 1½ minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1½ minutes.

Mr. GRAMS. Thank you very much.

Mr. President, I rise to respectively oppose the amendment by my colleague, Senator KYL. As has been noted before, this amendment would reverse all of the progress made on the conditions package negotiated among many of us when we supported the $18 billion replenishment for the IMF on the Supplemental earlier this year. Senator KYL's amendment includes a negotiating position that was debated, and rejected by members of this body. It would, in effect, result in the U.S. share of the replenishment being delayed or withheld at a time when IMF assistance is needed to help us shore up economies in crisis, now expanding well beyond Asia. We need to stabilize and improve these markets for our farmers and exporters, whose losses have begun to resonate, most recently in our own stock market. As was noted before, our agriculture exports are down 30 percent since the beginning of the year. This is not the time to play games with IMF funding.

I believe few of us want to reopen these sensitive negotiations. I urge my colleagues to stick to the agreement we passed earlier. It was a good one that will result in progress toward improving the way the IMF operates. This is not the time for the Senate to reverse its leadership on IMF funding. We should stay the course—and urge our colleagues in the House and in the White House to do the same.

I urge my colleagues to oppose the Kyl amendment.

I yield the remaining time.

Mr. MACK. Mr. President, I rise to support the proposed amendment and urge my colleagues to vote against tabling it.

The current world economic crises and the International Monetary Fund's request for financial replenishment offer us a chance to re-examine the United States' role in the world economy. If the U.S. is going to participate in institutions that influence economic policy around the world, then we must exert our influence in strong support of sound economic policies, not just rubber-stamp whatever plans international bureaucrats cook up. It does us no good to stand idly by and let the IMF squander our resources on ill-conceived rescue plans, such as the tax-hike package recently foisted on Russia.

What should the IMF be promoting? The same policies that we support here

in the United States. To name just a few, these include: a monetary policy dedicated to long-term price stability, a sensible tax system that encourages people to work, save and invest, free and open markets and sound banking systems that use consistent accounting methods, have transparent balance sheets and lend based on market forces, not political pressure.

The best way to start down this path is to set strong conditions on the IMF. This amendment moves us in this direction. In particular, it would promote free trade, market-based lending and the fair treatment of international investors. I urge my colleagues to vote against tabling it.

Mr. HAGEL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Nebraska has 3 minutes 12 seconds.

Mr. HAGEL. Mr. President, I yield to my colleague from Kansas 2½ minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 2½ minutes.

Mr. ROBERTS. Mr. President, I want to refer to the statement made by my distinguished colleague and friend from Arizona about the 21–1 vote that happened in committee. I must say that it is my observation over a weekend of deliberations things were changed in that particular bill that we needed to address, and we did. And so the Senate spoke 84 to 16 to endorse the reforms, and they are not passive reforms, that were worked on by a whole group of Senators—Senator GRAMS, myself, Senator HAGEL, Senator BIDEN, Senator MCCONNELL, and Senator STEVENS.

Basically, what are we talking about here? We require consensus in regard to achieving these reforms not only with the G–7 nations but the 37 other nations involved. This isn't just a U.S. IMF program. Under the Kyl amendment, he says that we have to micromanage basically from Congress, from the U.S. standpoint something called a board of executive directors. That process is very slow. We don't have the time in regard to that, with the global contagion, maybe the global pneumonia, that is occurring right now. So the Senate has spoken 84 to 16.

I would point out that the seriousness of this is extremely critical. The Senator from Nebraska has talked about what is happening in agriculture. It is happening in every segment in regard to the economy, not only in this country but all over the world.

We have a package. We have been meeting here with other Senators across the aisle for normal trading status with China, with fast-track legislation, with sanctions reform and now IMF. If this amendment passes, it is a killer amendment. I don't mean to perjure the amendment, but it is a killer amendment. A, it will kill IMF, and, B, IMF cannot work under the circumstances of this amendment. And the testimony to that certainly comes from Chairman Greenspan and many others.

And so I urge the Senate to stick by that early vote. Again, I would mention it was, what, 86 to 14? No, 84 to 16. Well, there were two that were off base, but we will get it back.

I yield back the remainder of my time.

Mr. HAGEL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 45 seconds.

Mr. HAGEL. I ask that the remainder of my time be allotted to the distinguished Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 45 seconds.

Mr. SARBANES. I thank the Senator.

Mr. President, I just want to follow along with what the able Senator from Kansas has said. Adoption of this amendment would prevent the United States from consenting to a quota increase until all of these conditions had been met. These conditions cannot be met immediately. That is a guaranteed thing. It means that the United States would, in effect, not be carrying through a quota increase.

We are facing a very serious financial crisis worldwide. One of the instruments we have to deal with that is the IMF. We need to pass this quota increase, and we need to do it immediately, and we need to address this situation. If the IMF is perceived, as it now is, not to have the resources with which to deal with the international crisis, it will only worsen and intensify the crisis. If anyone wants to ask what is the one thing we can do to try to address this crisis, it is to pass this legislation without this amendment. I urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. The time has expired for the Senator from Nebraska, and the Senator from Arizona has 3 minutes 48 seconds.

Mr. KYL. I thank the Chair. I won't use all of that time. In my remaining time, I, first of all, ask unanimous consent to have printed in the RECORD the two articles from the Wall Street Journal to which I alluded earlier.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 2, 1998]

U.S. NEEDS TO PROMOTE CURRENCY STABILITY

(By David Malpass)

The ruble devaluation has plunged Russia into political and economic upheaval. Already the financial fallout has spread beyond its borders, helping to knock $1 trillion off the value of U.S. equities alone and worsening the now-global currency crisis. Expressed in U.S. dollars, world output will fall more than 2% in 1998, pressuring debtors and hurting corporate earnings world-wide. As we enter the second year of the ''Asian'' crisis, the risk is clear: Countries everywhere that borrowed dollars or produced commodities could collapse.

The U.S. has the power to stop the contagion and start the recovery, but has not used it. The International Monetary Fund has only added to the problem. Working in tandem, the U.S. and the IMF have lurched from one bad policy idea to another, with no vision, not even any apparent comprehension of the severity of the crisis.

RUSSIA BEWARE

Their initial approach to Thailand's crisis last year was to promote a limited devaluation, advise Bangkok to raise taxes, and hope for the best—a strategy that had disastrous results in Mexico in 1994. Thailand's per capita income has fallen to $1,800 this year from $3,000 in 1996, and the country is now on its fifth IMF program revision.

During South Korea's December crisis, the policy evolved into a massive bailout by the U.S., the IMF and international banks that had lent Korea too much money. The Korea approach included a devaluation, a floating exchange rate backed by impossibly high interest rates, rosy IMF economic forecasts, the false hope of export-led growth and a heavy dose of patience. Result: South Korea's economy will shrink to $280 billion this year from $485 billion in 1996, a 42% contraction. The IMF has revised its forecast for Korea's 1998 growth rate, down to minus 4% in July from plus 2.5% in January. These figures quantify the failure of its floating exchange rate austerity policies. Russia beware.

By the time the devaluation scythe pointed toward Russia this June, a third U.S. policy had emerged. In a telephone conversation on July 10, Presidents Boris Yeltsin and Bill Clinton agreed on a plan to bail Russia out, this time before the devaluation. However, no measures were included to anchor the ruble. All Russia got was another IMF austerity program—a Russian commitment to shrink the economy further by squeezing taxes out of the energy companies, the country's lifeblood. Result: capital flight, a devastating betrayal of the ruble, a standstill on debt payments, and the likelihood of a cold winter for Russians as energy companies prepare to cut off cities and provinces that can't pay their bills.

Throughout it all, the U.S. has had no policy that would deal with the heart of the global currency problem: a strong dollar and a cycle of devaluations. The current Band-Aid approach includes the following elements: Until further notice, all developing countries are to keep interest rates dramatically higher than they can afford, spreading recession across the developing world. Economies that link their currencies to the U.S. dollar—important ones such as Argentina, Brazil, China and Hong Kong—get no clear guidance on the future value of the greenback. To avoid accountability, the U.S. maintains the facade that the IMF is dealing with the crisis and that Japan is to blame for much of it. The U.S. encourages countries to enact vague and painful ''reforms,'' never mentioning or forcing the one reform that matters most—a policy of currency stability.

What, if anything, can the U.S. government do to stop the contagion? First, even if it won't cut interest rates, it can state unequivocally that Washington wants the value of the dollar to be stable and will place a high priority on this responsibility. Simply changing from the current ''strong dollar'' policy to a ''stable dollar'' policy would allow gold and commodity prices to recover moderately from their current deflation-spooked levels and end the talk of world deflation.

The U.S. should then begin to promote stable money for developing countries at the Group of Seven, the IMF, the World Bank and elsewhere. Consideration should be given to transparent price-rule monetary policies, currency boards, dollarization, currency unions and other techniques that have dependably created growth. Such an effort alone would lift financial markets in many developing countries by 30% or more in a matter of days. Public statements and actions on currencies matter a lot. Across most of the world, financial markets bottomed on June 17 at the exact minute the U.S. intervened to stop the Japanese yen's free-fall. Over the next four weeks, equity markets across the industrialized world hit record highs on the hope that the U.S. cared about currencies and wanted the yen, the Chinese renminbi and the Russian ruble to be stable.

The correction in world financial markets began in mid-July when it became clear that America didn't intend to follow through. The U.S. gave no sign that the dollar would stop strengthening, further driving down the dollar price of gold and oil. Washington also offered no supportive comments on the renminbi or the yen, contributing to speculative selling. The U.S. declined to make even a simple statement of the obvious—that a Hong Kong devaluation would destroy Hong Kong as a world financial center and was unthinkable. And by July 21, details on Russia's IMF program came out showing just another failed austerity package.

As for Russia, now that it has embarked on the road of devaluation, Moscow should think of how to lessen the blow. There are ways to do this.

First, Russia should announce a monetary program aimed explicitly at limiting the devaluation and providing future stability for the ruble. It should also use its leverage with the U.S. to fight the IMF penchant for free-floating exchange rates and private-sector austerity. Russia's formal Aug. 17 statement was an IMF recipe for disaster. It promised a policy of balanced budgets (meaningless during a recession), high interest rates to fight inflation (inflation is a currency phenomenon, not an interest-rate one) and a floating ruble defined by market prices (meaning it will sink due to neglect). The IMF statement after the devaluation made not one mention of the ruble, complimented Russia on its satisfactory economic progress and promised more funds if Russia carried out its IMF program. These are the same IMF policies that caused the depression in Asia, and prolonged the lost decade in Latin America in the 1980s.

A new, credible monetary policy would entice capital back into Russia, and the country could then begin to treat its debt crisis with economic growth rather than default, Russia and the world should agree that a free-floating exchange rate is an unworkable policy for the ruble and would lead Russia down the path Indonesia followed.

DEVALUATION DAMAGE

When exchange rates float after a devaluation, interest rates have to stay impossibly high to compensate for currency uncertainty. Russia should establish a monetary-policy mechanism in which the amount of liquidity in the economy is regulated by the central bank for the primary purpose of keeping the currency stable. Russia could anchor the value of the ruble against gold, the dollar or the euro, and could use a currency board or an automatic price-rule monetary policy. It should immediately legalize the use of foreign currency, as economist Steve Hanke argued on this page last week. At this point in the ruble's collapse, the key aim is to make a dramatic policy change at the central bank to allow the people of Russia a stable currency as they work to salvage the economy.

Time and again, the U.S. and the IMF have underestimated the importance of currency stability and the damage caused by devaluations. The devaluationists' promise of a quick recovery in Asia has been dashed, but no constructive policy has emerged. Russia now heads down the same path, dragging others with it. The American farm belt feels the consequences when the dollar appreciates and people in Asia buy less wheat. U.S. towns on the Canadian border feel it when Canadians get priced out of U.S. stores. Yet 18 months into the global currency crisis, the world's biggest economic and military power has no whiff of a policy to address it.

INTERDEPENDENCE, AFTER ALL

(By Michael Camdessus and Lawrence Summers)

So U.S. stocks could not go ever upward while the rest of the world falls apart. We have interdependence after all, and what the markets' remarkable voltality—plunging 500 one day, rising 288 the next—is telling us is that the world economy has been terribly mismanaged.

Secretary Robert Rubin dropped by the Treasury press room after the 512-point drop Monday to say that the fundamentals ''are strong due in part to the sound policies we've been following.'' The market is telling us that the market was too high, he suggests, neither he nor the Federal Reserve feels the need to do anything about it, fishing in Alaska was fun, and Congress should pony up the next installment of funding for the International Monetary Fund.

There is of course a lot to be said for refusing to panic because of a market drop. Stocks will fluctuate as we've seen in recent days and several hundred points aren't what they used to be. But the Dow Jones industrials are still off nearly 16% from their July high. Historically, a plunge in the stock market predicts recession in the real economy only about half the time. In the other half, economic policy makers get the message in time.

The last market crash in 1987 reflected disturbances in the world financial mechanism, as is so often the case, arguably as far back as 1929, when the issues were international liquidity and impending protectionism. In 1987, the market crashed when Treasury Secretary Baker went on television to argue with the Bundesbank about which side should adjust to keep the mark and dollar in reasonable alignment. The markets stayed sick through year-end, but recovered when the world central banks staged a huge joint intervention showing that international cooperation had been restored. With this timely demonstration, the real economy escaped without damage.

This time around the international influences are even more palpable. The Russian devaluation, coming as President Yeltsin was losing power and President Clinton was self-destructing, was clearly the immediate spark. In and of itself, neither the value of the ruble nor the output of Russia is important to world commerce. But the message was that we are not yet out of the round of competitive devaluation that started a year ago in Thailand. A continuing worldwide cycle of devaluation and a world-wide collapse in liquidity would be a big event indeed, from which the real economy in the U.S. could not be immune.

The most likely form of panic right now would be for the Congress to yield to Secretary Rubin's entreaties on the IMF funding. The IMF and what it represents is the problem, not the solution. If we were the Congress, there would be no funding for the IMF without a change in management. IMF head Michel Camdessus should be replaced, along with Deputy Treasury Secretary Lawrence Summers, the U.S. point man in international finance. The needed rethinking is impossible so long as they are there to defend the errors that caused the present world-wide mess.

It is, of course, always true that economies around the world have their own share of mismanagement. Indonesia has been an exemplar of crony capitalism, and Russia has its tycoonocrats instead of the rule of law. Japan ''pricked the bubble'' into its current deflationary impasse—an example U.S. policy makers should heed well. But such problems have persisted for decades; they were pushed over the brink and into crisis by specific policy errors.

The first of these was the Mexican bailout masterminded by Mr. Summers. The 1994 devaluation was a disaster for Mexico, where workers still have not reclaimed their share of world purchasing power, especially with the peso just now on another sharp decline. Yet the Wall Street lenders and Mexican billionaires did just fine with their tesobonos—short-term dollar-denominated Mexican government paper—because Mr. Summers arranged to have them bailed out, including interest at risk-screaming rates like 14%. The lesson the markets had to draw was: Wheee! Crossborder loans are a one-way bet. Throw money at the world. Russia, even.

This enormous escalation in moral hazard was compounded by sheer intellectual error at the IMF, which persisted against all evidence in believing that devaluations can rebalance economies. Devaluations cause inflation, with all of its economic and social dislocation. What's more, devaluations tend to spread as each country feels it has to ''remain competitive'' in international markets. Mr. Camdessus is on record as repeatedly having advised Thailand not to get its banks and property companies under control, but to devalue the baht. When he got his way, the current crisis dawned.

What is to be done, now that we see even the U.S. cannot escape unscathed? The first priority is to stop the cycle of devaluation somewhere. Unhappily, Hong Kong authorities have been behaving foolishly, pouring monetary reserves into the stock market. But central bank purchases of shares, like purchases of any other asset, inject Hong Kong dollars into the markets; you defend a currency by restricting domestic liquidity, not creating it. Brazil, the key to whether the cycle will spread to Latin America, seems to understand better.

The Federal Reserve could ease much of this pressure by creating more American dollars. It is certainly true that the Fed should

not be using monetary policy to support the stock market at current levels, any more than it should use monetary policy to combat ''irrational exuberance.'' But the case for easing rests on nothing more or less than a commitment to price stability, since Alan Greenspan's own advance indicators of the price level—foreign exchange, gold and the yield curve—are all signaling deflation ahead. The demand for dollars is clearly on the rise, and Mr. Greenspan should accommodate it, rather than restricting the supply of dollars to keep short-term interest rates from falling as the market drives long rates down.

The saving grace of market drops is that they provide time for policy to adjust before the real economy is affected. But around the world ordinary producers and consumers are already suffering, and trouble lies ahead in the U.S. as well if the Treasury, Fed and IMF fail to use this time to get international financial management back on an even keel.

Mr. KYL. Secondly, Mr. President, I was just advised of an error, and I appreciate being advised of that, on line 1 of my amendment. Instead of ''line 1,'' it should read ''line 19''—beginning on page 119, line 19 of the bill. I ask unanimous consent to make that change in my amendment.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KYL. I thank the Chair. I will just conclude with this point.

The distinguished Senator from Delaware, for whom I have great admiration, made the point that the President may instruct our delegates to seek these reforms and, indeed, he may but we do not currently have the means to insist on them. My amendment would change that.

The distinguished Senator from Kansas made the point that the reforms in the current bill are not patsy reforms, and, indeed, he is correct in that. As I said, we essentially all agree on the reforms. The only difference is whether they are going to be urged upon the nations to which the money is lent or they are going to be imposed as requirements on the lending of the money. That is what this amendment boils down to. Do we ensure that the reforms are included by requiring it, or do we simply seek to include them and merely encourage the borrowers to engage in the reforms that we all support?

I think the debate is clear. I urge my colleagues to support the amendment and yield back the remainder of my time, Mr. President.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. I move to table the Kyl amendment and 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 motion to table the Kyl amendment. 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), and the Senator from Alaska (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—yeas 74, nays 19, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—74

Akaka	Feinstein	Lugar
Baucus	Ford	McCain
Bennett	Frist	Mikulski
Biden	Gorton	Moseley-Braun
Bond	Graham	Moynihan
Boxer	Gramm	Murray
Breaux	Grams	Reed
Brownback	Gregg	Reid
Bryan	Hagel	Robb
Bumpers	Harkin	Roberts
Burns	Hatch	Rockefeller
Chafee	Hollings	Roth
Cleland	Jeffords	Sarbanes
Coats	Johnson	Shelby
Cochran	Kempthorne	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Specter
Craig	Kerry	Stevens
D'Amato	Kohl	Thomas
Daschle	Landrieu	Thurmond
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Feingold	Lott	

NAYS—19

Abraham	Grassley	Nickles
Allard	Hutchinson	Santorum
Ashcroft	Hutchison	Sessions
Byrd	Inhofe	Smith (NH)
Campbell	Kyl	Thompson
Enzi	Mack	
Faircloth	McConnell	

NOT VOTING—7

Bingaman	Glenn	Murkowski
Coverdell	Helms	
Domenici	Inouye	

The motion to lay on the table the amendment (No. 3522) was agreed to.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Virginia.

BALTIC STATES AND NATO EXPANSION

Mr. WARNER. Mr. President, I am joined here by my distinguished colleague from New York. We would like to bring to the attention of the Senate certain language in the report accompanying the bill. And I refer to page 40. It is entitled ''Baltic States and NATO Expansion.''

The Committee has provided $15,300,000 in FMF grant assistance to accelerate the Baltic States integration into NATO.

This action comes following similar action in last year's statement of managers. I ask unanimous consent to have printed in the RECORD excerpts from the text of last year's language.

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

BALTIC STATES AND NATO EXPANSION

The Committee has provided $15,300,000 in FMF grant assistance to accelerate the Baltic States integration into NATO. The Committee regrets that budget constraints prevent matching last year's levels but remains supportive of this initiative. This assistance supports these democracies as they enhance their military capacities and adopt NATO standards. The Committee believes that FMF should be allocated among the three nations on a proportional basis.

The Committee has not continued the prior limitations on the international military education and training program for Indonesia. However, the Committee expects the Defense Security Assistance Agency to consult with the Committee regarding any plans to provide IMET to Indonesia, given past human rights concerns and the continued influence of the Armed Forces in Indonesian political and economic affairs. Any participants should be carefully vetted and courses should emphasize civilian control of the armed services.

* * * * *

THE BALTIC NATIONS

The conference agreement provides that $18,300,000 should be made available to Estonia, Latvia and Lithuania. These funds are provided to enhance programs aimed at improving the military capabilities of these nations and to strengthen their interoperability and standardization with NATO, including the development of a regional airspace control system. Given progress in economic reform and meeting military guidelines for prospective NATO members, the conferees believe the Baltic nations will make an important contribution to enhancing stability and peace in Europe and are strong candidates for NATO membership.

The conference agreement retains House language which provides that the obligation of funds for any non-NATO country participating in the Partnership for Peace shall be subject to notification.

Mr. WARNER. Here the language says:

These funds [$18,300,000] are provided to enhance programs aimed at improving the military capabilities of these nations and to strengthen their interoperability and standardization with NATO. . . .

Mr. President, Partnership for Peace, is, I presume, the primary means by which these countries could work within the NATO framework. But I must say that I regret that this language is so specific as to use the word ''grant assistance to accelerate the Baltic States integration into NATO.''

The Senate considered NATO expansion very thoroughly earlier this year, at which time I, together with my distinguished colleague from New York, expressed our strongest reservations, particularly as it related to a timetable of any nature, for further admission of nations into NATO.

This does not spell out a timetable, but it certainly gives them, in this language, together with the funds, a recognition which in my judgment is inappropriate, certainly at this time when

the situation in Russia is so tenuous, as explained in the previous debate on NATO expansion, and in the context of the Baltic States. I will leave it to my colleague further details on that. But it is the judgment of the military planners in NATO that providing NATO assistance to these countries, should it be necessary, could well involve the use of nuclear weapons. I say that because inclusion of these nations in NATO at some future date is a matter that will have to be considered with great care and thoroughness by all NATO nations.

I just think at this time to incorporate the language in an act of the Congress of the United States, presumably to be signed by the President, would send an improper signal into the community of nations who are desiring to join NATO at some future date.

So I basically stated my views on it. I yield the floor, Mr. President.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from New York.

Mr. MOYNIHAN. I join my revered friend the senior Senator from Virginia in this matter and would begin by reminding the Senate that in the debate on expanding NATO to include Poland, Hungary and the Czech Republic, he forcefully made the point that the administration was already talking about a further expansion to the Baltic States. That would be a thumb in the eye of the Russians. The language from the Committee report which Senator WARNER has just read implies that the Senate has come to agreement on the matter when it clearly has not.

Estonia and Latvia have large Russian minority populations and all three have tenuous relationships with Russia. Yet it seems to be working, considering these three independent nations were held ''captive''—subsumed by the Soviet Union—for three-quarters of a century. Latvia recently dismantled a Soviet radar station, and there are some accommodations being made for minorities in these nations.

Expanding NATO to include the Baltics would be provocative in the extreme, as the Russians have made so clear. The Russians who would like to continue to make reforms in their troubled country have said: ''Don't do this.'' Those leaders who seek the greatest liberalization of Russian society have said ''Heavens, don't give this weapon to the enemies of democracy and market enterprise. Don't put us in a situation where nuclear war in Central Europe is not to be dismissed as an outlandish improbability.''

I remarked yesterday, in a statement supporting the International Monetary Fund replenishment that the situation of the Soviet military is alarming to the point of despair. In Krasnoyarsk, General Alexander Lebed, who is now governor there, has, by reports published in Moscow, undertaken to pay the Soviet strategic forces located in his Krai. The people with their hands on the triggers of the nuclear missiles are not being paid. I suggest the first rule of government is: Pay the Army. In a situation that is unstable, to take this posture regarding Nato expansion is to invite misunderstanding and worse.

Mr. President, there is nothing we can do to change the report language, but I would like to make the point that it has not been decided that any of the Baltic states should join Nato. I do not think that the term ''accelerate the Baltic States integration into NATO''—accelerate: faster than planned—such a term is not appropriate.

If it were possible in conference for the distinguished chairman and the ranking member to see that this does not become part of the conference report itself or the accompanying statement of managers, I think that would serve stability in Central Europe and the security of the United States.

I will make no accusations. The Senator from Virginia and I simply say: Do not casually get into a situation that will be thoroughly misread and deeply resented by the people we most want to have as our friends in Moscow. And particularly not on a day when the President himself is there.

With that, Mr. President, I yield the floor. I see no other Senator seeking recognition, so I respectfully suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Iowa is recognized.

THE CRISIS IN AGRICULTURE

Mr. HARKIN. Mr. President, I know a lot of us were out in our States during the August recess. I was too. I had a series of meetings around the State with farm families and people in small towns and communities and rural areas. Quite frankly, what I found was more than just disturbing. What I found was that there is a looming crisis in agriculture and in our farm economy.

For some time I and a number of my colleagues have been trying to call attention in this body to the very serious situation in the farm economy. The livelihood and the life savings of hundreds of thousands of farm families are in jeopardy. The economic underpinnings of many rural communities are also at stake. In mid-July, the entire Senate went on record noting the existence of the serious farm economic problems and calling for immediate action. But later on, just before we broke for the August recess, this Senate rejected an amendment that Senator DASCHLE and I offered to restore farming protection that was taken out in the 1996 farm bill.

All we wanted to do in a very modest attempt was to take off the caps that were put on the loan rates in the 1996 farm bill. We did not in any way want to attempt at that point to change the farm bill. We just simply wanted to remove the caps. The loan rates were still there. They were just capped at the 1996 level. All we wanted to do was remove those.

As I listened to the debate on that amendment, it seemed clear to me that many of my colleagues doubted the seriousness of the problems in the farm economy. I heard statements that if we just let the market work, if exports would just get back on track, the situation would turn around, or so the argument went.

So, I went out to my State to have some meetings in August to sort of take the temperature and gauge just how serious the situation was. In the intervening time since we left here, the situation has become, I am sad to say, far worse. The bottom literally has dropped out of commodity prices. I point out that the falling commodity prices cover both livestock and crops. Often, at least in my State, if the commodity price of a crop was low, the livestock prices might be up a little bit, and the farmer would at least have something to sell to make some money. Now all of the major commodities—corn, soybeans, pork, and beef—are all deeply in the red.

So at this point I don't see how there can be any doubt that we have an economic disaster in the farm sector.

I have some charts that will show just what happened over the last 6 weeks since the Senate considered this amendment that Senator DASCHLE and I offered on July 17.

Here are central Illinois, corn prices. Here is where they were when we debated the amendment. Here is where they are now—a 21 percent decline in 6 weeks in the corn prices.

Here is central Illinois, soybean prices—again, a 21 percent decline in the past 6 weeks.

Here is Kansas City, hard red winter wheat prices—down 13 percent in the past 6 weeks, and headed south. There is nothing to indicate that it is going to come up.

Since July 16, the day the Senate passed its version of the agriculture appropriations bill, the following market prices declined:

Dodge City, KS, wheat—down 20 percent;

North central Iowa corn—down 26.1 percent;

North central Iowa soybeans—down 20.7 percent;

South Iowa and Minnesota hogs—down 11.5 percent;

Billings, MT, feed barley—down 20 percent.

That is just since the middle of July.

Here are the charts that I used in July to show what was happening to commodity prices, going clear back to 1990. It sort of drifts along, and we had a big spike in here from 1994 up to 1996. Then, after the 1996 farm bill was passed, the prices have been coming

down and coming down. This little red figure shows just what happened since we were here in July.

I dare say if we do nothing, if we sit here and twiddle our thumbs and do nothing, that line will continue to go down during the fall months.

That was corn.

Here is the farm-level soybean price. Again, since the farm bill passed, the price has been coming down; now in the last 6 weeks, its down even more.

Here is the wheat price. Again, it spiked up here about 1996, has been generally coming down the last 6 weeks—a precipitous drop in the price of wheat.

Again, as I said, Mr. President, I don't think there can be doubt any longer that we have an economic disaster in the farm sector.

In my State, corn prices have fallen to the levels of the farm crisis years of the 1980s, and they still remain under downward pressures. As I say, there is nothing indicating that it is going to pull these back up. The prices have fallen over 25 percent since mid-July and are about $1 a bushel below the cost of production.

USDA's most recent estimation indicates that 1998 net farm income will be 20 percent lower than it was in 1996—about $42.5 billion. And it was about $53.3 billion in 1996.

I could go on and on citing more discouraging figures. But it is obvious that the numbers tell the story. It is simply no longer possible to deny the severity of the problems in the farm economy. Those problems are already spilling over into rural economies and into our small towns and communities.

If the situation continues, it will affect our entire national economy.

Let me just, again, underscore the consequences if we do not act. If we do not act, we are going to lose thousands of farm families that we cannot afford to lose. Many of us here remember the 1980s farm crisis. I can just tell you that my State of Iowa can't bear to go through that again. Our Nation can't bear to go through that again.

Farmers are, indeed, resourceful people. Farmers and farm families can handle a lot of adversity and survive in business and maintain their families on the farm. But when commodity prices fall the way they have recently, farmers are at the mercy of the market. If we do not have some actions to ameliorate the effects of these low commodity prices, we are going to see a lot of farm families forced out of business. They will be gone forever and often gone from their community entirely. By and large, they will not be able to return when the farm economy turns around. Farming is too capital intensive for that kind of in and out and in again type of approach.

Basically, we are talking here a lot about younger farm families who have money borrowed and who do not have a lot of equity built up, who are the most vulnerable to severe downturns in the farm economy like we are now seeing. They are energetic, they are perhaps some of the most educated farmers we have ever had in America, but they often do not have the financial resources to hang on through the kind of long, serious economic downturn that we have now. These younger farmers are the ones we can least afford to lose; they are the future of agriculture and the future of our rural communities. As they are forced out of agriculture, food production becomes concentrated in fewer and fewer hands, and this is not a healthy trend for rural communities, consumers or our Nation as a whole.

I just point out that in Russia, the former Soviet Union, they are breaking up these old, huge farms because they did not work. I don't think we want to go down that path of having larger and larger land holdings in this country.

Now, I just focused my remarks on younger farmers and young farm families. I mentioned that, Mr. President, at one of my farm meetings in Iowa, and there were a number of older farmers there who jumped all over me and said, well, you are missing us. I said, yes, but I want to talk about the younger farmers and how they don't have a lot of equity. One of the older farmers shook his finger at me and said that is just my point. I have built up my equity in my farm. That is my retirement. I haven't made a lot of money.

I am reminded of the old adage: Farmers live poor and die rich. They have a lot of land, they have a lot of equity built up, but they have never made a lot of money. He said that is my retirement, and I see it going away before my very eyes because of these low commodity prices, because of what is happening out there, because they are having to borrow now, because they are digging into their equity base just to stay afloat.

So it is not just the younger farmers. I think it spreads across the whole spectrum.

I also read in the newspaper a comment made by a certain politician, who will remain unnamed, who said basically if farmers are having trouble now, it is because they were simply not managing their farms correctly; they were bad managers. That is my own words, ''bad managers.''

Well, he mentioned this, and this was, of course, the topic of conversation at one of my farm meetings, and several of the farmers there pointed to the fact that they had survived the 1980s. And as they pointed out, any farmer that got through the 1980s is not a bad manager. If they could manage their debt loads and the low prices and the shakeout that we had in agriculture in the 1980s, they are pretty good managers. But now they can't handle this. Farm debt is now at the highest level it has been since 1985, and that was the beginning of the washout of a lot of farmers in the mid and late 1980s.

We can all look to the causes, what causes all this. Well, I don't know that they are all that complicated. We have had good crop production conditions. We are going to have a bumper crop of soybeans this year, the largest production of soybeans this year. We are going to have a big crop of soybeans in my State, too. Corn may not have a record year, but may be the second largest record year. So we have a lot of supplies and a lot of farm commodities in the world market.

At the same time, the demand has gotten weak for a number of reasons, not the least of which has been the economic downturn in Asia. I saw some figures—I don't have the charts for them. I will bring them up in the next couple of days—which showed our exports to Asia not off all that much in terms of quantity but in terms of price. What we are getting for what we are selling is way, way down. And so we have a very weak foreign market there. They don't have any money in Asia, and so a lot of our sales have eroded.

Now, another aspect is the strength of the U.S. dollar versus the currencies of these other countries that compete with us to sell ag exports. The weakness of those currencies allows those other countries to gain a competitive advantage over us. Now, there isn't a farmer in my State that has any ability to control that. If these other currencies are weak and they can undercut us in selling their commodities to other countries, there is not a darned thing that one or ten or a thousand farmers in my State can do about it. But it is a fact and that is what is happening. So they have gained competitive advantage over us.

In addition, farmers in several areas of the U.S. have suffered severe losses because of weather and crop disease problems. So while we have a bumper crop, we have places such as North Dakota and Texas where they have had tremendous drought problems and weather problems and they don't have a crop at all or they have crop disease problems.

So you put all this together, and with total freedom to plant and then farmers have planted—in fact, I have heard more than one comment in my State about how much of the conserved land that we had in the past is now being planted, and that farmers are planting them more intensely. And again, if you understand ag economics, you understand that if you have a fixed base, fixed amount of land, you are going to try to get the most production out of that land, even if the prices fall.

That is why I don't think there are a lot of people—I know a lot of people understand it. I know the Presiding Officer understands ag economics. But a lot of them think that a farmer is like General Motors, that if prices fall you can cut back production to meet the supply and demand situation. The farmer can't do that. One farmer is not General Motors. That one farmer has no control over the total supply and the total demand.

Secondly, it is counterintuitive. You would think if prices would fall, for example, in corn, a corn farmer would say, well, if the prices are down, I am not going to plant corn; I will plant something else. We heard a lot of this during the debate on the farm bill. Well, quite frankly, what happens, if the price drops, the farmer looks at his fixed base and says, gee, you know, the marginal cost of planting an extra acre or 2 or 5 or 10 acres of corn is almost nothing, and maybe I can plant more intensively and I can get more out of that fixed unit that I have. And therefore, even if the prices drop, I will have more production out of that unit and that will cover the lower prices. Therefore, low prices don't lead to decreased production of crops. It, in fact, can lead to increased production of a crop.

That is what we are seeing right now—simple, basic farm economics. And so you put all these forces together, and what we have is the disaster we are having right now. But again, keep in mind these are forces beyond the control of a farmer. The farmer is at the mercy of weather, at the mercy of world commodity surpluses, at the mercy of economic problems, and they are at the mercy of other foreign currencies and their values, all of which are things that conspire together to ruin our markets.

It is because of these forces that are beyond the control of farmers that we in our country have traditionally had in place a system of farm income protection. Certainly, we want to let the market work, but we also recognize that when the market turns around, or when disaster strikes, or when things intervene to skew the market, that it should not wipe out farm families who have done everything within their power to produce and to meet the demands of the market. These farmers should not be forced out without any protection against events beyond their control.

Again, a lot of people say, Why should we treat farmers differently than any other business? The reason we have always had these policies in place is because farming is not like any other business. As Neil Harl, the distinguished professor of agricultural economics at Iowa State University, has said repeatedly, farmers are not like General Motors. Farmers are uniquely vulnerable to forces over which they have no control.

The 1996 farm bill greatly pared back protections against forces over which farmers have no control. The 1996 farm bill said to farmers: Produce all you can and export all you can. That is fine until foreign markets turn sour. That is fine until other countries' currencies are able to beat our own and they can get a competitive advantage over us because of the competitive value of their currencies. That is fine until other governments intervene, in terms of their support and their control of their own agricultural commodities. When foreign markets turn sour because of these events, like we are now seeing, the 1996 farm bill basically leaves American farmers to bear the brunt of these powerful world economic forces that are totally beyond their control.

Basically, the 1996 farm bill put farmers on a high wire and then took away the safety net. Again, I will keep reminding my colleagues that under previous farm policies farmers got a lot more help in contending with those world economic forces beyond their control. There were deficiency payments that compensated for low prices. There was the Farmer Owned Reserve which paid farmers to pull grain off of the market in times of surpluses. There were not artificially low caps on commodity loan rates. There were paid land diversions and acreage limitations to keep production in line with demand. So there were all kinds of policies in place to help farmers weather these powerful economic forces over which they have no control. But the 1996 farm bill took that all away.

Now, again, we have to ask ourselves, are we so ideologically rigidly attached to the 1996 farm bill that our hands are so tied that we cannot respond to these low farm prices and to the disaster that is facing us in rural America? Ideology is fine, but let's be practical about it. Let's use some common sense here. I do not mind if people have an ideology they want to pursue. That is fine. I think there is a lot of ideology in the 1996 farm bill. Those who had that ideology won the votes, won the bill and got it through. But, as President Clinton said when he signed the bill into law, that it is seriously flawed because there is not an adequate safety net there to help farmers through these kind of times that we will see in the future.

I think what we need is to set our ideology aside and come together here to recognize that we have a disastrous farm economy out there right now. I might also say to my colleagues and friends who want to see the 1996 farm bill continue, that if we do not take some modest steps now to make some minor fixes in the 1996 farm bill, then there will be mounting pressure to make drastic changes in farm policy. In other words, if we do not get ahead of the curve, then we may have to take very dramatic steps, and those steps could go back to something even previous to the 1996 farm bill.

So all I am saying is that there is no reason to keep the loan rates capped. We ought to take the caps off of loan rates. I also believe that we need to put into place, at least over the next couple or 3 years, just for this year, a form of a Farmer Owned Reserve where, as we have in the past, we actually paid farmers some up-front money to store their grain and then the farmer can decide when to market that grain. I call it giving the farmers more freedom to market. Right now, farmers have freedom to plant, under the 1996 farm bill. But, because of the 1996 farm bill, they are forced to market their grain at the lowest possible prices. That is inherently unfair. Let's give the farmer some more freedom to market, and that means giving the farmer the ability to store the grain, either on the farm or in local elevators or the warehouse, and then be able to market that grain over the next couple or 3 years, when, we hope, prices will recover.

If we do fund the International Monetary Fund and they can straighten out the Asian economy, it is likely that the Asian economy can rebound in the next 12 to 15 months. That would put upward pressure on our grain prices. The problem is the farmers won't have the grain then. But if we had some system where the farmer could store that, as he could in the past under the Farmer Owned Reserve, then the farmer could market that grain at the higher prices in the future.

I think those two items, taking off the loan rate caps and giving the farmers the ability to store their grain and to market it when they want to rather than dumping it on the market this fall, are the two things that we could do to save the 1996 farm bill. They are modest steps. They don't take away planting flexibility. They don't take away all of the abilities that we gave the farmers. It does not reinstitute any kind of set-asides or Government mandates on what a farmer has to plant or where they have to plant. All that would stay in place. Those were the good features of the 1996 farm bill.

But, what we need to do in order to save those, I believe, is to take a couple of these modest steps. If we do not do that, we are going to see a lot of grain dumped on the market this fall. We are going to see these prices go down even further, and we will have a full-blown depression in rural America. It is almost there right now. It is almost there. We are on the brink of it in rural America. Many farmers basically see this as their last year if we do not do something.

So, again, I take this time on the floor to point out to my colleagues that we have to address this. I do not believe it is a partisan matter. I think bipartisan support is growing all over this country. I have seen letters, documents from different places around the country that indicate that we ought to do something. North Dakota Governor Edward T. Schafer and Republican legislators supported what the North Dakota Farmers' Union and the North Dakota farmers both embraced in an agreement last week. One of them was a 1-year lifting of the loan rate caps. So here we have, I think, some bipartisan support for doing this. I do not think it is a partisan effort.

Again, we have to be practical. We cannot be held prisoner by an ideology or blind devotion to every last provision of a farm bill passed over 2 years ago, 2 years ago when we saw some of the highest prices we have ever seen for crops. That is when the farm bill was passed. Now we are in the basement.

So let's work for a practical solution that will help our farm families and rural communities this fall. Let's take the caps off of loan rates. Let's have at least a 1-year provision for a Farmer Owned Reserve to give the farmer the opportunity to market when prices are high. We must act soon. It is our responsibility. I think it would be a dereliction of our duty to leave here in October without passing legislation to address the deepening farm income crisis in our Nation. I hope and expect sometime within the next several days, perhaps next week, Senator DASCHLE and I and others, hopefully in a bipartisan manner, will again be offering an amendment to lift the loan rate caps, to get the loan rates up, the marketing loan basis for these farmers this fall.

I am hopeful that our colleagues will really take a serious look at this, because we are facing a farm crisis in America unlike any we have seen in a long, long time, and we have to act and we have to act now.

Mr. President, I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Arizona.

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

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3500, AS FURTHER MODIFIED

Mr. MCCAIN. Mr. President, I ask unanimous consent to modify my amendment, and the modification is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator's amendment is so modified.

The amendment, as further modified, 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).

Mr. MCCAIN. Mr. President, the modification, by the way, takes out the provision, at the request of the administration and others, that requires that the North Koreans be fully meeting their obligations under the treaty on the nonproliferation of nuclear weapons. I did that with some reluctance, but, at the same time, the important aspect of this amendment is that the President must certify that North Korea is not actively pursuing the acquisition or development of nuclear capability, other than light-water reactors provided for in the 1994 Agreed Framework between the United States and North Korea.

I think it is the desire of the distinguished manager that we vote on this amendment. First of all, I ask, if it has not taken place, that the Hutchison second-degree amendment be voice voted at this time.

The PRESIDING OFFICER. The question is on agreeing to the Hutchison amendment.

Mr. MCCONNELL. If the Senator from Arizona will withhold for just a moment.

Mr. MCCAIN. Mr. President, I will make some additional remarks which are so compelling, and as soon as the Senator from Kentucky desires, I will yield so that we can proceed with this vote. I know the Senator from Kentucky is very interested in concluding this legislation, as are the rest of us. Given the conditions in the world today, I argue this is one of the most important pieces of legislation that we will consider in the Senate.

Yesterday there was an article in the New York Times, parts of which I think are important to note.

It is titled ''Missile Test By North Korea: Dark Omen for Washington.'' Part of the article says:

The officials and arms experts said the test also suggested that North Korea had made real progress towards building Taepodong-2, which is reportedly capable of traveling 2,400 to 3,600 miles and could strike targets throughout Asia and as far away as Alaska.

Henry D. Sokolski, the executive director of the Nonproliferation Policy Education Center in Washington, said the ability to build rockets in stages opened the door to intercontinental missiles, which in theory have virtually unlimited range.

''We're entering a new era,'' Mr. Sokolski said.

Gary Milhollin, director of the Wisconsin Project on Nuclear Arms Control, another research organization in Washington, said the missile test was ''a clear sign'' of North Korea's intent to develop nuclear weapons, despite its 1994 agreement with the United States to stop in exchange for energy assistance.

Mr. Milhollin said a two-stage missile was too costly to build simply for delivering conventional weapons. ''It means they plan to put a nuclear warhead on it or export it to somebody who will,'' he said. ''The missile makes no sense otherwise.''

Mr. President, these are important statements. Some argue that perhaps the North Koreans are just simply building a missile and they are not pursuing the acquisition of nuclear weapons.

As Mr. Milhollin said, it doesn't make sense. Why else would they be building a two-stage rocket without planning also to have that missile armed with a weapon of mass destruction?—from what we have seen in the past, most likely a nuclear weapon.

I don't want to go through the litany of my complaints about this agreement that was made with North Korea in 1994. I spoke at length on the floor of the Senate and with the media. I did not see any indication that the North Koreans were serious. I did see indications they were in violation of the Non-Proliferation Treaty to which they were signatories and that we were basically providing them with a bribe. I also believed and still believe that unless the North Koreans understand they have to pay a significant price, then they will continue in this most destabilizing activity.

The Florida Times Union on August 28 said:

An argument could be made that Pyongyang feels it must renew its nuclear program to keep people warm, but it also claims it cannot feed its people and has been begging successfully for free rice. If it doesn't have enough money to feed its people, how can it have enough money to build expensive nuclear facilities and two-stage rockets? Pyongyang presumably is taking money that would have been spent on food and heat if not for western charity in building a nuclear arsenal.

Unfortunately, the administration made it easy for Pyongyang to cheat. The agreement does not require inspections to verify North Korean compliance. Oddly enough, Pyongyang threatened earlier this month to pull out of the agreement over the U.S. failure to lift economic sanctions quickly enough. It has also complained about the lack of progress toward diplomatic ties. Those sound more like excuses to me for cheating on an agreement rather than reasons to break it. Not once since its inception in the aftermath of World War II has North Korea proven itself trustworthy. That makes it difficult for the United States to continue making agreements based purely on trust.

Mr. Hoagland, probably one of the most respected, if not the most respected, individual commentators on the issues of national security, said:

The U.S.-negotiated agreement that froze North Korea's nuclear weapons development in 1994 is coming apart.

With their economy in trouble, South Korea and Japan have been having second thoughts about the high levels of economic aid the deal mandates, and Congress has always been unhappy about the fuel oil shipments the administration agreed to make without congressional consultation. These concerns were undermining the accord even before the discovery this month that North Korea has been working on an underground secret facility that almost certainly violates the accord.

That discovery could be the nail in the coffin of the agreement, which pulled North Korea and the United States back from a military confrontation that could soon resume.

Mr. President, Mr. Charles Krauthammer, a man whom I have great respect for, also wrote on August 30:

Consider North Korea. In 1994, it broke the Nuclear Non-Proliferation Treaty and embarked on nuke building. How did Clinton react? By agreeing to supply North Korea indefinitely with free oil while the United States and allies build for it two brand new (ostensibly safer) $5 billion nuclear reactors in return for a promise to freeze its weapon program.

Now it turns out that while taking this gigantic bribe North Korea was building a huge new nuclear facility inside a mountain. The administration, inert and dismayed by such ungentle manliness, refuses to call this a violation of the agreement. Why? Because concrete has not been poured.

Today the Los Angeles Times editorial reads, ''Time to Rethink North Korea Policy'':

If ever there was a time for Washington to reappraise its policy toward North Korea, it is now. In the midst of meetings between American and North Korean negotiators in New York, the Pyongyang regime fired a new, longer-range missile across the Sea of Japan and over the Japanese mainland. That provocative act constitutes a major setback in diplomatic efforts to draw hostile North Korea into the world community.

The missile was discussed at Monday's meeting in New York, which focused on implementation of a 1994 accord under which

the United States, South Korea, Japan and the European Union would help North Korea build two nuclear power reactors of no military use in exchange for a freeze on nuclear weapons development. U.S. representatives did not say Monday what, if any, explanation was given by Pyongyang. On Tuesday, North Korea declined to meet.

* * * * *

U.S officials, curiously, said they were not surprised by the test and had warned of it in advance. Military analysts pointed to the range capability that North Korea has now shown and said that chemical, biological and even nuclear warheads could be put on such a missile. The test came only a few weeks after U.S. intelligence satellites uncovered activity at a huge, supposedly shuttled nuclear facility.

Perhaps Pyongyang fired the missile as a ploy to get Washington to fully deliver on its pledge to provide 500,000 tons of fuel oil this year as part of the reactor deal. If so, the tactic has backfired. Members of Congress who had balked at paying for the fuel now are irate.

North Korea may have also been advertising its missile to other renegade nations. Military sales are one of the few money-making ventures left for the impoverished country, which has been warning that it may have to restart its nuclear weapons program. The episode smacks of blackmail, not diplomacy. All the more reason for the Clinton administration to reconsider its long, patient persuasion of Pyongyang.

Mr. President, on July 8, 1998, Secretary of State Albright said:

Regional security is another matter on which dialogue with Beijing has enhanced cooperation and fostered progress. For example, the People's Republic of China has consistently supported the Agreed Framework that has frozen North Korea's dangerous nuclear weapons program, and has urged the North to continue complying with it.

Secretary Albright said, on March 4, 1998:

Our request this year includes $35 million for the Korean Energy Development Organization. The Agreed Framework has succeeded in freezing North Korea's dangerous nuclear program. Now it has begun that program one step at a time—having secured over 90% of the program's spent fuel, which represents several bombs' worth of weapons-grade plutonium after reprocessing.

Secretary Albright, on February 10, 1998:

We believe our FY99 budget request for $35 million for KEDO is both necessary and justified to maintain U.S. leadership within KEDO, ensure that KEDO continues to fulfill its important mission, and secure continued DPRK compliance with its nonproliferation obligations under the U.S. DPRK Agreed Framework.

She said, on February 12, 1997:

Let me just say this is obviously a very complex subject, but I believe that the framework agreement is one of the best things that the administration has done because it stopped a nuclear weapons program in North Korea.

Mr. President, the Wall Street Journal on Friday, August 21, said North Korea's nukes—

In essence, what was signed in 1994 was an arms-control agreement that suffered from the central flaws common to all such efforts: Even when verification is possible—and in this case it was specifically excluded—there is no way to enforce compliance. More to the point, there is no will to enforce it. So much effort and face and prestige goes into getting these deals signed that when something goes wrong, nobody wants to admit it.

* * * * * *

North Korea is different only because Pyongyang openly conducts foreign policy through blackmail. Earlier this year, it threatened to resume its nuclear weapons program and declared it would keep selling missiles to clients like Iran and Iraq unless the U.S. lifted economic sanctions. It also has demanded more fuel oil and more food for its hungry population. A group of U.S. Congressmen in North Korea for a whirlwind official famine tour this week came away convinced that millions are near starvation and hundreds of thousands of others have already died of hunger. As terrible as this is, it is all the more horrifying when you consider that the Stalinist regime is spending what little money it does have building long-range missiles that will be able to hit the United States, according to a commission appointed by the U.S. Congress. Or on that giant new underground complex where nuclear weapons production was ''frozen'' in 1994.

It may turn out that the complex is not a nuclear-weapons plant after all. Even so, the administration's timely retaliation in Afghanistan and the Sudan will have two beneficial effects. It will signal the North Koreans that America's patience is not unlimited, and that consequently they may wish to rethink their current strategy of trying to blackmail the U.S. into coughing up more aid by playing the nuclear card.

Mr. President, the fact is that no one understands North Korea. No one understands what goes on inside that Orwellian country. And it is impossible to predict what the thinking is that would cause them to have a delegation in New York supposedly in serious negotiations and at the same time launch this two-stage missile. I cannot imagine the reaction of the American people if a foreign country launched a missile one stage of which hit on one side of Florida and the other one hit on the other side of Florida.

Mr. President, I think the American people would be incredulous and greatly disturbed over such an event. Well, that is what the North Koreans just did vis-a-vis Japan, a country that had pledged to provide the bulk of several billion dollars worth of construction of a nuclear powerplant.

This is a serious situation. Obviously, the proliferation of weapons of mass destruction and the means to deliver them is one of the greatest challenges we face in this post-cold war era. We have to bring this threat to a halt. I hope that the administration, as the Los Angeles Times recommends, rethinks the North Korean policy. In the meantime, we cannot continue to fund any program that would provide any encouragement as well as financial assistance to a country that clearly has time after time after time broken its word and has committed acts of provocation and aggression.

Mr. President, I suggest the absence of a quorum. But, Mr. President, before I do that, I want to say that I would like to move this amendment as soon as possible, and hope that we can do so. I yield the floor.

Mr. DODD. Mr. President, if my colleague will yield, I have an amendment I would like to offer. If my colleague from Arizona has completed his debate on this, I would ask——

Mr. McCAIN. Mr. President, will the Senator yield? I am told by staff here that they would prefer to wait until the manager of the bill comes to the floor before that permission be granted. So 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. DODD. 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. DODD. Mr. President, I defer to the managers to make a proper motion to temporarily set aside the McCain amendment for the purposes of offering and debating at this point my amendment.

Mr. McCONNELL. Mr. President, we have an understanding with the distinguished Senator from Connecticut that at whatever point the two democratic Senators who are requesting an opportunity to be heard on the McCain amendment arrive on the Senate floor, we can go back to the McCain amendment and dispose of that. With that understanding with the distinguished Senator from Connecticut, I have no objection to temporarily laying aside the McCain amendment.

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

The Senator from Connecticut is recognized.

Mr. DODD. I inform my colleagues I know there are other Members who want to be heard on this amendment, and I certainly would not ask for a vote on this amendment until other Members have had a chance to be on it. Specifically, my colleague from Alabama, Senator SHELBY, and possibly others, will speak in opposition, I am told, to this amendment. I will not make an attempt to have the amendment disposed of until they have had an opportunity to be heard.

AMENDMENT NO. 3527

(Purpose: Establish a procedure for the declassification of information pertaining to Guatemala and Honduras)

Mr. DODD. 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 Connecticut [Mr. DODD], for himself, and Ms. MIKULSKI, Mr. KERREY, Mr. KERRY, and Mr. LEAHY, proposes an amendment numbered 3527.

Mr. DODD. Mr. President, I ask unanimous consent 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 add the following new section:

SEC. . RESPONSIBILITY TO MAKE AVAILABLE HUMAN RIGHTS RECORDS PURSUANT TO PENDING REQUESTS.

(a) GUATEMALA AND HONDURAS.—

(1) The United States has received specific written requests for human rights records from the Guatemala Clarification Commission and the National Human Rights Commissioner in Honduras, and from American citizens and their relatives who have been victims of gross violations of human rights in those countries.

(2) Not later than 120 days after the date of enactment of this Act, each agency shall review all requested human rights records referred to in subsection (a)(1) which it has not yet located or reviewed for the purpose of declassifying and disclosing such records to the public except as provided in subsection (b).

(b) POSTPONEMENT OF PUBLIC DISCLOSURE.—

(1) GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLOSURE OF HUMAN RIGHTS RECORDS.—An agency may only postpone public disclosure of a human rights record or portions thereof that are responsive to the pending requests—

(A) pursuant to the declassification standards contained in section 6 of P.L. 102–526, or

(B)(i) if its public disclosure should be expected to reveal the identity of a confidential human source,

(ii) however it shall not be grounds for withholding from public disclosure relevant information about an individual's involvement in a human rights matter solely because that individual was or is an intelligence source, however, the public disclosure of the fact that the individual was or is such a source may be withheld pursuant to this section.

(2) REVIEW OF DECISION TO WITHHOLD RECORDS.—The Interagency Security Classification Appeals Panel (hereinafter in this section the ''Panel''), established under Executive Order No. 12958, shall—

(A) review all decisions to withhold the public disclosure of any human rights record that has been identified pursuant to requests referred to in subsection (a)(1), subject to the declassification standards referred to in subsection (b)(1);

(B) notify the head of the agency in control or possession of the human rights record that was the subject of the review of its determination and publish such determination in the Federal Register;

(C) contemporaneously notify the President of its determination, who shall have the sole and nondelegable authority to review any determination of the Panel, and whose review shall be based on the declassification standards referred to in subsection (b)(1). Within 30 calendar days of notification, the President shall provide the Panel with an unclassified certification setting forth his decision and the reasons therefor; and

(D) publish in the Federal Register a copy of any unclassified written certification, statement, and any other materials that the President deems appropriate in each instance.

(3) REFERENCES.—For purposes of this section, references in sections 6 and 9 of P.L. 102–526 to ''assassination records'' shall be deemed to be references to ''human rights records''.

(c) CREATION OF POSITIONS.—(1) For purposes of carrying out the provisions of this section, there shall be two additional positions on the Panel. The President shall appoint individuals, not currently employees of the United States Government, who have substantial human rights expertise and who are able to meet the requisite security clearance requirements for these positions.

(2) The rights and obligations of such individuals on the Panel shall be limited to matters relating to the review of human rights records and their service on the panel shall end upon completion of that review.

(d) DEFINITIONS.—In this Section:

(1) HUMAN RIGHTS RECORD.—The term ''human rights record'' means a record in the possession, custody, or control of the United States Government containing information about gross violations of internationally recognized human rights committed in Honduras and Guatemala.

(2) AGENCY.—The term ''agency'' means any agency of the United States Government charged with the conduct of foreign policy or foreign intelligence, including the Department of State, the Agency for International Development, the Defense Department, the Central Intelligence Agency, the National Reconnaissance Office, the Department of Justice, the National Security Council, and the Executive Office of the President.

(3) GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.—The term ''gross violations of internationally recognized human rights'' has the same meaning as is contained in section 502(B)(d)(1) of the Foreign Assistance Act of 1961.

Mr. DODD. Mr. President, I have brief remarks about this amendment. It is focused on two countries, Guatemala and Honduras. It is not worldwide. It is designed to try to have documents declassified, dating back to a decade ago. Many people recall the tragedies of the conflict in Central America. It actually goes back more than two decades. In the case of Guatemala, it goes back 30 or 40 years.

Civil wars have now been concluded. There are democratically led governments moving in a direction to try to address their underlying economic and social needs. The conflict that plagued these countries and ourselves cost the lives of thousands of people, as well as thousands more who were injured and brutalized in those conflicts.

We are seeking with this amendment to declassify certain information that might allow us, in the case particularly of an American citizen who was brutalized in that conflict almost a decade ago, to gather necessary information so that those who perpetrated the crimes against her could be brought to the bar of justice.

The Clinton administration has already agreed in principle to assist the Guatemalan and Honduran authorities investigating past human rights abuses that occurred during this period. These investigations are critical to these societies being able to complete the process of reconciliation and establish a credible foundation on which to build democratic institutions which truly reflect the rule of law and to put an end to impunity.

While some U.S. agencies have already responded very fully and positively to these requests, others appear to have done little or nothing meaningful to review and turn over materials that could be critical to the success of this exercise. The slowness of certain agencies in the production of materials, in some cases which are totally nonresponsive to these requests, have caused a level of cynicism about the commitment of some agencies to fully support this effort.

I know my colleagues, Senator LEAHY and Senator MCCONNELL, are very familiar with the case of the American citizen, Sister Diana Ortiz, who was abducted and brutally raped and tortured while serving in a rural community in Guatemala in 1989. Not surprisingly, Sister Ortiz's life has never been the same. Her efforts to shed light on the details of the crimes against her have been met with indifference, at best. As is too often the case in rape cases, she believes that rather than being viewed as the victim, she has been treated by certain government officials as a perpetrator of some crime or involved in nefarious behavior. I don't think the 101 cigarette burns on her back would indicate necessarily at all that someone was the perpetrator rather than the victim.

Just today, I received a very moving letter from Sister Ortiz. Attached to her letter was a statement that she recently gave laying out some of the new information about her case. Let me quote from her letter, because I think it helps explain why I am offering this amendment today. Sister Ortiz writes:

> Despite my efforts, I still don't know the truth of why I was abducted and tortured. It is true that government agencies have released documents to me. They consist of such public items as articles written by the press, human rights reports from the U.S. Embassy in Guatemala, documents relating to cases other than my own, and letters written to Members of Congress. I have also received blank sheets of white paper.

Mr. President, this is not just some isolated document. This is basically what a lot of the released documents look like here. This is declassified human rights documents, blank pages: ''Honduran armed services human rights and corruption.'' A blank page.

Here is another example of the declassified documents released on her case:

> A U.S. ally has received U.S. Embassy and Honduran government support.

It goes on. That has little or nothing to do with the situation involving Sister Ortiz. The rest is blank.

This is one of the released documents:

> Press reports of January 1988 indicate that the 316 battalion was deactivated in September 1987 to quell speculation following allegations of death squad activities made against the battalion.

The rest is blank, as if this were some highly pertinent document. This is obviously not readable here at all. For the purpose of demonstrating to my colleagues, here is what we are talking about. I could go through this quickly. These are all blank pages. I am not filling these in. These are sheets of blank pages that come up on this report.

Now, obviously, there are legitimate concerns that intelligence agencies can have about just releasing any and all documents that people would like to have access to. You can't tolerate that, even in a case as moving as that of Sister Ortiz.

This amendment says that within 120 days of enactment of the underlying bill it would search the documents for

relevant material in Honduras and Guatemala if documents are discovered and found, and the agencies, for whatever reasons—there are a list of reasons—adopted in law where methods and sources could be revealed and other important information that could be harmful to U.S. interests. Then there is a panel made up of representatives from the Central Intelligence Agency, the Department of State, the Department of Defense, the Archivist of the United States and the Justice Department, which would review that request from the agency objecting to the release of certain documents. So there is a system whereby they would review whether or not, in fact, the decision not to release information was worthwhile.

So there is a process in place here. It is not worldwide. It is, in fact, situations surrounding these two countries. It involves an American citizen who was brutally tortured and would like to get to the bottom of what happened to her—an American nun working in Honduras and in Guatemala doing work that she and others felt made a significant contribution to the well-being of people there. She would like to find out why it happened. It is not asking too much, in the case of these two countries, for the declassification of documents which could help her pursue this case, again, allowing for a very legitimate process to be in place so that there is not the unintentional release of documents that could in some way compromise the interests of the United States.

That is the sum and substance of this amendment, Mr. President. I hope that our colleagues will see fit to be supportive of it. It doesn't go too far, in my view. As I said, it is limited in scope, in terms of the countries involved, and also there is a process in place in this amendment that would allow for the information, in cases where it should not be released, to be withheld.

I also point out, Mr. President, that I am particularly grateful to my colleagues, Senators LEAHY, MIKULSKI, KERRY of Massachusetts and KERREY of Nebraska, the vice chairman of the Intelligence Committee, who is a cosponsor of this amendment, along with Senator HARKIN and several others who have joined with me in this effort.

I ask unanimous consent that the full text of the letter from Sister Ortiz, as well as the very moving testimony that she gave on June 25, 1998, be printed in the RECORD at this time.

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

SEPTEMBER 2, 1998.

Senator CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: I cannot begin to thank you enough for being in the forefront of the struggle for the Human Rights Information Act. Thousands upon thousands of Guatemalans and Hondurans await the outcome of Senate action on this legislation which is of so much importance to them. It is, of course, of great importance to me as well.

It may seem to many in Congress that my search for justice is never-ending. This is hardly surprising for it is exactly how it has felt to me during these past nine long years. Despite my best efforts, I still don't know the truth of why I was abducted and tortured nor have I obtained any information on the identity of ''Alejandro.'' It is true that various government agencies have released documents to me. Now, let me tell you a little about them. They consist of such (public) items as articles written by the press, human rights reports from the U.S. Embassy in Guatemala, documents relating to cases other than my own, and letters written to members of Congress. I have also received black white sheets, and a few messages from former Ambassador Thomas Stroock—one written a week after I was abducted that stated: ''Her story, as told is not accurate.'' Other cables from Stroock's office/State Department describe me as a political strategist, who had perhaps staged my own abduction to secure a cut—off of U.S. aid to the Guatemalan military. These are examples of ''relevant documents'' which have been released to me.

In the summer of 1996, the Justice Department conducted a criminal investigation. What I learned only during my participation was that I was to be the subject of the investigation and not those who abducted and tortured me. During my testimony before the House Human Rights Caucus on June 24th of this year, I spoke publicly of the treatment I received at the hands of DOJ officials. I am enclosing that testimony as both description of and further witness to how my case has, in fact, been investigated.

Now, on top of all this, I have been told by a legislative aide to another Senator that members of the Senate Intelligence Committee are saying that only 3 or 4 documents (pages) have been withheld from me. At this moment, a 284+ page Classified Report pertaining to my case remains in the hands of the Justice Department, which has been made available to the Intelligence Oversight Board, the former Ambassador to Guatemala, Thomas Stroock, and who knows how many others. But I, on the other hand, am denied access to it in order to protect my privacy and that of their sources, or so I am told (refer to June 24th Statement enclosed).

Again Senator Dodd, I thank you for your efforts on behalf of all who seek the truth. Like countless Guatemalans and Hondurans, this is all I seek. By calling on my government to declassify documents, I am simply pleading with it to allow us to heal. I want to put this nightmare behind me. I want to be able to have a good night's rest. I want peace—for myself and for the people of Guatemala and Honduras. And I don't think that is too much to ask.

In a spirit of gratitude,

DIANNA ORTIZ,
OSU.

CONGRESSIONAL HUMAN RIGHTS CAUCUS
BRIEFING ON TORTURE

(By Sister Dianna Ortiz)

Thank you all for coming. As a survivor of torture, I want to urge you to support declassification of United States government documents that shed light on human rights abuses. Simply by declassifying documents, our government can save lives. Survivors of human rights violations need to know as much as possible about who committed the atrocities against them. With this information, justice is possible, and only justice can lay the foundation for reconciliation, stability, and peace. Guatemala and Honduras are two countries that would benefit immeasurably from full declassification. The sticking point in these instances seems to be that the US has supported the abusers.

Take my case, for example. In 1989, while I was working as a missionary in Guatemala, I was abducted and brutally tortured by Guatemalan security agents. My back was burned over 100 times with cigarettes. I was gang-raped repeatedly. I was beaten, and I was tortured psychologically as well—I was lowered into a pit where injured women, children, and men writhed and moaned, and dead decayed, under swarms of rats. Finally, I was forced to stab another human being.

Throughout the ordeal, my Guatemalan torturers said that if I did not cooperate, they would have to communicate with Alejandro. My last minutes in detention, I met Alejandro, whom the torturers referred to as their boss. He was tall and fair skinned and spoke halting Spanish, with a thick American accent. His English was American, flawless, unaccented. When I asked him if he was an American, his answer was evasive: ''Why do you want to know?''

He told me to get into his jeep and said he would take me to a friend of his at the United States embassy, who would help me leave the country. During the ride, he enjoined me to forgive my torturers and said if I didn't, there would be consequences for me. He reminded me that may torturers had made videotapes and taken photos of the parts of the torture I was most ashamed of. He said if I didn't forgive my torturers, he would have no choice but to release those photos and tapes to the press. At that point, I jumped out the jeep and ran.

For the last nine years, I have tried to stop running. I have tried to face the torturers head on and demand answers, demanded justice. Instead of ''forgiving'' my torturers, I filed suit against the Guatemalan government and called for an investigation. Like so many investigations in Guatemala, it led nowhere. Guatemalan and US officials alike said in public and in private that I was a lesbian who had never been tortured but had sneaked out for a tryst. The 111 cigarette burns on my back were the result of kinky sex.

Two years ago, I held a five-week vigil before the White House, asking for the declassification of all US government documents related to human rights abuses in Guatemala since 1954, including documents on my own case. I asked to know the identity of Alejandro. The Justice Department had begun an investigation August 1995, and the Intelligence Oversight Board had been investigating my case for more than a year, but I still had no answers. Finally, after weeks of fasting and camping day and night before the White House, a number of State Department documents were released to me. The following year, various FBI documents were declassified, but none of these documents contained anything about the identities of my torturers or of their boss, Alejandro.

Efforts to obtain information through US government investigations also led nowhere. The Department of Justice interviewed me for more than forty hours, during which time DOJ attorneys accused me of lying. They interrogated my friends and family members and generally made it clear that I was the culprit, I was the one being investigated, not the US government officials who might have acted wrongly in my case. Ultimately, the investigators seemed unable to comprehend the effects on a torture survivor of testifying in intricate detail for hours on end. Extremely dangerous and painful flashbacks were the consequence in my case. A torture survivor should never be asked to re-enter the torture chamber, to relive the brutal abuse. After I had given the great majority

of my testimony, I felt compelled to withdraw from direct participation in the DOJ investigation. The investigators had the sketches I had made with the help of a professional forensic artist, delineating the characteristics of each torturer, including Alejandro, and the investigators had my testimony, in detail. The responsibility for finding answers lay with them.

Because I could no longer subject myself to the retraumatization brought on by the investigators' questions and manner, the DOJ closed my case. Exactly what the DOJ's final conclusions were, I do not know. I do know that as a result of the investigation, the DOJ came up with a 200+page report, which is classified. The Department of Justice told me the report was classified to protect sources and methods and to protect my own privacy. Dan Seikely, who was in charge of the Department of Justice investigation, said only three people would be able to see the report: Attorney General Janet Reno, the deputy attorney general, and himself. Only four copies of the report existed, he said, and they would be kept under lock and key.

In recent months, however, it has become clear to me that a number of other people have read the report. A government official recently told me that he had seen the report and added that officials in the State Department also had seen it, as had Thomas Stroock, the US ambassador to Guatemala at the time I was abducted. I can't help but wonder how my government intends to protect my privacy by releasing the report to such individuals. It was under Stroock's command that an embassy staff member told a visiting religious delegation—''I'm tired of all these lesbian nuns coming down to Guatemala.'' It was Stroock who said, a week after I was abducted, before any embassy member had interviewed me, ''Her story as told is not accurate.'' It was Stroock who told the State Department that my motives were questionable, that I had perhaps staged my own abduction to secure a cut-off of US aid to the Guatemalan army. Yet it is Stroock to whom the US government gives the report—a report so private that even I cannot see it. After he had read the DOJ report, Stroock spoke to a journalist, who in turn called me. Stroock was informing the press of his access to the report. In spite of his questionable right to see it, he was making no secret of the privileges he enjoyed. There are things in the report that I have kept secret, that I have been ashamed of—things that I didn't tell DOJ investigators but that my friends revealed as they were being interrogated—and I have lived under this tacit blackmail: If I push for more answers in my case, or if I even file a Freedom of Information Act request to get the DOJ report declassified, the secret information the investigators have will be leaked.

Instead of having that information leaked, let me simply tell you: I got pregnant as a result of the multiple gang rapes by my torturers, and unable to carry within me what they had engendered, what I could view only as a monster, the product of the men who had raped me, I turned to someone for assistance and I destroyed that life. Am I proud of this decision? No. But if I had to make the decision again, I believe I would again decide as I did eight years ago.

I had little choice. My survival was so precarious at that time that to have to grow within me what the torturers had left me would have killed me. I tell you this simply to free myself so that I can proceed to uncover the truth. Today, I am filing a FOIA to demand the DOJ report on my case. After such anguish that the DOJ interviews caused me, I have the right to know what was learned in my case, what conclusions were reached and why. I demand access to the report, the same access that members of the State Department, Thomas Stroock, and members of the Intelligence Oversight Board have had, in spite of Seikely's guarantee of confidentiality.

I want to be able to evaluate the thoroughness of the investigation so that I can make informed decisions about what step to take next. My torturers were never brought to justice. It is possible that, individually, they will never be identified or apprehended. And in some senses, I would like to resign myself to this fact and move on. I have a responsibility, however, to the people of Guatemala and to the people of the world, a responsibility to insist on accountability where accountability is possible. If the US government was involved in my torture in Guatemala, in what other countries of the world are torturers receiving orders from Americans? We have to know what the United States has done and where. For our own peace of mind as US citizens and for the good of the citizens of the world, we need the files released. If the US has done nothing wrong, then we can all rest easy. If the US is culpable, we must know this and expose this and take steps to ensure that our government never again collaborates with or hires torturers, in any place, for any reason.

Mr. DODD. Mr. President, again, at the request of the managers of the bill, at this point, I will yield the floor. I presume what will happen is that there are other Members who may show up to debate the McCain amendment, and then there would be a vote on that, and then there may be another amendment that would be disposed of. If I could be notified by my staff, or others, as to when the appropriate time to come back and engage in a further debate with those who have a differing point of view, I am happy to do that.

Mr. MCCONNELL. If my friend has completed his remarks, we will simply lay aside his amendment. Senator THOMAS is here to speak on the McCain amendment.

Mr. DODD. I thank my colleague from Kentucky very, very much for his courtesies in this, and my colleagues, as well, who have other amendments pending. I appreciate it very much.

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

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

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

AMENDMENT NO. 3500, AS FURTHER MODIFIED

Mr. THOMAS. Mr. President, I rise to address briefly the McCain amendment on S. 2334. I will talk a little bit about the situation in North Korea and the bill relating to the Korean Peninsula Energy Development Organization, KEDO. I have been chairman of the Subcommittee on East Asia for almost 4 years, and we have held five hearings on North Korea during that time—more than any other single country, with the exception of China. In all of that time, I have continued to be amazed at and concerned by the dangerous, unpredictable and unbalanced nature of the regime in North Korea. Despite widespread starvation and disease, the Government continues to adhere to the very economic policies which have led to famine in the first place. Despite the worldwide reputation of communism, the Government continues to revolve around sort of a Stalinist cult of personality slavishly devoted to Kim Jong Il.

Despite international norms and conventions, the North Koreans continue to sell nuclear and conventional missile technology to such rogue states as Iraq and Libya in violation of the Nuclear Proliferation Treaty. Despite the terms of the Agreed Nuclear Framework with the United States, North Korea continues to develop its program aimed at producing nuclear missiles.

Mr. President, I have been sort of a begrudging supporter of the Agreed Framework since its inception. Although the agreement is far from perfect, I supported it because I believed that, in the end, it was in our best interest and in the best interest of the East Asia region to do so. I supported it through its fits and starts. I supported it when the North diverted oil deliveries to military use and when the North showed signs of restarting their nuclear program. I supported it because, on the whole, North Korean movement forward in the Four-Party Talks and cooperation in the nuclear area outweighed the North's traditional tendency to always push the envelope with us.

Mr. President, when North Korea fired off a missile last week over Japanese air space, it was kind of the straw that broke the camel's back. This is what I consider to be a clearly belligerent act and should drive home the fact to this body that the Agreed Framework has been gutted by North Korea. At present, it seems no better than the paper on which it was written. Time after time, the DPRK has broken its commitment under the agreement. While the North took our oil and dragged its heels, it has constructed underground facilities to test both propulsion and warhead systems with only one purpose: the development of long- and short-range nuclear weapon capabilities.

Frankly, I have a sinking feeling that they have used us, played us for a fool, and have played it very well. Mr. President, I intend to meet with the Defense Intelligence Agency this week, and to hold a hearing next week in our subcommittee to examine the present situation and to ask the State Department and Defense Department some tough questions.

If these questions can't be answered to our satisfaction, and if we can't be convinced that adherence to the Agreed Framework under the circumstances are in our best interests, then our support, I am sure, will evaporate very quickly.

I am pleased that we are considering it here. I am supportive of the McCain amendment. I look forward to having a chance to vote on it.

I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the Senator from Arizona offered his amendment yesterday afternoon at 4 o'clock. We are trying to make progress on the bill.

I understand there is one person who desires to speak on the other side.

In fairness to everyone, with the concurrence of the Senator from Arizona, if we can't bring this to conclusion, I am going to make a motion to table the McCain amendment at 3 o'clock so that we can get an expression of opinion on the amendment of the distinguished Senator from Arizona.

In the meantime, Mr. President, I think we have some amendments that have been cleared on both sides which I will shortly send to the desk: a Brownback amendment on Iran; DeWine amendment on alternative crop development; three Craig amendments; a Reed-Reid amendment on scholarships; and a DeWine amendment on Haiti.

AMENDMENTS NUMBERED 3528 THROUGH 3534 EN BLOC

Mr. MCCONNELL. Mr. President, I send the amendments to the desk, and ask that they be considered en bloc.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments numbered 3528 through 3534, en bloc.

The amendments (Nos. 3528 through 3534) are as follows:

AMENDMENT NO. 3528

The Senate finds that:

According to the Department of State, Iran continues to support international terrorism, providing training, financing, and weapons to such terrorist groups as Hizballah, Islamic Jihad and Hamas;

Iran continues to oppose the Arab-Israeli peace process and refuses to recognize Israel's right to exist;

Iran continues aggressively to seek weapons of mass destruction and the missiles to deliver them;

It is long-standing U.S. policy to offer official government to government dialogue with the Iranian regime, such offers having been repeatedly rebuffed by Tehran;

More than a year after the election of President Khatemi, Iranian foreign policy continues to threaten American security and that of our allies in the Middle East;

Despite repeated offers and tentative steps toward rapprochement with Iran by the Clinton administration, including a decision to waive sanctions under the Iran-Libya Sanctions Act and the President's veto of the Iran Missile Proliferation Sanctions Act, Iran has failed to reciprocate in a meaningful manner.

Therefore it is the sense of the Senate that:

(1) the Administration should make no concessions to the government of Iran unless and until that government moderates its objectionable policies, including taking steps to end its support of international terrorism, opposition to the Middle East peace process, and the development and proliferation of weapons of mass destruction and their means of delivery; and

(2) there should be no change in U.S. policy toward Iran until there is credible and sustained evidence of a change in Iranian policies.

AMENDMENT NO. 3529

(Purpose: To provide additional resources for enhanced alternative crop development support in source zone)

On page 10 line 19, insert ''*Provided further*, That of the funds appropriated under the previous proviso not less than $80,000,000 shall be made available for alternative development programs to drug production in Colombia, Peru and Bolivia.

AMENDMENT NO. 3530

(Purpose: To establish a Joint United States-Canada Commission on Cattle and Beef and dairy products to identify, and recommend means of resolving, national, regional, and provincial trade-distorting differences between the countries with respect to the production, processing, and sale of cattle, beef, and dairy products, and for other purposes)

At the appropriate place, insert:

SEC. . JOINT UNITED STATES-CANADA COMMISSION ON CATTLE AND BEEF.

(a) ESTABLISHMENT.—There is established a Joint United States-Canada Commission on Cattle, Beef and Dairy Products to identify, and recommend means of resolving, national, regional, and provincial trade-distorting differences between the United States and Canada with respect to the production, processing, and sale of cattle, beef, and dairy products, with particular emphasis on—

(1) animal health requirements;

(2) transportation differences;

(3) the availability of feed grains;

(4) other market-distorting direct and indirect subsidies;

(5) the expansion of the Northwest Pilot Project;

(6) tariff rate quotas; and

(7) other factors that distort trade between the United States and Canada.

(b) COMPOSITION.—

(1) IN GENERAL.—The Commission shall be composed of—

(A) 3 members representing the United States, including—

(i) 1 member appointed by the Majority Leader of the Senate;

(ii) 1 member appointed by the Speaker of the House of Representatives; and

(iii) 1 member appointed by the Secretary of Agriculture;

(B) 3 members representing Canada, appointed by the Government of Canada; and

(C) nonvoting members appointed by the Commission to serve as advisers to the Commission, including university faculty, State veterinarians, trade experts, producers, and other members.

(2) APPOINTMENT.—Members of the Commission shall be appointed not later than 30 days after the date of enactment of this Act.

(c) REPORT.—Not later than 180 days after the first meeting of the Commission, the Commission shall submit a report to Congress and the Government of Canada that identifies, and recommends means of resolving, differences between the United States and Canada with respect to tariff rate quotas and the production, processing, and sale of cattle and beef, and dairy products.

AMENDMENT NO. 3531

(Purpose: To describe the circumstances under which funds made available under the legislation may be available to any tribunal)

On page 82, line 10, strike ''Yugoslavia.'' and insert the following: ''Yugoslavia: *Provided further*, That the drawdown made under this section for any tribunal 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 made available for the tribunal shall be made available subject to the regular notification procedures of the Committees on Appropriations.

AMENDMENT NO. 3532

(Purpose: To express the Sense of the Senate concerning the operation of agricultural commodity foreign assistance programs)

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE.

(a) It is the Sense of the Senate that:

(1) The U.S. Department of Agriculture should use the GSM–102 credit guarantee program to provide 100 percent coverage, including shipping costs, in some markets where it may be temporarily necessary to encourage the export of U.S. wheat.

(2) The U.S. Department of Agriculture should increase the amount of GSM export credit available above the $5.5 billion level (as it did in the 1991/1992 period). In addition to other nations, extra allocations should be made in the following amounts to:

(A) Pakistan—an additional $150 million;

(B) Algeria—an additional $140 million;

(C) Bulgaria—an additional $20 million; and

(D) Romania—an additional $20 million.

(3) The U.S. Department of Agriculture should use the PL–480 food assistance programs to the fullest extent possible, including the allocation of assistance to Indonesia and other Asian nations facing economic hardship.

(4) Given the President's reaffirmation of a Jackson-Vanik waiver for Vietnam, the U.S. Department of Agriculture should consider Vietnam for GSM and PL–480 assistance.

AMENDMENT NO. 3533

At the appropriate place in the bill, insert the following: ''That of the funds made available by prior Foreign Operations Appropriations Acts, not to exceed $750,000 shall be made available for the Claiborne Pell Institute for International Relations and Public Policy at Salve Regina University.''

AMENDMENT NO. 3534

(Purpose: to prohibit the availability of funds for Haiti unless certain conditions are met)

Beginning on page 90 line 1, after the word ''the'' insert ''central''.

On page 91, line 11, after the word ''ratified'' insert ''or is implementing''.

On page 91, strike lines 19 through 20, and insert ''for the Haitian National Police, customs assistance, humanitarian assistance, and education programs.''

On page 91, line 22, after the word ''available'' insert ''to the Government of Haiti''.

On page 92, line 5 strike everything after the word ''council'' through the ''period'' on line 7 and insert in lieu thereof ''that is acceptable to a broad spectrum of political parties and civic groups.''

On page 92, line 8, after the word ''Parties'' insert ''and Grass Roots Civic Organizations.''

On page 92, line 13 after the word ''parties'' insert ''and for the development of grass roots civic organizations''.

On page 92, insert new section (e):

''(e)(1)AVAILABILITY OF ADMINISTRATION OF JUSTICE ASSISTANCE.—Funds appropriated under this act for the Ministry of Justice shall only be provided if the President certifies to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the

Committee on Foreign Relations of the Senate that Haiti's Ministry of Justice:

(A) Has demonstrated a commitment to the professionalization of judicial personnel by consistently placing students graduated by the Judicial School in appropriate judicial positions and has made a commitment to share program costs associated with the Judicial School;

(B) Is making progress in making the judicial branch in Haiti independent from the executive branch, as outlined in the 1987 Constitution; and

(C) Has re-instituted judicial training with the Office of Prosecutorial Development and Training (OPDAT).

(2) The limitation in subsection (e)(1) shall not apply to the provision of funds to support the training of prosecutors, judicial mentoring, and case management.

On page 92, line 14, strike ''(e)'' and insert ''(f)''.

On page 93, strike section (f) and all that follows.

Mr. DEWINE. Mr. President, this amendment reflects a significant change in course on how we administer U.S. assistance in Haiti. From a practical standpoint, the amendment will not decrease our total commitment to the people of Haiti. However, it does place very clear restrictions on assistance to the Haitian government.

To best understand the reasons for this amendment—and why we have chosen to place more conditions on direct aid to the government of Haiti—it is important to first talk about the current situation in Haiti.

Mr. President, I have visited Haiti six times in the past three years. I have taken a great interest in assisting the people of Haiti as they establish, develop and sustain democracy, economic stability and a better quality of life. Through these visits, I have had the opportunity to see what changes have taken place and the general direction of events in Haiti.

My colleagues may recall that on April 3, 1998, I provided the Senate an update on the current economic, and political state of Haiti. At that time, I stated that Haiti's political system was not stable. Little has changed for the better since then. This continued instability is of direct concern to the United States. The concern of course is that this unstable democracy could descend into outright chaos. If this occurs, the result could be an exodus of boat people coming to our shores.

Mr. President, let me mention a few key facts to describe the current situation there.

First, it has been over 14 months since then Haitian Prime Minister Rosny Smarth resigned due to his frustration with the government's inability to resolve an electoral dispute and implement his economic modernization plan. Since then, a Prime Minister has not been confirmed by the Parliament.

The Prime Minister is designated as the Chief Executive of the Government. He appoints the Cabinet and basically runs the government. Without a Prime Minister, the country simply cannot function. Bills that may be passed by the Haitian Parliament cannot be signed into law and the privatization of any government industries cannot be fully implemented.

It is truly unfortunate, that to date, this vacancy has not been filled. The current Education Minister has been nominated for the position. It is, however, unclear if he will be confirmed by the Haitian Senate. One of the main reasons for this continued delay stems from the Haitian government's inability to resolve the serious discrepancy surrounding the April 1997 elections.

This current political impasse stems from pervasive fraud and improper vote tabulation regarding elections held in April of 1997. Not only have the Haitian opposition political parties demanded that the April 1997 elections be annulled, the international community, including the United Nations, has also deemed the elections—which produced only a meager five percent turnout—fraudulent. The opposition political parties continue to insist that they will not move forward to confirm a Prime Minister until the April 1997 electoral dispute is resolved.

This paralysis in government is being felt everywhere: economic reform efforts have stalled. The legislature still has not passed a budget. It has not enacted structural reforms needed to free up over $100 million in foreign assistance, nor has it approved loans for millions in technical assistance. The process of privatizing key government industries is dramatically slow, as are plans to downsize the public sector. With progress impeded by a political stalemate it is no surprise that potential investors who could play a key role in uplifting Haiti's economic development are discouraged from going forward.

Complicating matters even more was an upcoming national/municipal election in Haiti slated for November 1998. Hundreds of seats were up, including the entire lower chamber of the Haitian Parliament, up to two-thirds of the Senate and all municipal seats. Since there continues to be no resolution to the irregularities surrounding the previous election, however, the elections that constitutionally should be held in November have not been scheduled nor is there reason to believe that they will occur any earlier than next spring. All of this raises even more questions and concerns on Haiti's ability to administer future elections, including the presidential elections scheduled for the year 2000.

Democracy literally is at a standstill in Haiti. And it will remain stagnant until previous electoral disputes are resolved, and a credible, nonpartisan, competent electoral commission to oversee elections is established.

The composition of the electoral commission is the key source of controversy. A number of opposition parties in Haiti would like to have some representation on the commission, or at least make sure that the commission is neutral and not biased.

Mr. President, I understand that Haitian President Preval recently said he will move forward with naming a provisional electoral council. There is concern that he intends not to consult with all opposition parties—meaning that the interests of other political parties will likely be excluded. This step would not seem to be an effective way to resolve the current political impasse.

When I spoke about Haiti last April, I urged that no U.S. assistance be used to underwrite the proposed November elections until a settlement of the April 1997 electoral dispute is reached—and until a fair and independent Electoral Council is established in accordance with the constitution. I am pleased that these conditions on funding are currently in the pending Foreign Operations Appropriations Bill, as well as in the House version.

Even if the electoral disputes are resolved and an electoral commission appointed, democracy cannot be sustained as long as lethal violence is seem as an effective tool to achieve political goals. To date, not one single case of the dozens of political killings that have occurred in Haiti since the early 1990's have been resolved. As a result, no one has been convicted and sentenced for any one of these crimes.

Mr. President, according to a House International Relations Committee staff report released just last week, fears of a new wave of political killings are on the rise following the recent murder of a Catholic priest who was a vocal critic of the current government, as well as of former President Aristide. The report also states that ''A key opposition leader expressed concern that three other political figures may be targeted for assassination.''

Not only have opposition political leaders been allegedly threatened, Haitians working for democratic institutions such as the International Republican Institute have also been targeted for intimidation and threats on their lives. One Haitian IRI employee was even held at gunpoint for his involvement in democratic activities in Haiti.

Mr. President, I also am concerned about new reports of drug corruption within the Haitian government. Specifically, there have been numerous reports in Haitian newspapers that Haitian National Police employees were arrested for involvement in drug trafficking. Haiti has become increasingly attractive as a transit point for international drug traffickers. Unless we address this situation soon, Haiti could turn into a full-fledged narco-state. And that means more and more illegal drugs coming through Haiti to the United States.

Mr. President, I have given you a brief outline and assessment of the current political situation in Haiti.

It has been the policy of this Congress for three years that until the Haitian government is able to meet specific economic, political and social reforms, our assistance to that government should be extremely limited. The money, instead should go to benefit Haitians directly.

That was the fundamental purpose of an amendment originally offered by our former Majority Leader, Bob Dole in 1995. Under the original Dole amendment, benchmarks for reform had to be met if assistance was to be provided. If these conditions were not met, government assistance would be transferred to non-governmental organizations, of NGOs. In the end, the President called for and received from Congress the power to waive these conditions and allow aid to go forward if he believed restricting aid to the Haitian government posed a national security concern to the United States. Congress included this national security waiver with the hope that things would improve in Haiti. Each year for the past three years, we have renewed the Dole amendment with some marginal modifications. Each year, the President has exercised his waiver authority to keep U.S. aid flowing to the Haitian government. And each year we hope the Haitian government will finally get its act together.

Well, Mr. President, three years have gone by. And the situation remains bleak. Based on a review of that situation, I now believe that it is necessary to go back to the original Dole proposal by removing the national security waiver. We have tried—patiently—for three years to work with the Haitian government to establish and sustain democracy there. Yet, I find it extremely difficult to invest in a government that is not willing to make changes to advance democracy and its economic health. We have spent well over $2 billion in the past four years in Haiti.

We should continue to fund programs through NGOs that will benefit Haitians. But giving the government money for programs if they are not willing to implement needed political and economic reforms is wasted money.

Mr. President, let me turn now to an explanation of my amendment to the this bill. Let me first make it clear that this amendment does not prohibit assistance to Haiti. Just like current law, this amendment conditions our assistance to the Government of Haiti—but not the Haitian people. That means that any funds distrtibuted to Haiti through NGOs for the benefit of Haitians will not be threatened nor compromised in any manner.

Let me first outline the important general conditions that the Haitian government must meet before we believe it receives any additional funding from the US government. These conditions are outlined—almost verbatim—in the pending Senate and House Foreign Operations Appropriations bill.

These general conditions include:

First, the Haitian government must re-sign the Agreement on Migration Interdiction and Operations with the United States and must cooperate with the US in halting illegal emigration from Haiti. It has been nearly four years since this agreement expired and the US government has been waiting for Haiti to resign this agreement.

The second condition is that the Haitian government must conduct thorough investigations of extrajudicial and political killings and that it must cooperate with US authorities in these investigations. There have been dozens of political murders in Haiti over the past several years. Not a single one has been solved. That has got to change.

Third, the Haitian government must take action to remove from the Haitian National Police, and other national palace and ministerial guards, individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of human rights or to have engaged in narcotics trafficking.

Fourth, that the Haitian government must complete privatization of at least three major public entities. The Haitian government is now years behind its own drafted scheduled in privatizing several key public entities.

The final condition is that the Haitian government must implement the counter-narcotics agreements recently signed between both countries last October. There are a total of six counter-narcotics agreements including the Ship Rider and Maritime Pursuit Agreements which allow US law enforcement to patrol Haitian waters for drug interdiction matters. These agreements basically allow for instantaneous implementation of drug enforcement activities between the two countries.

These are very important and reasonable conditions that must be met before the US government releases any general assistance directly to the government of Haiti. Many of them are not new.

Let me now address a more controversial question—whether the Administration can waive these conditions for national security reasons, and allow funding to go forward. For the past three years, the Administration has exercised its waiver authority to allow funding to go to the government. The pending bill before us continues this waiver; the pending House bill does not. My amendment would adopt the House version on this point. We must send a message to the government of Haiti that we cannot continue to give them money if they lack political will to make necessary reforms.

Mr. President, while my amendment would remove the national security interest waiver; there are several important exceptions to this amendment as well as in the pending bill that would enable the US government to continue funding certain important government programs. Taken together, these exceptions include—counter-narcotics assistance; support for the Haitian National Police's Special Investigative Unit; the International Criminal Investigative Training Assistance Program; customs assistance; anti-corruption programs; urgent humanitarian assistance; and education. There is also a separate provision on conditioning electoral and administration of justice assistance to the government of Haiti under a separate set of conditions.

One additional point I want to make is while I have included several additional exceptions to the Limitation of Assistance provision to the government of Haiti—I intend to explore during the conference of this bill the possible need to limit the total amount of money the Haitian government can receive if conditions set for in this amendment are not met while assistance to the government in these areas continues to flow.

Mr. President, before I conclude, I would like to mention two essential assistance programs that we provide to Haiti through NGO's.

First and foremost, US assistance through P.L. 480 Title II feeding programs to the poor is absolutely critical and should be continued. There are impoverished people in Haiti—particularly children—who desperately need help. They are not responsible for the country's political crisis. They should not have to suffer because of it.

Mr. President, there has been a proliferation of facilities in Haiti which must care not only for a vast number of orphans but also for an increasing number of abandoned and neglected children. The capital city, Port-au-Prince, has seventy orphanages—all of these which are run by only one relief organization, Christian Relief Services (CRS). There are many other orphanages throughout the entire country which take care of thousands and thousands of orphaned and abandoned children in Haiti.

I have visited these facilities in Haiti and I can give you a first-hand account of the heart breaking stories. The flow of desperate children into these orphanges is constant and these institutions face an increasing challenge in accommodating all of these needy children. The sad part is that these many of these orphanages get no other means of support other than the food administered to them through CRS, which in turn receives its resources through AID.

Last year and again this year, I have worked with Senators COCHRAN and BUMPERS—the Chairman and Ranking Member of the Agriculture Appropriations Subcommittee—to ensure we continue the emergency feeding programs in Haiti through the PL 480 Title feeding program. I thank Chairman COCHRAN and Senator BUMPERS for their assistance in funding this program last year and for doing so again in this year's bill.

Similarly, I have worked with Chairman MCCONNELL and Senator LEAHY to include up to $250,000 to support a pilot program to assist Haitian children in orphanages. The objective behind the program is to find ways to help orphanages better organize and manage themselves to seek outside help for resources for these children. I thank the Chairman, and Senator LEAHY for funding this initiative last year and for doing so again in the pending bill.

Another very important assistance program that should be maintained, if

not expanded, is agricultural assistance programs. Agricultural production in Haiti is extremely low. In the long run, agricultural production is necessary if Haiti is to provide jobs and food for its population.

Haiti today imports two thirds of its food. Every day, thousands of Haitians leave rural areas where they are unable to provide for themselves, and flood into the cities which are unable to sustain the population pressures. In the long run, agricultural and rural development is crucial to the goal of providing jobs, income and food for Haiti's people.

To further develop the rural and agricultural sectors of Haiti, attention needs to be given to a decentralized development strategy. I believe that continued focus on non-governmental organizations is appropriate. In fact, current USAID funding for agriculture and environmental programs in Haiti is all administered through NGOs. I believe that we should be promoting regional development and that associations linking private sector interests with local government need to be established. One way to do this is to link our own successful foundations and institutions of higher education together with local Haitians interested in pursuing this goal.

Given the importance of developing and expanding sound agriculture and environment programs in Haiti, I intend to work with Chairman MCCONNELL and Senator LEAHY to ensure that at least 20% of our total assistance for Haiti be for the promotion of agriculture and environment programs in Haiti. It is my hope that they will accept this request in conference report language.

Mr. President, I cannot overestimate enough the need to continue assistance programs to Haiti through the NGO community. We want to help Haitians in terms of feeding programs, agriculture and environment programs, and other initiatives such as basic health and education.

Mr. President, as you can see from the specifics of my speech, I have given serious thought to our assistance policy toward Haiti. U.S. policy toward Haiti is complicated. As I said at the beginning of these remarks, establishing, developing and sustaining democracy in Haiti is an important national interest.

One thing is clear: The U.S. cannot do for Haiti what it will not do for itself. The Haitians first have to realize the need to solve their political crisis. They clearly have not yet hit rock bottom; maybe that's what it will take to create the political will to move forward. Unfortunately, I do not yet see the requisite political will and determination in Haiti.

In the meantime, we cannot just walk away from Haiti completely. We must find ways to help the Haitian people, primarily through NGO's—since the Haitian Government has proven itself to be incapable of providing for its own people.

There's a tough road ahead for Haiti. With this amendment, we are helping to set some realistic conditions whereby that country can succeed.

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

The amendments (Nos. 3528 through 3534) en bloc were agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I heard the distinguish Senator from Kentucky say—and I know we have word of those who wish to speak. The Senator from Kentucky and I have been on the floor, as have other Senators, since early yesterday morning on this bill. We are within sight of land, and we would kind of like to get some things moving.

If people have a matter they wish to add to the debate, or a matter that they wish to say, or things that they feel the Senate should consider for this side of the aisle, I would strongly urge them to come to do that, because there will be the effort of the chairman and myself to wrap this bill up as soon as we can.

Mr. MCCONNELL. Mr. President, I say to my friend from Vermont that as far as we are aware there are only three more amendments that may require a rollcall vote, and then we would be ready to go to final passage. So we can, indeed, see the light at the end of the tunnel.

AMENDMENT NO. 3500, AS FURTHER MODIFIED

Mr. LEAHY. Mr. President, while waiting for others, I note with regard to the North Korea McCain amendment that I stand behind no Member of this body in my respect for my friend from Arizona, and certainly I know no one who has followed the situation in North Korea closer than he has. I give him a great deal of weight for his insight. I understand his concerns. I share them. I suspect that most Senators do, especially as we watched the unbelievably irresponsible activity on the part of North Korea in their recent missile firing.

Unfortunately, this amendment would prevent the United States from fulfilling its obligations under the Korea nuclear reactor agreement. Maybe the Congress will make that decision to do that. Of course the Congress can. But I hope that Senators would think long and hard before we go down that road. This North Korea agreement is not perfect. There is no disagreement about that on this side of the aisle. There is also no disagreement about the behavior of the North Korean Government. It is reprehensible. At times it seems inexplicable. It is certainly the most irresponsible activity of any country on Earth today. They almost seem to want the United States to back out of this agreement.

But I think the questions we should ask, if I could have the attention of my friend from Arizona, would be just these:

Does the Secretary of Defense support this amendment? Does the commander of our forces in Korea support the amendment? What do they think the level of danger between the United States and North Korea will be with this amendment?

I ask this because I share the frustration of the Senator from Arizona toward North Korea.

Mr. MCCAIN. First of all, I appreciate the efforts of the distinguished Chairman of the subcommittee who mentioned he has had five hearings on this issue. We obviously paid close attention to the Senator from Wyoming who now feels that the time has come to support this amendment. I believe that the commander of the forces in Korea, the Secretary of Defense, the Secretary of State, probably the national security adviser, and even the President, if he knows about the amendment, is probably in opposition.

I want to tell the Senator from Vermont this agreement was flawed from the beginning. I stood on the floor of the Senate and said it would fail. It was a bribe. It was kicking the can down the road. There was no inspections required. The reality is that North Korea, which is the most Orwellian, bizarre government in history, they have a ruler who is—well, he likes to kidnap Japanese movie actresses. We are supposed to trust the word of these people? And they just launched a missile—a two-stage missile—which every arms control expert in America will tell you that you don't build these kind of missiles unless they are armed with weapons of mass destruction.

This thing was wrong from the start, and everything that we have seen has proven that to be the case, including every major newspaper in America—the L.A. Times, the New York Times, the Washington Post, and, frankly, the former national security adviser, Mr. Brzezinski, and many others; Dr. Kissinger, and many others.

For each expert that the Senator from Vermont could present, I could give you one who is as well regarded, or more highly regarded, who feels that it is time that we at least demand that they stop building nuclear weapons.

I reply to the Senator from Vermont. The amendment simply says that we won't continue to pay them millions of dollars if they in return continue to try to build nuclear weapons, which is what the whole agreement was about, supposedly, to start with.

I thank the Senator from Vermont.

Mr. LEAHY. I thank the Senator for his answer, which is precisely what I anticipated. I am not suggesting experts are in opposition. I merely wanted, for purposes of debate, to have that.

He speaks of these Orwellian, bizarre people. I suspect it is giving the North Korean leadership the benefit of the doubt to call them Orwellian and bizarre. They are worse than that. We can't ignore what has happened there.

But we are not dealing with rationale people.

Had I been the one to write the agreement we have with them, I would like to think that I would have written it a lot differently than it is. But I also understand the concerns that countries like South Korea, Japan, and others have put a lot more money and a lot more effort into this agreement than the United States has.

I do not want to give the North Korean Government an excuse to make the situation we now have a lot worse.

We have done some things with this agreement. The North Korean nuclear facility at Yongbyon and Taechom have been frozen under the IAEA inspection. Virtually all of the spent fuel in the Yongbyon reactor has been safely canned under IAEA seals. Those are spelled forth.

At the same time, this is a country which I think both the Senator from Arizona and I would agree has the ability to make inspections. The ability to determine what they are doing is probably as difficult as any country in the world. What makes it worse, unlike some other countries where it is difficult to find out what they are doing, they are not countries with the potential nuclear power and potential nuclear weapons power.

Mr. President, I yield the floor and suggest the absence of a quorum.

I withhold the suggestion of the absence of a quorum. I see the Senator from Arizona on the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, is it still the desire of the Senator from Vermont that—does Senator LEVIN still wish to speak on this?

Mr. LEAHY. I wonder if the Senator from Arizona and the distinguished chairman would mind if we put in a quorum call for 2 minutes. If at that time we do not hear from the Senator, I will not do anything to delay this further.

Mr. MCCONNELL. And then there will be no objection to lifting it later?

Mr. LEAHY. No.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, if I may, I wish to make another comment or so on this amendment.

I understand the notion that you want to make this thing work, and we have tried for quite a long time. It just seems to me that around the world right now in a number of places we are having these kinds of countries with the dictators sort of testing the United States, saying, ''You have told us certain things, we have made certain agreements, but we are not going to keep them, and what are you going to do about it?''

I feel as if that is an increasing tendency around the world, and this is one of them, as well as Iraq and some other places. So I think we want to continue to work, we would like to have the KEDO agreement, we would like to go ahead with the light-water reactor to avoid the nuclear development in North Korea, but that is the deal. And if that isn't being adhered to, then I think you have to do something. I think we have to take a tougher position than we have in the past.

I just do not see that it is good for the United States in the future to be making agreements with these sorts of rogue countries, trying to make things better, going ahead and doing our part, and them not doing theirs. I think that is what this amendment is about. And what we are challenged with, frankly, is to say, ''We have things that need to be done, we are willing to work with you, but you have to keep up your part of the bargain.'' I think that is what this is all about.

I yield the floor.

By the way, if I may take that back, I was also listening to Senator DODD's proposal that has to do with things in Central America that have been kept secret, and I am very much interested in part of that myself, the Sister Ortiz thing that really needs to be declassified, in my judgment. So I just wanted to comment that I speak in support of the Dodd amendment.

I yield the floor.

Mr. MCCONNELL. Madam President, I move to table the McCain amendment and ask for the yeas and nays.

The PRESIDING OFFICER (Ms. COLLINS). 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 motion to table the McCain amendment. 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 Alaska (Mr. MURKOWSKI), the Senator from Idaho (Mr. KEMPTHORNE), and the Senator from Kansas (Mr. BROWNBACK) are necessarily absent.

I also anounce 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—yeas 11, nays 80, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—11

Akaka	Daschle	Levin
Biden	Kerrey	Lieberman
Chafee	Kohl	Wellstone
Cleland	Leahy	

NAYS—80

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

NOT VOTING—9

Bingaman	Domenici	Inouye
Brownback	Glenn	Kempthorne
Coverdell	Helms	Murkowski

The motion to lay on the table the amendment (No. 3500), as further modified, was rejected.

Mr. LEVIN. Mr. President, I voted to table the McCain amendment because I believe it undermines the agreement we have in place with North Korea that is designed to denuclearize North Korea. This could effectively give North Korea an excuse to produce plutonium that it could use for nuclear weapons, which would be absolutely contrary to our most basic national security interests.

The McCain amendment would add a requirement for a certification relative to North Korea that would undermine the Agreed Framework that has frozen North Korea's nuclear weapons plutonium production program, because it would change the terms of that agreement. Before any of the fiscal year 1999 funds for implementation of that Agreed Framework could be spent, the McCain amendment would require the President to certify that North Korea is essentially denuclearized, which is not yet the case but which is the very goal of the Agreed Framework.

The Agreed Framework stipulates that North Korea must freeze its plutonium production facilities, namely three graphite-moderated nuclear reactors (either operating or under construction) and a plutonium reprocessing facility, in exchange for an international consortium (the Korean Peninsula Energy Development Organization, or KEDO) providing two proliferation-resistant light water nuclear power reactors.

Before the U.S. delivers key nuclear components to the North Korean light-water reactor program, North Korea must come into full compliance with its nuclear safeguards agreement with the International Atomic Energy Agency (IAEA) under the nuclear Non-Proliferation Treaty (NPT). It was understood from the outset that it would take a number of years, and probably

not before the year 2003, before North Korea would come into full compliance with its obligations under the NPT.

The whole idea of the Agreed Framework was in fact to bring North Korea into full compliance with the NPT and to go beyond the NPT's requirements by requiring North Korea to freeze and then dismantle its plutonium production facilities, and to place all its spent nuclear fuel in canisters safeguarded and monitored by the IAEA and eventually remove that spent fuel from North Korea. These represent significant security gains for the United States and we should honor our commitments under the agreement to realize these gains.

We should not give North Korea an excuse to walk away from its obligations under the Agreed Framework and to resume the production of plutonium for nuclear weapons. I believe that is what the McCain amendment would do, and that is why I voted to table the McCain amendment.

AMENDMENT NO. 3526

Mr. MCCONNELL. Madam President, is the Senator from Kentucky correct that the pending amendment is the Hutchison amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCONNELL. It is my understanding Senator HUTCHISON may want to modify her amendment.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I would like to offer a modification to my amendment that will be argued and offered by Senator COATS from Indiana. It is acceptable to me as a modification of my amendment.

The PRESIDING OFFICER. The Senator has a right to modify the amendment.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. There is apparently some question about clearing this amendment, which we believe is not objectionable to anybody. But I have just been informed it is cleared. I would like to——

Mr. LEAHY. I tell the Senator from Indiana he is correct on that.

Mr. COATS. I thank the Senator.

I would like a brief amount of time in which to explain what the modification is, because it is relevant to the action that was just taken by the Senate and I think important and determinative perhaps of action that will be taken subsequent to the disposition of this bill by the Senate in the conference. I am willing to do that at whatever time is appropriate. I know the majority leader is here, and I defer to him on that or to any other business that the——

Mr. MCCONNELL. Would the Senator yield?

Mr. COATS. Yes.

Mr. MCCONNELL. The majority leader would like to make a few comments, if you would just withhold.

Mr. COATS. I would be more than pleased to.

Mr. LOTT. I know other Senators may want to speak briefly also on this subject.

SENATOR STROM THURMOND CASTS HIS 15,000TH VOTE

Mr. LOTT. Madam President, I speak, I am sure, for the entire Senate in extending congratulations to Senator THURMOND, a great Senator from South Carolina, for having just cast his 15,000th vote in this Chamber.

An occasion like this reminds us of the continuity and the stability which the framers of the Constitution sought to establish in the Senate. I am sure that they had Senator STROM THURMOND in mind when they sought that. In the person of Senator THURMOND their intent was most notably fulfilled.

I am sure that if our distinguished President pro tempore were to ask which of those 15,000 votes he considers his most important, he would probably respond, even though I am sure he was proud of the vote he just cast, that the most important one is the next vote, for STROM always looks ahead.

Today, we join him in looking ahead, not recounting the tremendous record that he sets with this vote and all the votes of the past but, rather, counting on his future votes for what is good and right for the country he has served so long.

Madam President, this is a milestone. This is a magnificent gentleman who brings tremendous credit to his constituency, his State, to the U.S. Senate, and to America. I am very proud to call him a colleague and to commend him for this 15,000th vote he has just cast.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Madam President, I join my colleagues in congratulating today the distinguished Senator from South Carolina.

With the previous vote, Senator THURMOND joins the extraordinary Senator ROBERT C. BYRD, as one of only two U.S. Senators in the history of our Nation to cast 15,000 votes in this institution.

People outside of the Senate may not understand how astounding an achievement that is.

Let me put it this way: If this were baseball, Senator THURMOND and Senator BYRD would be Mark McGwire and Cal Ripken rolled into one. It is unlikely any of us will ever see their likes again.

But this is not baseball.

This is something even more fundamental to who we are as Americans.

This is the United States Senate. This is the place where we make the laws for a nation dedicated to the rule of law.

To serve here is a great honor—and an even greater responsibility.

In his 45 years in this body, Senator THURMOND has fought passionately to fulfill that responsibility as he has understood it. His tenacity and dedication to the causes in which he believes are legendary.

He fought for 20 years to require warning labels on alcohol. In 1988, thanks to Senator THURMOND's unwavering leadership, the Senate finally voted to do just that.

Five years later, in a tragic irony, Senator THURMOND's family experienced the kind of agony known to too many American families.

His beloved daughter Nancy was lost, killed by a drunk driver. She was only 22.

Nothing can heal the pain of losing someone so dear.

But I hope that this distinguished Senator takes some comfort in knowing that, thanks to his tenacity, perhaps another father, somewhere in America, will tuck his own little girl safely into bed tonight, instead of mourning her too-early death at the hands of a drunk driver.

Senator THURMOND truly is an institution within an institution.

His long and distinguished career is remarkable for its many successes—both in and out of the Senate.

In addition to being the longest-serving U.S. Senator in history, he has also served as a senator in the South Carolina State legislature and as Governor of that great State.

He has been a senior member of both the Democratic and Republican parties and the Presidential candidate of a third party. How many more people can say that in this country?

He volunteered for service in World War II and, on June 5, 1945, at the age of 43, took part in the first drop of the D-Day invasion—the air drop of American troops on Normandy Beach.

I am told that Senator THURMOND wanted to parachute onto Normandy Beach. But another officer—who clearly did not know who he was dealing with—decided Senator THURMOND was too old to jump out of an airplane. So he piloted a glider instead, landing, with the rest of his company, behind enemy lines.

Senator THURMOND is today a retired major general in the Army reserves.

He is also a member of the South Carolina Hall of Fame, and a recipient of more honors and awards than any of us can name, including the prestigious Presidential Medal of Freedom.

Years from now, when we look back on this summer, millions of Americans will tell their grandchildren what it was like to watch Mark McGwire and Sammy Sosa chase Roger Maris' home run record.

If I am lucky enough to have grandchildren, I will tell them about a milestone that was reached this summer for a second time, another record that people thought would remain forever unchallenged—15,000 votes in the U.S. Senate.

And I will tell them, ''I was there. I got to work with both of those men. And they were truly amazing.''

So, Mr. President, on this day when Senator THURMOND enters the record books yet again, I congratulate him on behalf of Senate Democrats for his historic achievement. And I thank him for his many contributions to this body and to this Nation.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, I join with my two illustrious leaders in saluting Senator THURMOND—truly an outstanding Senator. None of us has ever seen a Senator like Senator THURMOND. He has served in the U.S. Senate 44 years. He has accumulated scores of honors, awards, and accolades.

Today, he adds yet another accomplishment to his roster of achievements: the casting of his 15,000th vote in the Senate.

This is a remarkable milestone for a remarkable individual.

I would suggest if anyone wants to read a truly remarkable autobiography or biographical sketch, they read in the Senate CONGRESSIONAL RECORD about Senator THURMOND. I have never seen anything like the accounts of his career.

Casting fifteen thousand votes in the United States Senate represents a record of service that few in this Chamber can hope to achieve in a lifetime. For Senator THURMOND, it is only part of the story.

It was only after a rich and varied career that spanned more than three decades—a career as a teacher, a decorated World War II soldier, a governor, and a lawyer in private practice and he studied Blackstone; Blackstone; not many lawyers can say they studied Blackstone—that STROM THURMOND embarked on a new chapter in his life. In 1954, at the age of 52, he became the first—and only—person to be elected to the Senate on a write-in ballot. That is a remarkable achievement in itself. He remains today the oldest and the longest serving Senator in history, a true legend in this institution and in his home state of South Carolina.

Although he has worn many different hats over the years—teacher, soldier, lawyer, governor, Senator—the common threads that are woven throughout his life are those of patriotism and service to his fellow citizens. His first job out of college, after graduating from Clemson University in 1923, was as a teacher and athletic coach in his hometown of Edgefield, South Carolina. It wasn't long before he was named county superintendent of education while studying law—Blackstone—in his spare time. By 1930, he had his law degree and was serving as city and county attorney in his hometown.

He was elected state senator in 1933 and began service as a circuit judge in 1938. So he has been in all of the branches of Government—the judicial branch, the executive branch, and the legislative branch. Four years later, after 1938, he left his promising judicial career behind to volunteer—volunteer—for service in World War II. He was soon flung directly into the eye of the storm, landing at Normandy on D–Day with the Army's 82nd Airborne Division. The distinction with which he served in World War II earned him five Battle Stars and 15 decorations, medals, and other awards. Now, who can match that?

At the end of the war, STROM THURMOND returned home and was elected governor of South Carolina. It was only after a run for President in 1948, the completion of his term of office as governor, and a brief period of private law practice that Senator THURMOND turned his sights to the United States Senate. His length of service and the thousands of votes he has cast in this institution are proof that he has never looked back.

At a time in his life when most would have put the rigors of the workplace long behind them, Senator THURMOND continues his public service. He serves ably as chairman of the Senate Armed Service Committee and as the senior member of the Judiciary and Veterans Affairs Committees. As President pro tempore of the Senate, he is meticulous in attending to his duties, often as I have said being the first to arrive in this chamber in order to call the Senate into session.

For many years, the walls of Senator THURMOND's office in the Russell Senate Office Building were lined, floor to ceiling, with hundreds of plaques and pictures and certificates of appreciation for his service to the people of South Carolina and to the nation. Those awards and citations marked the moments in history that Senator THURMOND has witnessed, and influenced, from his position as a United States Senator. No doubt he could connect many of his 15,000 votes with the events chronicled and memorialized on the walls of his office. Many of those mementoes have been transferred to the Strom Thurmond Institute of Government and Public Affairs at Senator THURMOND's alma mater, Clemson University, but for those of us who have been privileged to see them, it was a striking sight.

And yet, if one were to visit Senator THURMOND's office when all of those citations were displayed there, one would find that the Senator would not direct your attention to the case displaying his military medals. He would not point out the photos of him with Presidents and world leaders. He would not urge you to read the commendations from esteemed organizations in his state or in the nation. No, Senator THURMOND would draw your attention to the photos of his four children, Nancy Moore, a promising college student whose life was cut short by a tragic automobile accident; Strom Jr., a lawyer like his father—I doubt he studied Blackstone; Julie, who works for the Red Cross; and Paul, who works for the Senate Government Affairs Committee. Those children are the crowning achievements of Senator THURMOND's career; among all of his historic votes and all of his honors and awards, they are the accomplishments of which he is most proud.

The sheer number of votes that he has cast is a wonderful achievement for which we honor Senator THURMOND, but as a fellow Senator, a father, and a grandfather myself, I salute Senator THURMOND not only for the number of votes that he has cast but also for his lifelong dedication to the Senate, to his family, his patriotism, and his service to the people of America.

Mr. President, 1,843 Senators have served in this body since the Senate first met on April 6, 1789. I can remember STROM THURMOND when I first came to the Senate. As I look around me, he is the only Senator in this body whom I recognize as a Senator who sat here when I took my oath of office for the first time as a Senator.

I can remember his wife, his first wife, as she sat in the galleries and looked down at the Senate, listening to STROM as he spoke. Then when she was taken away by the Father of us all, I came to the Senate that day and I saw STROM THURMOND, sitting right there at his desk, as I recall. I walked up to him, held out my hand and told him I was sorry. That same stern, strong look that we so often see on STROM THURMOND's face was the look that he gave to me; a strong, firm handshake; straight as an arrow, stern as an Indian, he thanked me for my expression of condolences.

It has been said that ''the measure of a man's life is the well spending of it, and not the length.'' By any measure, Senator THURMOND is an example of a life both great in length and well spent. I congratulate my esteemed and illustrious colleague on his remarkable career and on his remarkable life.

I thank my Creator for having blessed me with the many thousands of friendships that I have enjoyed over the years, so many scores of which have been other Members of this Chamber, among whom only one do I look upon as senior to myself. I congratulate myself on having lived to serve with this man, and I hope that God's blessings will continue to be upon STROM THURMOND.

Madam President, I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Madam President, as we say in this body, I would like to associate myself with the remarks of all those who have spoken and make a slightly different point—not as well as my colleagues have spoken.

You know, I don't think a Senator can be measured merely in terms of the number of votes he or she has cast. It is a reflection of their sense of responsibility and the exercise of their duty. But there is something special about that fellow sitting over there from South Carolina. I have been here 26

years with the Senator from South Carolina, and for 16 of those I got to sit as either the ranking member or chairman of the Judiciary Committee right next to STROM.

I think it is fair to say that a lot of people thought we were strange bedfellows because everybody could tell that we truly liked one another. People would ask me, ''Why do you like STROM THURMOND so much? You disagree with him on so many things.'' I would say, ''I'll tell you why.'' There are two reasons, and it is a measure, in my view, of what makes him a great Senator. No. 1, he is here to get things done. He is not here to stop things. He is here to get things done. He is a legislator.

I remember when I first took over as the chairman of the committee, I went to STROM and said, ''STROM, I would like to make a deal with you. There is a lot we disagree on and some we agree on. Let's put aside what we disagree on and focus on the things we agree on.'' He looked at me, and he finally said, ''OK.'' He stood up and put his hand out, and from that point on, as much as we may disagree, there wasn't anything we have ever had a cross word on.

One of my most memorable occasions was when he and I went down to the White House to try to convince President Reagan to sign a crime bill. President Reagan was in the beginning of his second term. We sat in that Cabinet room. We were on one side of the table and William French Smith, Ed Meese, and someone else was on the other side. The President walked in and sat down between STROM and me. We made our pitch as to why he should sign onto the Thurmond-Biden crime bill back then. The President looked like he was getting convinced, like maybe he was going to come our way. This is absolutely a true story. With that, Ed Meese stood up and said, ''Mr. President, it's time to go.'' The President wanted to hear what STROM had to say a little longer, but Ed Meese said, ''Mr. President, it's time to go.''

The President was sitting down and then decided it was time to go. He had his arms like this, and he went to get up, and STROM reached over and put his hand on the President's arm and pulled him back down in the seat and he said, ''Mr. President, the one thing you got to know about Washington is that when you get as old as I am, you want to get things done, you have to compromise.''

Who in the Lord's name could have possibly told Ronald Reagan that—he was almost as old as STROM and had been around as long—and smile and make the President laugh? He not only got away with it, he talked the President into his position. That is a remarkable ability. This man can say and do things that if any of the rest of us ever did them, we would be long gone. But do you know why it works? It is because people know where his heart is. People know what his objective is. People know that he is doing what he is doing not for political purposes but because he really believes it.

If you will allow another point of personal privilege here. I remember a very tough time in my career. I was chairman of a committee and there were wild accusations being made about me. I was foolish enough to be trying to run for President of the United States. It was before a very contentious hearing on a Supreme Court Justice. He and I disagreed on whether the justice should be a Justice. I called a meeting of the entire committee off of the committee room in the back and I said, ''Gentlemen''—there were all men on the committee at the time—I said, ''Gentlemen, if these accusations relevant to me are getting in the way of the ability to conduct this committee, I am willing to step down as chairman.'' Before the last syllable got out of my mouth, STROM THURMOND stood up in that meeting and said, ''That's ridiculous. You stay as chairman. We all have confidence in you.'' I said, ''Don't you want me to explain?'' He said, ''There is no need to explain. I know you.''

I will never forget that. I can't think of many other men or women who would, having a significant political advantage at that moment, not only not take advantage, but stand by me—stand by me.

And so I think the thing that makes his 15,000 votes matter so much is that everybody knows they matter to him. They matter to him.

I will close by saying—and I apologize for being so personal, but I think it is the measure of this man, at least in my view. My daughter is 17 years old. She has, like all of us in here who have served in the U.S. Senate for a long time, had the great honor and opportunity to meet kings and princes and presidents and significant political figures. She, like all of our children, pays the price for having a father or mother who is a Senator or who holds high public office. But they also have the advantage of meeting these people as well. She has had scores of pictures taken.

To this day, my beautiful 17-year-old daughter has one picture of a public figure in her bedroom on her dresser that has been there for 9 years, and it is a picture of Senator STROM THURMOND handing her a key chain behind his desk in his office. I didn't ask her to keep that. I kind of wish she would put a Democrat's picture in there. I didn't even make the bureau. But STROM THURMOND is there. I think the reason is because all the time my wife Jill was carrying her, STROM would, every third day, ask me during a hearing what was going on and give me all kinds of advice about what I should and should not do.

My wife and I were in the delivery room and were just handed our beautiful baby girl, and a doctor walked around the corner with a cell phone and said, ''There's a call for you, Senator.'' We were literally in the delivery room. I thought, my God, war must have been declared. I grabbed the phone, thinking it was the most incredible and unusual thing to hand me a phone in the delivery room. I say to my friend from West Virginia that he is not going to be surprised to hear this. ''JOE, STROM. Congratulations.'' How in the Lord's name he knew at that moment is beyond me. But everything with him is personal. It is personal in that he gives. It is personal in that he gives. It is not personal that he holds a grudge. It is not personal that he takes advantage. It is personal. Politics is personal.

Those votes meant something, and the way he has conducted himself in this body makes me very, very, very proud to say I serve with him and very proud to think that he likes me.

It has been a pleasure serving with you. I just hope you do what you did for me on your 90th birthday. I had the great honor to be one of the four speakers at your 90th birthday. But, you old devil, you never told me Richard Nixon was going to be the other speaker when I showed up. It was me, President Nixon, Bob Dole, and a Presbyterian minister, whom I don't remember; he used to work in the Nixon White House.

I just ask for one favor. On your 100th birthday, as you are running for your next term of office, I volunteer to be one of the 500 people, assuming I am still around, who will be happy to stand up and speak for you on your 100th birthday, because I want to be around on your 110th after you finish your next term and a half. I congratulate you, Senator, not on the 15,000 votes, but it is the way you cast them, the way you talked about them, the way you dared about them that makes you unique among all of us in this Chamber.

I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Chair recognizes distinguished Senator from North Dakota.

Mr. CONRAD. Mr. President, I want to say that when I came to this Chamber I was 100th in seniority. I sat up here at the end of the line. When I came to this Chamber, I had not served in the House of Representatives before this. So I didn't know many of the Members. But there was one Senator who was always unfailingly courteous, polite, and warm. And that is the Senator from South Carolina. Whenever he saw me, there was a cheery word, a note of encouragement, and a willingness to be helpful. I have never forgotten his courtesy and his kindness.

Once again, this week, when my chief of staff died suddenly, among the very first Senators to call me with condolences was the senior Senator from South Carolina. He called my office. When he saw me in the hall, he took me aside and said how he felt about the loss of my top aide.

Mr. President, we are here to celebrate a record of a remarkable stream of votes by the Senator from South Carolina. But, more than that, I think we want to celebrate the kind of man

that he is and the contribution that he makes to this Chamber and to this country.

I thank the Chair. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will be very brief.

Let me also congratulate Senator THURMOND for this remarkable record.

I just have two things to say. One is, I think one of the ways that we should evaluate Senators is just how they treat people. I say to the pages, I don't know over the years how many times I have seen Senator THURMOND have ice cream with the pages. I don't know how many times I have seen him constantly being so gracious and having a good time and talking with and treating people really well—support staff, whether they be elevator operators or you name it.

I just would like to thank Senator THURMOND, not always for the position he takes on issues, but for the way he treats people, which I think might matter more than anything else.

Then finally, STROM, since I am being so nice here on the floor and saying exactly what I believe, I would like to ask you a favor. Since I came out here to congratulate you, next time when you shake my hand or grab my shoulder, could you do it just a little more gently?

I yield the floor. (Laughter.)

Mr. HOLLINGS. Mr. President, today marks a milestone in the history of my state, in the history of the Senate, and in the history of the United States. Today Senator STROM THURMOND, the longest-serving Senator in United States history, cast his 15,000th vote. This is a proud moment for not only Senator THURMOND but for the great state he serves and for the venerable history of this institution.

What is perhaps even more remarkable than the number of votes Senator THURMOND has cast is the thought he put into each of those votes and the conviction with which he has voted. I have not always voted with the Senior Senator from South Carolina, but I have never doubted he cast each vote with no consideration other than the good of our state and nation in mind.

This is one of many records the senior Senator from South Carolina has achieved. I well recall rising last year to pay tribute to the Senator on the occasion of his setting a new longevity mark in the Senate. In fact, Mr. President, STROM THURMOND's entire life is remarkable for his ability to blaze a trail for others and set new marks.

Many of my colleagues today have spoken of Senator THURMOND's gracious manner, his compassion for others, and his profound respect for the traditions and the history of the United States Senate. Indeed, no one possesses these qualities to a greater degree than STROM THURMOND.

Senator JOSEPH BIDEN said today, ''politics is personal.'' And as he pointed out, STROM THURMOND understands this better than anyone. No one knows better than Senator THURMOND that the Senate's success is directly related to its members' decorum and the warmth of their personal relations. Senator BYRD spoke movingly of Senator THURMOND's presence at a memorial service after the death of his grandson. I have no doubt that many other Senators could tell similar stories. STROM THURMOND is as devoted to his colleagues as anyone I have ever known. For him, friendships transcend party lines.

Of course, Senator THURMOND's loyalty and dedication extend beyond the confines of this room. An ardent patriot, he left his life as a father and judge behind to volunteer for combat duty in World War II and participated in numerous campaigns. Senator THURMOND is one of those rare people who we can say with certainty loves America even more than he cherishes his own life.

If it is possible for one person to embody the traditions and personality of an institution, STROM THURMOND personifies the United States Senate. He is a man of respect, good will, humor, energy, principle, integrity, and loyalty. It is no exaggeration to say that serving the people of South Carolina and the United States is Senator THURMOND's life. Today we have the great fortune to repay his dedication in a small way by making the sort of personal gestures for which Senator THURMOND is famous. Mr. President, it is my great pleasure to congratulate my colleague and old friend on the occasion of his 15,000th vote.

Mr. COATS. Mr. President, I know the pending business is the Hutchison amendment and my modification to that. I know that the managers are anxious to move forward.

Just before I do that, I would like to add briefly my thoughts to those that have already been expressed for perhaps the most remarkable individual I have ever met.

I too am privileged, like the rest of us, to have served in this body as an associate and colleague of STROM THURMOND. I was 5 years old when STROM THURMOND ran for President. I learned about him in studying history and government in school. I never dreamed that I would have the opportunity to know the man personally and to be a colleague of his and serve with him.

Much has been said that I heartily agree with about the stature of this man, the remarkable career that he has had and is having, and his remarkable service to the people of South Carolina and to our Nation.

I am one of those who share with the Senator from Delaware the pleasure and surprise of a phone call from STROM THURMOND on the day of my daughter's wedding apologizing for not being there, congratulating me and congratulating her. I, like Senator BIDEN, hadn't a clue as to how he found out my daughter was being married. I never mentioned it to him. But there he was.

I had the pleasure of coaching young Paul Thurmond in youth league basketball on Saturday mornings as our boys, my son and STROM's son, would run up and down the floor. We won the championship, by the way, thanks to the great athletic ability and talent of Paul. As they would run up and down the floor, I only had to turn around just a little bit, because two rows behind the coaching bench was Paul's father, STROM THURMOND, cheering on his son.

Each of us could stand here and tell stories, I think, until deep in the night about the impact that this individual has had on each of us and the impact that he has had on this Senate.

STROM is an inspiration.

Bob Dole has said over and over, ''I just order whatever STROM orders. Whatever he is eating must be the right thing.''

STROM has detailed for me his physical exercise regimen, which is something that I can't keep up with. I don't know how he does it, but he does. I have been the recipient of his handshake, as Senator WELLSTONE has, and I walk away rubbing my hand in awe and respect for the strength of this individual.

Finally, I have sat with him shoulder to shoulder on the Senate Armed Services Committee, and a deeper patriot, a more committed American, someone with a more remarkable story of a lifetime of service to the military of this Nation I don't think has ever lived. Someone who flew in a glider in the invasion of Normandy, served as a distinguished officer in the military, and then served as chairman of the Armed Services Committee, as he now does—that is a story that is not going to be repeated. That is a story that is not going to be duplicated. God only makes one of each of us. But he made STROM THURMOND a very, very, very special human being.

It has been a deep honor and a deep privilege of mine to have known him, to be counted as his friend, to have served with him. It is a memory that I will cherish for as long as I live.

Mr. President, unless there are others who seek to add to these statements in honor and recognition of Senator THURMOND, I will proffer my modification. However, I will yield to the Senator from Texas.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Texas.

Mrs. HUTCHISON. Mr. President, just before the Senator's modification of my amendment, I want to add that as people in America today are going to the movie theaters and seeing for the first time the horrors of war, if every person who sees ''Saving Private Ryan'' will think about this great leader, STROM THURMOND, whom we are talking about today, and realize that

this was a man who, in his forties, volunteered to go into World War II, and went into Normandy—the sights of which most of us could not have imagined unless we saw this movie—and was there in his forties, volunteered to be there to serve his country—as Senator COATS so well said, they will never make another STROM THURMOND.

I just want to add my accolades for this great man and what he has given for our country besides voting 15,000 times. He has done so much more.

Thank you, Mr. President. I yield the floor.

Mr. BYRD. Mr. President, if the distinguished Senator from Indiana will allow me, there have been other references made here of a personal nature involving Senator THURMOND. I would not want to let this occasion pass without my making one such reference.

It was on April 12 of 1982 that I lost my grandson in a truck accident. Memorial services were held 2 days later. My colleague, Senator Randolph, came to that memorial service—my then colleague. My present colleague, Senator ROCKEFELLER, was Governor of the State of West Virginia at that time. He came. There was one other Senator who attended that memorial service for my grandson. And that Senator was STROM THURMOND. I can never forget that, and I would have been remiss in letting this opportunity pass without my having publicly expressed my gratitude to STROM THURMOND for his having attended that service on that day, a day that I can never, never forget. I thank him from the bottom of my heart.

I think Senator THURMOND wishes to say something and so I shall take my seat.

The PRESIDING OFFICER. The very honorable and distinguished Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I am speechless. I can't thank enough the Members of the Senate for their kind words—Senator LOTT, the majority leader; Senator DASCHLE, the minority leader, Senator BYRD, Senator BIDEN, Senator CONRAD, Senator WELLSTONE, Senator HOLLINGS, Senator COATS, and Senator KAY BAILEY HUTCHISON. I will not take time now to say much. I just want to express my appreciation to all of them for their kind words.

I have been in the Senate now for 44 years, and I have never known or served with finer people than we have here. I have cast my 15,000th vote. The quality of the people in this body is just outstanding, and I wish all of them to stay here until they could cast 15,000 votes. It is an experience to be in this body that one will never forget. As time goes by I think we appreciate more and more the Members of this body, what they stand for, and their outstanding service.

Again, I thank all of them for their kind words. I thank all of you for listening, and I deeply appreciate everything that you have done for me and to help me. After all, inspiration is one of the finest qualities, and you people here have inspired me, and I hope I have been able to be of some inspiration to you. Good luck and God bless all of you.

(Applause, Senators rising.)

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The chair recognizes the distinguished Senator from Kentucky.

Mr. MCCONNELL. Mr. President, before returning to the bill, many of us were at Senator THURMOND's 90th birthday, and I remember he said to all of us, ''If you eat right and don't drink whiskey and exercise, you will be here for my 100th birthday.''

We thank you for being an inspiration to us all, and we look forward to being at your 100th birthday party.

Thank you, Senator THURMOND, for your contributions.

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

The Senate continued with the consideration of the bill.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The honorable Senator from Indiana.

AMENDMENT NO. 3526, AS MODIFIED

Mr. COATS. Mr. President, I have a modification to the Hutchison amendment I would like to send to the desk and ask for its immediate consideration.

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

The amendment (No. 3526), as modified, is as follows:

Add the following proviso:

(5) (a) North Korea is not providing ballistic missiles or ballistic missile technology to a country the government of which the Secretary of State has determined is a terrorist government for the purposes of section 40(d) of the Arms Export Control Act or any other comparable provision of law.

(b) PROVISION OF INTELLIGENCE.—The Director of Central Intelligence will provide for review and consideration by the House Permanent Select Committee on Intelligence, House International Relations Committee, House National Security Committee, Senate Appropriations Committee Senate Select Committee on Intelligence, Senate Foreign Relations Committee and Senate Armed Services Committee all relevant intelligence bearing on North Korea's compliance with the provisions of this amendment. Such provision will occur not less than 45 days prior to the President's certification as provided for under this section.

(c) DEFINITION OF RELEVANT INTELLIGENCE.—For the purposes of this section, the term intelligence includes National Intelligence Estimates, Intelligence Memoranda, Findings and other intelligence reports based on multiple sources or including the assessment of more than one member of the Intelligence Community.

Mr. COATS. Mr. President, I would like to just briefly explain to my colleagues what I have attempted to do.

Yesterday, I sent to the desk an amendment which would have transferred the $35 million that is appropriated in the foreign operations appropriations bill that is before us now, and reallocated that money from the currently earmarked Korean Peninsula Energy Development Organization to the antiterrorist portion of funding contained within this bill. I did so because of the disturbing news that have been reported on by the New York Times and other organizations relative to violations, apparent violations of the agreement that we entered into with North Korea to freeze their nuclear development program.

The New York Times—and I will recount some of that in a moment—pointed out that U.S. intelligence agencies have detected a huge, secret, underground complex in North Korea that they believe is the centerpiece of an effort to revive the country's frozen nuclear weapons program.

Members will remember that in return for a freeze on that program, the United States entered into an agreement with North Korea to provide certain items for humanitarian assistance, food aid, oil for energy production, as well as a commitment to put together a consortium which would build two light-water nuclear reactors to supply energy, but that could not be used for the purpose of developing material which might be used for weapons of mass destruction.

The Times report cites a senior administration official saying, and I quote:

''The North had not yet technically violated the Agreed Framework because there is no evidence that Pyongyang has begun pouring cement for a new reactor or a reprocessing plant . . .'' Nevertheless, an unidentified official has said it is a serious development, to say nothing of it is an incredibly stupid move, because it endangers both the nuclear accord and humanitarian aid to North Korea.

The Washington Post stated that the site that was discovered is huge, that some 15,000 reported North Koreans are at work on this underground cavern, and this comes only 6 months after the President of the United States has certified that North Korea is complying with the provisions of the Agreed Framework. That certification is what is necessary in order for these funds to be released.

My amendment sought to take a portion of those funds, transfer it to the antiterrorism section of this bill in recognition of the fact that this Presidential certification was no longer relevant, now that the agreement had been violated.

I am willing to withdraw that amendment in light of the fact that Senator MCCAIN has offered an amendment adding language to the certification process so that the President, in addition to other items that he has to certify, will have to certify that North Korea is not engaged in a violation of the agreement. The exact wording is ''pursuing the acquisition or development of nuclear capability other than the light-water reactors'' referred to in the agreement.

I would have voted against the McCain amendment, or for the motion

to table had we not been able to work out language which I could now add to the amendment of the Senator from Texas which would add further conditions to this certification. The bottom line is, I think the certification has turned into an empty process. It is a process by which the so-called host country, in this case North Korea, essentially tells us everything is OK, and then we, on the basis of that, go ahead and certify. The term ''certification'' is not defined, but yet if we look at the use of the term that is used in the agreement that we have with the People's Republic of China regarding nuclear nonproliferation, it simply says that the President certifies to the Congress that the Republic of China has provided clear and convincing evidence that they are in compliance with the agreement. And so the burden of proof is on the country which we are trying to determine whether or not they have violated the agreement, rather than on our ability to verify the fact that they have or have not complied with the agreement.

President Reagan used to say trust but verify. Well, this is trust but not verify.

And so what I am attempting to do with this modification, which goes to an amendment offered by the Senator from Texas, is to say that not less than 45 days prior to the President's certification as provided for in this bill, the Director of Central Intelligence will provide for review and consideration by the House Permanent Select Committee on Intelligence, House International Relations Committee, House National Security Committee, Senate Select Committee on Intelligence, Senate Foreign Relations Committee, and Senate Appropriations Committee as well as the Senate Armed Services Committee, all relevant information bearing on North Korea's compliance with the provisions of this amendment.

That gives us the opportunity in Congress to determine whether or not the certification is a legitimate certification. That gives us the information to determine whether or not North Korea is in full compliance with what they agreed to do. So I think this language is important.

One last thing. I am withdrawing my amendment, partly because I believe the other body will take action on some deferral of this money and that this item can be handled in conference. It is clear that without that assurance we may get bogged down here in this process, and I don't want to hold up this appropriation. I thank the Senator from Kentucky for agreeing to this modification. I particularly thank the Senator from Texas for allowing me to make this modification to her amendment, which will then become part of the bill.

I think this is a serious problem. If the New York Times report is substantiated, if it is correct, even remotely correct, it is a clear and direct violation of the promise and agreement made by North Korea to freeze its nuclear development capabilities. If that is the case, it is clear that this is a breach of promise which requires very serious reaction and response by the United States.

The President of the United States and the Secretary of State have certified to us directly that there are no violations. Yet, we now receive this particular information. I have quotes here from the President of the United States and from the Secretary of State which have led us to believe that everything is in compliance. Yet, we now receive this report. So it is the credibility of the certification process that is at stake here, and I would say it is the credibility of this administration in evaluating the intelligence. Therefore, it is necessary that, at the very least, the Congress have access to all relevant intelligence regarding this particular agreement so in the future we can verify it, in addition to the trust that is placed by this administration on the word of North Korea.

Mr. President, testifying before the House Subcommittee on Foreign Operations, Committee on Appropriations on March 4, 1998, Secretary Albright stated:

> Our request this year includes $35 million for the Korean Energy Development Organization. The Agreed Framework has succeeded in freezing North Korea's dangerous nuclear program.

On May 8, 1998, James Foley, Department of State said:

> We, of course, closely monitor the Agreed Framework. We are, until now, satisfied that the DPRK has indeed met its obligations to the present.

On May 13, 1998, Jamie Rubin said:

> We are confident that North Korea has not violated the across-the-board freeze on its nuclear activities . . . and the Agreed Framework is alive and well.

On July 8, 1998, Secretary Albright testified before the Senate Foreign Relations Committee that:

> The People's Republic of China has consistently supported the Agreed Framework that has frozen North Korea's dangerous nuclear weapons program. . . .

On July 19, 1998, Jamie Rubin, Department of State, responding to a GAO report alleging North Korea was blocking inspections at sites covered by the Agreed Framework said:

> We have frozen and stopped the North Korean nuclear program from moving in a direction that would have threatened the world. The freeze is still being monitored and we believe it is still in effect.

Less than 1 month later on August 17, 1998, the New York Times broke the following story:

> U.S. Intelligence Agencies have detected a huge secret underground complex in North Korea that they believe is the centerpiece of an effort to revive the country's frozen nuclear weapons program, according to officials who have been briefed on the intelligence information.
>
> The finding also follows a string of provocations by the north, including missile sales to Pakistan and the incursion of a small North Korean submarine carrying nine commandos off the South Korean coast this year.

And what was the administration's reaction? According to the same New York Times article:

> A senior administration official said the north had not yet technically violated . . . the Agreed Framework, because there is no evidence that Pyongy Ang has begun pouring cement for a new reactor or reprocessing plant. . . .

The article continues:

> But spy satellites have extensively photographed a huge work site 25 miles northeast of Yongbyon, the nuclear center, where, until the 1994 accord, the north is believed to have created enough plutonium to build six or more bombs. Thousands of North Korean workers are swarming around the new site, burrowing into the mountainside, American officials said.

And if that is not enough, Monday's test flight of the Taepo Dong–1 over Japan demonstrates that North Korea has mastered the technology of delivering a nuclear warhead. Yesterday's New York Times reported the following:

> Gary Milhollin of the Wisconsin project on nuclear arms control . . . said the missile test was ''a clear sign'' of North Korea's intent to develop nuclear weapons, despite its 1994 agreement with the United States to stop in exchange for western assistance. Milhollin said a two-stage missile was too costly to construct simply for delivering conventional weapons. ''It means they plan to put a nuclear warhead on it or export it to somebody who will,'' he said. ''The missile makes no sense otherwise.''

In short, this administration has negotiated an accord in 1994 that we cannot and do not even attempt to monitor and verify. As we have just been reminded this week by the resignation of a key U.S. arms inspector in Iraq, William Ritter, ''The illusion of arms control is more dangerous than no arms control at all.''

Yet that is precisely where we are left. An illusion that the administration refuses to define as such. Certifications that are meaningless. Ronald Reagan reminded us to ''trust, but verify.'' The North Koreans insist by their reluctance to admit inspectors that we will not verify as a basic term of the agreement. So we are left simply with trust. Trust the North Korean regime which has just launched long range missiles over our allies. Trust of the administration. Trust that has been frivolously squandered and badly eroded.

Again, I thank the participants in this for accepting this modification of the amendment.

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

Mrs. HUTCHISON. Mr. President, I thank Senator COATS for his addition to my amendment, because I do think it strengthens the base amendment. What Senator MCCAIN has done is assure, in order to get this money, that there would be no nuclear proliferation by North Korea. My amendment then comes in and says we will not allow the ballistic missile technology to be sold by North Korea to terrorist nations. I think the amendment of Senator COATS

strengthens both of these by assuring the certification process is real.

I think it is very clear that the Senate is speaking with a very loud voice that we are not going to continue to sit back and let North Korea break the agreement that they made, sell technology to terrorist nations that would use that technology against the United States or our allies anywhere in the world, and let them do it and reward them for it. We are not going to do it. The signal is clear. The Senate is speaking.

I thank Senator COATS, I thank Senator MCCONNELL, I thank Senator MCCAIN for working together to send a very clear message that we want North Korea to abide by the agreement they made. If they do, we will reward them. If they do not, they will not get one penny of taxpayers' money from this country.

Mr. President, I urge my amendment.

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

Mr. MCCONNELL. I understand there is no objection to the Hutchison amendment as modified by Senator COATS.

The PRESIDING OFFICER. Is there further debate on the Hutchison amendment? If not, without objection, the Hutchison amendment, as modified, is agreed to.

The amendment (No. 3526), as modified, was agreed to.

AMENDMENT NO. 3500, AS FURTHER MODIFIED, AS AMENDED

Mr. MCCONNELL. I believe the pending amendment is now the McCain amendment. There are no objections to that.

The PRESIDING OFFICER. The Senator is correct. Is there objection to vitiating the yeas and nays on the McCain amendment?

Without objection, it is so ordered.

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

The amendment (No. 3500), as further modified, as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3523

The PRESIDING OFFICER. If there is no objection, the Coats amendment is withdrawn.

Amendment No. 3523 was withdrawn.

AMENDMENT NO. 3532, AS MODIFIED

Mr. MCCONNELL. Mr. President, I have a technical correction to an earlier approved Craig amendment which has been cleared by both sides. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The previously agreed to amendment (No. 3532), as modified, is as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE.

(a) It is the Sense of the Senate that:

(1) The U.S. Department of Agriculture should use the GSM–102 credit guarantee program to provide 100 percent coverage, including shipping costs, in some markets where it may be temporarily necessary to encourage the export of US agricultural products.

(2) The U.S. Department of Agriculture should increase the amount of GSM export credit available above the $5.5 billion minimum required by the 1996 Farm Bill (as it did in the 1991/1992 period). In addition to other nations, extra allocations should be made in the following amounts to:

(A) Pakistan—an additional $150 million;

(B) Algeria—an additional $140 million;

(C) Bulgaria—an additional $20 million; and

(D) Romania—an additional $20 million.

(3) The U.S. Department of Agriculture should use the PL–480 food assistance programs to the fullest extent possible, including the allocation of assistance to Indonesia and other Asian nations facing economic hardship.

(4) Given the President's reaffirmation of a Jackson-Vanik waiver for Vietnam, the U.S. Department of Agriculture should consider Vietnam for PL–480 assistance and increased GSM.

Mr. MCCONNELL. Mr. President, the Senators from North Dakota have been waiting patiently on the floor and would like to address another issue for a few moments. I, therefore, yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask consent I be recognized to speak as in morning business and that my colleague from North Dakota, Senator CONRAD, be recognized following my brief remarks.

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

NORTHWEST AIRLINES JET SERVICE IN NORTH DAKOTA

Mr. DORGAN. Mr. President, last Saturday morning at 12:01 a.m., labor negotiations between Northwest Airlines and its pilots broke down. There was a labor strike and, therefore, a shutdown of Northwest operations. The result of that shutdown of operations means that all jet airplane service to North Dakota is gone. The shutdown has a substantial impact on our entire region of the country, but on our State it has a profound impact because all jet service is now gone. There is not one jet flying in or out of North Dakota.

I have talked to President Clinton. I have talked to Secretary of Transportation Slater. I have talked to Northwest Airlines and I have talked to the pilots.

It is clear to me that this labor dispute is not going to be settled in the coming hours. We have waited now for several days following the shutdown, during which the Transportation Secretary called the parties together. But even from that, there is not a negotiation ongoing. None is scheduled tomorrow, and none is scheduled the next day, as I understand it. It is now clear to me this will not be settled quickly unless the President invokes his emergency powers.

This dispute is about corporate profits and pilots' paychecks, and they have every right to have a dispute about that. But no one has a right to visit on our State the burden and the devastating consequences that occur when an essential part of our transportation system is withdrawn, when all jet service is withdrawn, and that is what has happened in North Dakota.

Today, my colleagues, Senator CONRAD and Congressman POMEROY, and I have asked President Clinton to appoint a Presidential emergency board, and to call the parties back to work to restore service to our State. During the 60-day period, we want the President to help resolve a settlement in this dispute and to end this shutdown. We don't do this lightly. We understand that this is an important step.

I don't know who is at fault, but I know who is hurt. In a State like ours, where all jet airplane service is gone, there are devastating consequences. Because the airline industry has now retreated into regional monopolies, a shutdown of service or a labor strike causes devastation to certain regions of the country. This can no longer be business as usual. We must ask this President to invoke his emergency powers and get airline service restored to our region of the country.

Mr. President, one final point. We also ask that the regional carrier in North Dakota that has also discontinued service, Mesaba Airlines, of which Northwest is a minority shareholder, restore its service to our State as well. We are preparing a request to the president of Mesaba and to Northwest to do that.

This is a very difficult step for me and my colleagues to take, but we have no choice. We cannot allow day after day after day to go by with our State suffering the impact and the burden of a dispute that has resulted in the discontinuation of all jet service in North Dakota. It is unfair to the citizens of North Dakota and our region, and I want the President to put a stop to it and restore air service in our region immediately.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from North Dakota.

Mr. CONRAD. I thank the Chair.

Mr. President, today we have asked the President of the United States to intervene to bring the parties back to work at Northwest Airlines, to get the planes flying, and to do it before Labor Day.

We had hoped that the two parties would reach agreement on their own. This is a dispute between private parties, but it has a distinctly public result, because all jet service is shut off from North Dakota.

We had asked the Secretary of Transportation to bring the two sides back

together. He did that yesterday. I have now had a chance to talk to the Secretary at some length. I have had a chance to talk to the two sides, and it is very clear to me, although the Secretary, I think, did the very best job possible in the circumstances, that the two sides have not resumed negotiations today, and they have no plan to resume negotiations tomorrow. In fact, they have no plan to get back together until Saturday. That is too long. That is unacceptable.

We need the two parties to resolve this matter and to do it promptly so that the public trust can be restored, so the public can move, so the blood supply that comes into the biggest hospital in our State can move, can be supplied, so that key parts that are needed for important plants in North Dakota can come in by air, and so that our own traveling public can move.

It is not too much to ask these parties to immediately go back to the table and to resolve their differences. Given the continuing impasse, we believe it is imperative that the White House acts, and acts promptly. That is what has triggered our request today to the President to invoke his emergency powers and bring the parties back to work, to get this airline up and operating again.

I hope the President will be listening closely to our plea to get the relief that our State so desperately needs. I thank the Chair and yield the floor. 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. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3527

Mr. SHELBY. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending amendment is the Dodd amendment, No. 3527.

Mr. SHELBY. Mr. President, I rise to oppose the Dodd amendment, and my opposition is this:

First, the Dodd amendment would give foreign organizations—foreign organizations—extraordinary statutory privileges to expedite and to compel declassification of U.S. national security information. Yes, it would give foreign organizations—not us—extraordinary statutory privileges to expedite and compel declassification of U.S. national security information, something that we have not ever had.

Creating such statutory rights, which the Dodd amendment, if it is adopted and becomes law, will do, also opens the door to foreign organizations to take intelligence, law enforcement, defense and foreign policy agencies to court to compel special declassification requests.

Second, to complete the review of the numerous documents that fall under this amendment in just 4 months—4 months—agencies will be forced to reassign personnel, many of whom would otherwise be carrying out important mission functions, or risk being sued by foreign organizations for noncompliance. Imagine that, think about this, I ask my colleagues this afternoon.

Third, this amendment offered by the Senator from Connecticut is woefully inadequate in protecting intelligence sources and methods and, as a result, will chill current and future sources from providing the CIA with critical information—the very information that policymakers need to address human rights and other important foreign policy issues in many countries.

Fourth, the Dodd amendment applies the same standards for withholding information that are being used to declassify records relating to the JFK assassination. The JFK records are over 40 years old. The documents covered by this amendment are much newer, some only a year old. Because the privacy, law enforcement and intelligence concerns are much greater in newer documents, there is no reason for the standards to be any different than those set out in President Clinton's Executive Order No. 12958. Otherwise, we risk jeopardizing ongoing prosecutions, losing critical intelligence sources and methods, and releasing private information.

Mr. President, while we have previously enacted declassification exceptions for other historical records, special statutory authority to expedite and compel declassification of records should be exclusively reserved for American citizens, not foreign entities.

The intelligence community has informed the Intelligence Committee in the Senate that it expects that substantial litigation costs will result if the amendment offered by the Senator from Connecticut becomes law.

Litigation costs can be approximately 100 times as much per case than processing information for declassification and usually results in little, if any, additional information being released. Just think about it, Mr. President. Think about how far this amendment will go.

Finally, the Dodd amendment is an unfunded mandate. Agencies would be required to pay for this declassification requirement out of existing funds. I understand that there are only a limited number of personnel with the necessary expertise to review and to declassify our intelligence records. As a result, resources spent on reviewing documents for the foreign organizations under this amendment, if it were adopted, will no longer be available to process declassification requests for others—including many U.S. citizens. U.S. citizens with equally meritorious requests for information will have to stand aside while these foreign entities go to the front of the line.

In the fiscal year 1998, Mr. President, Congress funded a special declassification program to review and to declassify many of these documents. Since this amendment changes the standards for withholding information, the intelligence community will have to re-review the documents that the taxpayers have already paid to review.

Mr. President, at the proper time I would hope that we would table this amendment, especially until we have an opportunity to fully consider its impact on the intelligence community and the Departments of State, Defense and Justice, as well as the American people.

I think this amendment has not been well thought out. I know it has not been debated at length yet.

I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Arizona.

Mr. KYL. Thank you, Mr. President.

Mr. President, both the chairman of the Senate Select Committee on Intelligence, who has just spoken, and I have just come from a briefing by the Director of the Central Intelligence Agency, the Director of the FBI, and a host of other officials involved in protecting American secrets and engaging in counterterrorism around the world.

The Director of the Central Intelligence Agency has said that the amendment that is pending before us is woefully inadequate to protect our national security and the information that we need to keep classified in the United States.

I wholeheartedly associate myself with the remarks of the chairman of the Intelligence Committee and want to argue in the strongest way that this amendment be defeated. It should be defeated on a 98–2 vote, frankly, because it would be an astonishing precedent-setting action of giving to foreign countries—foreign powers—power over United States classified material, power that not even U.S. citizens possess.

It would greatly jeopardize the sources and methods for gathering intelligence that we have to employ in different parts of the world in order to get the information necessary to protect the security of the United States, all in the name of human rights, which all of us are, frankly, extraordinarily committed to protect. As a member of the Intelligence Committee, I can tell you that the chairman of the Intelligence Committee, who has just spoken, and I, and others, have gone to great lengths to ensure that the CIA and other American intelligence organizations are strictly adherent to standards for human rights and that we will help others track down human rights abuses wherever and however it is necessary. But to provide for the

wholesale declassification of American secret information for Guatemalan and Honduran organizations under this amendment, as I said, is not only unprecedented, but is astonishing in its lack of concern for American security.

I do not suggest, by any means, that the sponsors of the amendment do not deeply care about the security of the United States. But the way this amendment is written, as I said, according to the Director of the Central Intelligence Agency, is woefully inadequate in protecting intelligence sources and methods, and as a result will chill current and future sources from providing the CIA information, in fact, information that is essential for us to ensure the protection of human rights in the very countries for which this amendment is designed to get information.

It ostensibly applies the same standards that are used for the declassification of documents relating to the JFK assassination. And that is the basis upon which it is argued, ''Oh, well, it must be OK.'' But there are a couple of key factors here, Mr. President.

First of all, those are for Americans. This is declassification for American citizens. This is not declassification for foreign governments or foreign organizations. But of equal importance, the JFK assassination documents are—what?—40 years old. We are talking, in this amendment here, about information which is much more current. The privacy, law enforcement, and intelligence concerns are much greater in these newer documents.

There is no reason, frankly, for the standards to be different than those set out in the President's Executive Order 12958. Otherwise, we risk jeopardizing ongoing prosecutions, we risk losing critical intelligence information, compromising sources and methods, and, frankly, releasing a lot of private information as well.

As I said, it is astonishing to me that we would have an amendment that would literally give foreign organizations these extraordinary statutory privileges to expedite and compel declassification of U.S. national security information. And for the other reasons that the chairman pointed out—the unfunded mandate, the substantial costs associated with it, the substantial litigation costs—I am not sure if the chairman pointed that out, but the litigation costs alone could be well over 100 times greater than just the processing cost for the information itself.

In fiscal year 1998, Congress funded a very special declassification program to review and declassify many of the documents. Since this amendment changes the standards for withholding information, the intelligence community will have to re-review the documents, and, as I said, the taxpayers have already paid for that review.

We ought to table this amendment until we have an opportunity to fully consider its impact, the impact on the intelligence community, the Departments of State, Defense and Justice, as well as on the human rights that, frankly, would be potentially abused and the human rights concerns that we have as a result of not being able to have access to the same information or to the information that we need to protect human rights because of the implication with respect to the sources and methods that could well be degraded as a result of the passage of this amendment.

So this is the kind of thing that ought to be considered very, very carefully, first of all, in the Select Committee on Intelligence. It has not been done. It ought to be very carefully vented through the administration. As I said, the DCI is very, very concerned about this particular amendment. It is premature at best and enormously antithetical to our intelligence collection efforts at worst. As a result, at the appropriate time I will urge my colleagues to support a motion to table this amendment.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Connecticut.

Mr. DODD. I thank the President.

Mr. President, let me thank, again, the distinguished manager of the underlying bill. This has been a disjointed debate. We have had several intervening matters since I first offered the amendment a couple of hours ago, almost 3 hours ago. So I will just revisit the purpose of the amendment, what it does.

Mr. President, I listened and had a chance to hear some brief comments by the Senator from Alabama, and now the Senator from Arizona on this issue.

Mr. President, I ask unanimous consent that Senator JEFFORDS be added as a cosponsor, as well, to this amendment.

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

Mr. DODD. Mr. President, what this amendment does is it involves two countries—Honduras and Guatemala. As most of my colleagues are aware, in these two countries we were deeply involved for about a decade. And actually conflict went on for some time longer than that where literally thousands of people lost their lives. We as a country were deeply involved in it. There were divisions here in the United States over that level of involvement, that type of involvement. We are not here today to revisit the conflict in Central America of the 1980s. There have been pending requests in both of these two situations involving Honduras and Guatemala going back 3 or 4 years, requesting information and documentation involving some very significant and severe human rights violations.

I identified one earlier involving an American citizen who was raped and brutally tortured in Guatemala. Her case has never been resolved. She would like to have it resolved. Sister Ortiz with the Carmelite Order of Nuns would very much like to get to the bottom of it. I think all of us can understand that if that happened to anyone we knew. As an American citizen, she would like to find out what happened. How do you do that when you are trying to declassify information?

What this amendment does in both the case of Honduras and Guatemala, there is a request for declassification, which we provide for all the time, but in these particular cases, if the agency, whatever it may be, is unwilling for very important reasons to declassify everything, that there would be an opportunity for a panel—and we have done this before; this is not unprecedented—made up of people from the CIA, the Justice Department, the Department of Defense, the State Department and others, that would review the request and if, in fact, they felt that the request for certain information would violate existing law, methods, resources, procedures, personnel and so forth—then they would deny the request. If they think it is OK, despite the agency's objection—and that is not too big a surprise to us that the agency historically takes the position of being opposed to declassification of any documents; that is not new at all. That has been their reaction.

As I showed my colleagues, we have blank page after blank page when asking for documentation. That is a request, and we have one entire blank page. You are trying to get to the bottom of a case involving an American citizen or other people where human rights violations occur. This should not be that controversial. I would not ask that just anyone be able to have access to documents or the declassification without going through a process here to determine whether or not any of that information could be harmful to our own country. But it seems to me when a citizen has been hurt, when others who make legitimate requests and don't get to the bottom of information, and we can help by providing information through a declassification process, in two very specific cases here, these two countries, this ought not to be too much to ask. It is not costly; it need not go on long.

The notion somehow that a non-U.S. citizen may request this information, that somehow this is unprecedented, that is not unprecedented. Many people all over the world request information. It doesn't mean they automatically get it.

With all due respect to my colleagues, I point out that Senator KERREY of Nebraska, the vice chairman of the Intelligence Committee, is a cosponsor of this amendment. We have talked about a number of other cases. Michael DeVine, American citizen, murdered in Guatemala by the Guatemalan military. It was covered up for years. We are trying to get to the bottom of it.

Is it wrong for American citizens not to be able to request declassification of material that might shed light on who brutalized them or murdered them? We

can go through a very legitimate process where we can examine whether or not that information ought to be declassified. If a determination is made that it can be, then we can release it to help get to the bottom of that. The administration has already, by Executive order, said it has no problem with this in terms of getting to a declassification, but we want to have an orderly process.

This amendment, and I do not claim perfection, this amendment is an effort here to try to do it in an orderly way, to say that you can make your application; that if the respective agency has a problem with a request, there is a way of evaluating whether or not that information ought to be forthcoming, and not just a panel made up of anybody but people who come from the various agencies that I think people would be concerned about.

I was hoping the amendment would just be agreed to here, that this, again, shouldn't rise to the level of a major concern. In the case of Sister Ortiz, I don't think it is outrageous to make this request. Ambassador Stroock, who was the Ambassador in Guatemala appointed by President Bush, supports this amendment. I am told now by our colleague, CRAIG THOMAS, who spoke on behalf of this amendment, from Wyoming, that he believes, in fact the declassification would help put this matter to rest once and for all.

My view is people can overreact on these matters here when it comes to this kind of information, but we have heard and know of other cases of American citizens overseas where their lives have been threatened. In the case of Sister Ortiz, a rape and torture. In the case of Michael DeVine, murdered. I don't think it is outrageous for this body to provide a procedure and a mechanism whereby people can find out, through an orderly and proper process of declassification, information that might lead to those who are responsible for it. I hope we would be able to support an amendment that would adopt a process that is orderly and one that will, I hope, assist these people.

There may not be anything in this information. Some have suggested there is not a lot of information in some of these cases. If that is the case, there is less reason to be opposed to it. In two specific cases here, if there is some information, and it helped to get to the bottom of it, I think we could all have a sense of pride that we contributed to that.

I urge my colleagues to join Senator HARKIN, Senator MIKULSKI, Senator KERRY of Massachusetts, Senator KERREY of Nebraska, Senator LEAHY, Senator JEFFORDS, and myself in adopting this amendment.

Mr. KERREY. Mr. President, I support the amendment offered by Senator DODD that requires the declassification of information pertaining to human rights violations in Guatemala and Honduras. Americans citizens and their relatives, as well as many Guatemalan and Honduran citizens, were victims of gross human rights violations in these nations, and it is our government's duty to provide them with as much information as judiciously possible. Further, I believe the release of this information will help the democratic governments of Guatemala and Honduras pursue justice, acknowledge the truth, cement the rule of law, and help enable the healing of these societies rent by decades of civil war.

When we deal with the declassification of intelligence information, the issues are never simple. The mission of our intelligence agencies is to collect information that will protect American lives and preserve our national security. But, in order to provide this vital information, our intelligence personnel must persuade clandestine sources to provide information covertly, and they must use specialized methods that help collect and protect those secrets. Revelation of sources and methods, even if done in pursuit of moral ends, will only increase the threat to American lives and security. Revelation of sources and methods would, ironically, diminish America's ability to get information on human rights abuses. This amendment has been crafted with an awareness of the need to inform Americans more broadly while at the same time protecting intelligence sources and methods. I appreciate Senator DODD's understanding of these issues and his leadership on this amendment.

American citizens and their relatives have been wrongfully imprisoned, injured, raped, and killed during the course of the civil wars in Guatemala and Honduras. Our government may not have all the information they seek about what occurred in these countries, but what relevant information we do have we should provide them. This amendment will help their pursuit of justice and hopefully provide answers to the many questions that surround these events.

Fortunately, the violence and strife that plagued Guatemala and Honduras over the years has abated. These nations now have democratic governments that bring hope and promise to their citizens. But, each of these nations must face their past in order to build a just and prosperous society in the future. The Guatemala Clarification Commission and the National Human Rights Commissioner in Honduras are integral to this process. The information that will be provided to these groups under this amendment can only help bring healing and promote peace in our hemisphere.

Ms. MIKULSKI. Mr. President, in 1989, Sister Dianna Ortiz was brutally abducted and raped in Guatemala where she was working as a missionary.

She was victimized by the Guatemalan government and by her own government. From the day of the attack, the United States government has compounded her suffering. She was accused of fabricating her story. She has been treated like a criminal instead of as a victim.

I am horrified by the reports of Sister Dianna's abduction and torture—and by our government's cruel response to her suffering, which continues today.

I would like to read to my colleagues from a column written by Paul Ferris in the National Catholic Reporter:

> Her kidnaping and confinement included multiple gang rapes; repeated beatings; intimidation and interrogation; over 100 cigarette burns on her back; video taping her captivity as a form of blackmail; and lowering her in a pit where injured women, children and men writhed and moaned and the dead decayed under swarms of rats. Finally, her abductors held her hand and arms as she was physically coerced into stabbing a woman with a machete.

That is why I am a cosponsor of Senator DODD's amendment to declassify government documents that shed light on human rights abuses. Federal agencies would be required to identify, organize and declassify all records regarding American activities in Guatemala and Honduras after 1944. This would enable Sister Dianna and other victims of torture to learn the truth about their cases.

We need to learn the truth, even if it is painful. By hiding behind a wall of secrecy, we are eroding the American people's confidence and trust in their government. We undermine our foreign policy and intelligence agencies—and the important work they do—if we cover-up their past actions.

Some argue that the release of this information would ''compromise intelligence sources and methods.'' I disagree. If our sources were people who attacked American citizens, we need to know it. If our methods included complicity in torture, we need to know that too.

Sister Dianna Ortiz and other victims of torture are seeking to rebuild their lives. The least that we can do is to help them to learn the truth about the tragic events that have changed their lives.

Mr. President: Our policies must reflect our values. If our efforts to promote democracy and human rights around the world are to be successful, we must be honest and open about the tragic mistakes we have made in the past.

I commend Senator DODD for his leadership in calling for an honest and just accounting of America's history in Central America. I urge my colleagues to join me in supporting his amendment.

I ask unanimous consent that the Ferris column and an article from the National Catholic Reporter be printed in the RECORD at this time.

SISTER DIANNA IS INSPIRATIONAL

(By Paul Ferris)

Members of the Baltimore archdiocese should know that Ursuline Sister Dianna Ortiz, since her ordeal, (reported in CR July 2) has devoted all her energy to the task of helping other torture survivors and has

worked tirelessly for the cause of human rights for the people of Guatemala and other countries where torture exists. Sister Dianna has become a model of faith and courage to countless religious and laity whom she has inspired.

Through the testimonies of Sister Dianna and members of Coalition Missing, a group she co-founded comprised of American citizens, Guatemalans living in the U.S. and their families who suffered torture and murder in Guatemala, the United States government felt compelled to investigate and publicly disclose CIA and other intelligence agency abuses in paying known human rights violators, referred to as ''dirty assets,'' to spy for the U.S. As a result of the Intelligence Oversight Board investigation, at least 100 dirty assets were removed from the CIA's payroll and CIA station chiefs were fired from their positions in Guatemala for not reporting the extent of the crimes committed against the people of Guatemala by these dirty assets. This Intelligence Oversight Board (IOB) report recommended a number of reforms in the way intelligence agencies operate in an effort to bring them into line with American democratic values. The IOB also exposed the ugly fact that, for at least nine years, torture was being taught at the notorious School of the Americas in Fort Benning, Ga.

Though Sister Dianna's testimony has been continually challenged by the Guatemalan government, and by U.S. State Department and Justice Department officials, the Human Rights Commission of the Organization of American States, after a thorough seven-year investigation, found Sister Dianna to be an ''entirely credible witness,'' and has demanded the apprehension and punishment of her abductors and their co-conspirators, and restitution to Sister Dianna as much as possible.

Sister Dianna has been able to accomplish all of this while at the same time trying to heal from her own physical and emotional torment associated with the after-effects of torture. Her kidnapping and confinement included: multiple gang-rapes; repeated beatings; intimidation and interrogation; over 100 cigarette burns on her back; video taping her captivity as a form of blackmail; and lowering her in a pit where injured women, children and men writhed and moaned and the dead decayed under swarms of rats. Finally, her abductors held her hands and arms as she was physically coerced into stabbing a woman with a machete.

Among a whole host of violated personal, civil and religious rights cited by the Organization of American States against the government of Guatemala in the case of Sister Dianna, one that concerns every Catholic directly is the denial of her right to missionary activity. The attack on Sister Dianna, who was teaching Mayan children to read by using the Bible as a text, is an attack on all Catholics and Christians who, exercising their God-given and legal right to religious freedom, seek to spread the Gospel of Jesus through missionary activity in other lands.

DIANNA ORTIZ JOINS VIGIL FOR TORTURE VICTIMS

(By Arthur Jones)

WASHINGTON.—The heat index was 106 degrees as the small group set up its table in Lafayette Park across the street from the White House preparing for a June 26 dawn-to-dusk candlelight vigil.

Among the people wearing the white ''Help Stop Torture'' T-shirts was Ursuline Sr. Dianna Ortiz who, during Congressional testimony two days earlier, broke down as she recounted how she had become pregnant as a result of being brutalized and raped by Guatemalan security forces and had had an abortion.

The nearby White House was unoccupied—President Clinton was in Beijing where, finally, he had decided to speak out on China's human rights abuses.

The gathering in Lafayette Park—sponsored by the Torture Abolition and Survivors Support Committee that was culminating three days of Washington meetings and testimony—had similar concerns. The Support Committee estimates the United States is home to more than 400,000 torture survivors.

Before the Congressional Human Rights Caucus June 24, torture victims from the 1980s and '90s described what they underwent in locations ranging from Turkey to Nigeria, from Iraq to the Philippines, from Columbia to Pakistan, from Tibet to Guatemala (see accompanying story).

Ortiz told the caucus, ''For the last nine years I have tried to stop running. I have tried to face the torturers head on and demand answers, demand justice. Instead of forgiving my torturers, I filed suit against the Guatemalan government and called for an investigation.''

She said the Guatemala investigation ''led nowhere,'' that her five-week vigil in front of the White House seeking declassification of documents that could reveal the identities of her torturers had failed; the U.S. government investigations produced nothing; that Department of Justice investigators accused her of lying; and that Guatemalan and U.S. government officials, ''in public and private, said I was a lesbian who had sneaked out for a tryst, [that] the 111 cigarette burns on my back were the result of kinky sex.''

Ortiz said that because she could no longer subject herself to the ''retraumatization'' brought on by justice department invesigators' questions and manner, the department had closed her case.

One of the people who saw the Department of Justice report, said Ortiz, was Thomas Strouck, U.S. ambassador to Guatemala at the time of her 1989 abduction, ''who before any member of the U.S. Embassy had interviewed me, said 'Her story is not accurate,' and told the State Department that my motives were questionable.''

Strouck later discussed the report with a journalist, Ortiz testified, ''who then called me. There are things in that report I have kept secret, that I have been ashamed of—things I did not tell DOJ investigators but that my friends revealed as they were being interrogated—and I have lived under tacit blackmail.''

''Let me simply tell you,'' she told the panel, ''I got pregnant as a result of the multiple gang rapes by my torturers, and unable to carry within me what they had engendered, what I could view only as a monster, the product of the men who had raped me, I turned to someone for assistance and destroyed that life.''

Ortiz was unable to continue, the rest of her testimony was read for her: ''If I had to make the decision again, I believe I would again decide as I did eight years ago. I had little choice. My survival was so precarious at that time that to have to grow within me what the torturers had left me would have killed me. I tell you this simply so that I can proceed with the truth.''

Ortiz has since filed a Freedom of Information Act request for the Department of Justice report.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let me make two quick points and perhaps close this debate.

First of all, under U.S. law, families and victims of crime in the United States, Americans, have the ability to go through the State Department to get this kind of information. That provision was included in last year's intelligence bill.

Secondly, I made the point earlier we are not as concerned about American citizens having the right to get information declassified as we are foreign organizations. What I pointed out was there are two foreign organizations that are specifically defined in the bill as being permitted, then, to have access to this information and to require the departmental procedure which would result in the declassification or at least the consideration of declassification of this information. That is what is unprecedented here. That is what would be so astonishing.

Finally, the process here is not a simple, inexpensive process where the CIA can inject and stop it. It is an interagency group, and the CIA can be and, in fact, a majority of time where this has been used, my understanding is it has been overridden. There are private people on the panel as well as representatives from other government agencies. As a result, you are talking about an extraordinarily time-consuming and expensive operation for people who are really charged with other responsibilities.

With respect to the American citizens, I think we have that covered. With respect to foreign powers and foreign groups, I don't think we want to give them rights in requiring declassification of materials that the Director of the Central Intelligence Agency is concerned does not adequately protect our national security needs.

Again, I urge at the appropriate time that the motion to table be supported.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I think the Senator from Connecticut has made a very, very strong and a very good statement in support of his amendment.

The Senator from Connecticut is one of the most knowledgeable people, if not the most knowledgeable Senator, on Central and Latin American matters. He has traveled many times to the region, he speaks fluent Spanish, and he has been consistent in speaking up for the rights of American citizens and of the Central American people.

I have often worried that because of our own complicity, either active or accidental, we have allowed the cover-up of some very serious misdeeds in that part of the world.

After the murder of the Jesuits, I was very critical of the investigation of those heinous crimes. I was asked to go down so the Salvadoran authorities could show me how they were conducting an investigation to get the perpetrators. And I went to see the chief investigator, the prosecutor.

Now, Mr. President, a murder case is a relatively easy crime to prosecute. Any of us who has prosecuted murder cases knows that. You have a dead

body, you have certain physical evidence, and you put it together. It was so obvious that the evidence of the murders of the Jesuits had been destroyed, covered up, removed. Members of our own Government were well aware of this and didn't want to blow the whistle. I did in a press conference, and I quickly left the country, I might say, because of threats against me for doing it.

What the Senator from Connecticut proposes by this amendment is to protect, among others, our own citizens. People like Sister Diana Ortiz, who have tried for years to find out what her own government knows about what was done to her, and possibly who was involved. There are other crimes that were covered up, including by U.S. officials. If mistakes were made or crimes committed in Central America we should know about them. It is, after all, it is information in the possession of our own Government.

The amendment of the Senator from Connecticut protects information that should be kept secret in the interests of national security. But too often, information that should not be kept secret has been withheld, information which could shed light on atrocities and the fate of people who disappeared. That is wrong. I might ask this question of my friend from Connecticut. Would it be safe to say that his amendment protects our legitimate national security interests, while it seeks to obtain information about crimes that were committed that the American people have every right to know about?

Mr. DODD. Mr. President, let me respond to the Senator from Vermont. I thank him for his support on this. In this amendment, we took Public Law 102–526, section VI, entitled ''Grounds for Postponement of Public Disclosure of Records.'' This is the so-called ''Kennedy assassination'' language. What I did is I took the exact language—all of the language, which provides the exemptions of where this information should not be provided, and I took the word ''assassination'' and replaced it with the words ''human rights.'' Here is an example. Reading from the existing law:

Disclosure of assassination records and of particular information to the public may be postponed subject to the limitations of the act.

We write:

Disclosure of human rights records. 1. Threat of military defense intelligence, conduct, foreign relations, and so forth. Intelligence agents, intelligence sources, and other matters currently related to the military defense.

All the way down this entire language, all we did is replace the words ''human rights'' for ''assassinations'' when it comes to Honduras and Guatemala. We added an additional provision that is not in the Kennedy assassination statute. In addition, the amendment provides that ''a document may remain classified if its public disclosure would be expected to reveal the identity of a confidential human source.'' So we even add to it here.

I say to my colleague from Vermont that we virtually stick to existing law. We provide that if in fact there has been a rejection here by the Agency, then a panel made up of representatives of the Department of Justice, the State Department, Central Intelligence Agency, and Department of Defense can review, over a 30-day period, that request to determine whether or not the sustained declassification is warranted. If they conclude it is not, then it could be declassified so that we can get the information out. Other than that, we follow exactly the Kennedy assassination language, with the exception that we add a provision that is not in the law.

It even goes further. I always thought it was not a matter of great debate here about whether or not human rights—something we cherish, something we talk about all the time. My Lord, we have provided sanctions on countries all over the world that deprive people of basic human rights. Are we saying, in the case of Honduras and Guatemala where there are huge human rights violations, that we are not going to make an effort to get to the bottom of this, where particularly American citizens' rights were deprived, where they were brutalized? I don't understand that.

Mr. LEAHY. Well, Mr. President, I say to my friend from Connecticut, that really is the point. In my years here, I have seen time and time again a resolution or amendment to condemn this or that country that violates human rights. They usually pass virtually unanimously. That is fine. We should stand up for human right wherever they occur. But we are now asking our own government for information about Americans whose human rights were violated, and we get pages and pages that are blacked out. That is unacceptable. We should at least be able to tell the families of Americans who disappeared or who were murdered or tortured as much as we can about these crimes.

Frankly, we cannot credibly condemn other countries for their misdeeds, and not be willing to find out what happened to our own citizens because possibly, conceivably, somebody in our Government may have broken the law. If they did we should know about it, and if the truth comes out we can hold people accountable and deter others from covering up crimes in the future. So I strongly support the amendment of the Senator from Connecticut.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, there are three amendments that have been cleared on both sides. I would like to take care of them before going on to Senator HATCH's comments, which are unrelated to the bill.

Amendment No. 3491 is on Export-Import Bank. Amendment No. 3366 is on landmines.

AMENDMENTS NOS. 3491, 3366, AND 3535, EN BLOC

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments numbered 3491, 3366 and 3535, 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. 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)

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.''.

AMENDMENT NO. 3491

(Purpose: To amend title I)

On page 3, line 6, strike the following proviso: ''*Provided further*, That the Export Import Bank shall not disburse direct loans, loan gurantees, 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:''.

AMENDMENT NO. 3535

OFFICE OF SECURITY

SEC. . (a) ESTABLISHMENT OF OFFICE.—There shall be established within the Office of the Administrator of the Agency for International Development, an Office of Security. Such Office of Security shall, notwithstanding any other provision of law, have the responsibility for the supervision, direction, and control of all security activities relating to the programs and operations of that Agency.

(b) TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.—There are transferred to the Office of Security all security functions exercised by the Office of Inspector General of the Agency for International Development exercised before the date of enactment of this Act. The administrator shall transfer from the Office of the Inspector General of such Agency to the Office of Security established by subsection (a), the personnel (including the Senior Executive Service position designated for the Assistant Inspector General for Security), assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, and other funds held, used, available to, or to be made available in connection with such functions. Unexpended balances of appropriations, and other funds made available or to be made available in connection with such functions, shall be transferred to and merged with funds appropriated by this Act under the heading ''Operating Expenses of the Agency for International Development''.

(c) TRANSFER OF EMPLOYEES.—Any employee in the career service who is transferred pursuant to this section shall be

placed in a position in the Office of Security established by subsection (a) which is comparable to the position the employee held in the Office of the Inspector General of the Agency for International Development.

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

The amendments (Nos. 3491, 3366, and 3535) were agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Only one amendment remains at the desk. It has been withdrawn. That is amendment No. 3519. That will not be offered. After Senator HATCH has spoken, I will be making a motion to table the Dodd amendment.

So I say to all Senators that is the last vote prior to final passage. We should have two votes—a vote on the motion to table the Dodd amendment and then a vote on final passage—and we will be finished with this bill.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Without losing my right to the floor, I ask unanimous consent that I be permitted to yield to Senator DODD to make his final remarks, and then I will make my remarks.

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

The Senator from Connecticut is recognized.

AMENDMENT NO. 3527

Mr. DODD. Mr. President, I wanted to conclude my remarks here. The Kennedy assassination language was a process for declassification. It wasn't necessarily through an application process that we are talking about this amendment. There is a distinction in that regard.

Secondly, regardless of where a bona fide request comes from for declassification, if it is a bona fide request, whether it is made by a U.S. citizen or a non-U.S. citizen, there is nowhere I know of in there that says somebody is precluded from making the request because they are a non-U.S. citizen, as long as we protect the legitimate source. I point out that most of the other agencies effectively had no difficulty with this. The reason we are requesting this amendment is because we have had a problem with one or two agencies; where they have provided information, it is blank page after blank page, redacted page after redacted page.

Again, I think on the issue of human rights, certainly we have seen in cases where we wanted to get to the bottom of information involving U.S. citizens, that it is hard enough with some of these countries to get the cooperation in the country themselves to get information. It is a rather ominous thought that a U.S. citizen, or others seeking to get information about why they were murdered or brutalized, that they would face the kind of false obstruction from their own country.

So, in the case of Honduras and Guatemala, we felt, particularly where these cases involved—particularly the case of Sister Ortiz—an American nun who was raped and tortured in that country, that helping her provide some information to get to the bottom of her case here goes back to 1989—with all of the safeguards included specifically in this amendment is a modest request, indeed, for us to be able to meet.

I hope when the appropriate motion is made and the yeas and nays are asked on this that my colleagues would support us in adopting this amendment.

Again, I thank my colleague from Utah for his graciousness.

The PRESIDING OFFICER. The Senator from Utah is recognized.

(The remarks of Mr. HATCH and Mr. LEAHY are located in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I ask the Dodd amendment be laid aside.

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

AMENDMENT NO. 3501

(Purpose: To state the sense of Congress regarding ballistic missile development by North Korea)

Mr. MCCONNELL. There is one final amendment at the desk cleared on both sides. I call up amendment No. 3501 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] for Mr. MCCAIN, for himself, and Mr. MURKOWSKI, proposes an amendment numbered 3501.

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 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 the 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 intercontinental 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 county 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 processes of the United States intelligence community as soon as possible; and

(5) the United States should accelerate cooperative theater missile defense programs with Japan.

Mr. MCCONNELL. This has been approved by both sides.

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

The amendment (No. 3501) 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.

AMENDMENT NO. 3527

Mr. MCCONNELL. Mr. President, the Dodd amendment is the pending amendment. Let me just say to my colleagues, if the motion to table the Dodd amendment, which I will shortly make, is approved, then the next vote will be on final passage and we will be to the completion of this legislation.

Senator SHELBY has indicated if the motion to table is not approved, he will have further observations to make about the Dodd amendment.

So Mr. President, at this time on behalf of the Senator from Alabama, Senator SHELBY, and myself, I move to table the Dodd amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. GORTON). The question is on agreeing to the motion. 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 Georgia (Mr. COVERDELL), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Alaska (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 ''yea.''

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—yeas 50, nays 43, as follows:

[Rollcall Vote No. 258 Leg.]

YEAS—50

Abraham	Frist	McConnell
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee	Hutchinson	Smith (OR)
Coats	Hutchison	Snowe
Cochran	Inhofe	Specter
Collins	Kempthorne	Stevens
Craig	Kyl	Thomas
D'Amato	Lott	Thompson
DeWine	Lugar	Thurmond
Enzi	Mack	Warner
Faircloth	McCain	

NAYS—43

Akaka	Feinstein	Lieberman
Baucus	Ford	Mikulski
Biden	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Breaux	Hollings	Murray
Bryan	Jeffords	Reed
Bumpers	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	
Feingold	Levin	

NOT VOTING—7

Bingaman	Glenn	Murkowski
Coverdell	Helms	
Domenici	Inouye	

The motion to lay on the table the amendment (No. 3527) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I ask unanimous consent to add my name and my distinguished colleague from Vermont, Mr. JEFFORDS, as cosponsors of amendment No. 3530 offered to S. 2334 by Senator MCCONNELL.

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

GLOBAL ENVIRONMENT FACILITY

Mr. LEAHY. Mr. President, I have a statement relating to an amendment I had intended to offer concerning the Global Environment Facility, which I have decided not to offer in the interest of finishing action on this bill. There is strong, bipartisan support for the GEF and I hope we can find additional funds for it later in this session.

Mr. President, this bill contains $47 million to pay a portion of our arrears to the Global Environment Facility. An amendment I had planned to offer would provide an additional $145 million, which would cover our outstanding arrears which currently total $192 million. Unfortunately, there is no money in the bill to pay our FY 1999 contribution to the GEF.

The Balanced Budget Act provides for an automatic adjustment of the discretionary budget caps to accommodate these additional arrears, so my amendment would not require an offset or any additional budget authority.

Mr. President, if we are going to provide $47 million toward the arrears we owe the GEF, we should provide the whole amount. There is no reason not to do it. That was one of the purposes of the Balanced Budget agreement.

It does not require additional budget authority. But it we miss this chance, we will make it virtually impossible to pay these arrears later on when we no longer have the benefit of the automatic adjustment under the Balanced Budget Act.

The GEF is the world's largest environmental organization. It has enjoyed bipartisan support in the Congress for years. It funds projects to protect biodiversity, stop ocean pollution, prevent ozone depletion, and promote energy conservation.

A few Members of the Congress have called the GEF a ''back-door'' funding mechanism for the Kyoto Protocol. What is the evidence of that? The GEF was established years before Kyoto was even conceived of. For years, the GEF has been pushing the developing countries to do more to prevent global warming. Kyoto has not changed that. If anything, it has made it even more relevant and timely.

The Resolution on Kyoto sponsored by Senator BYRD and Senator HAGEL earlier this year calls on the developing countries to do more to prevent global warming.

That is one of the GEF's goals, and a reason why we should support it.

The GEF is not only good for the environment, it is good for U.S. business. American contractors have won 30 percent of the GEF contracts awarded to donor countries. These contracts have primarily gone to American companies involved in environmental engineering, energy efficiency, and renewable energy. The U.S. is the world's leader in these areas, and our companies will reap the rewards as the GEF helps the developing countries confront their exploding populations, huge energy demands, and a legacy of ignoring the consequences of environmental pollution.

The GEF has funded over 500 projects in 119 countries. Each dollar the U.S. contributes is matched by 5 dollars from other donors and 10 dollars from the developing countries themselves, private companies, and other international institutions. But without strong U.S. participation there is far less incentive for other countries to contribute.

Mr. President, I am reluctant to call this free money, since no money is free. But this is about as free as any money we are going to see. My amendment would not require one dime of additional budget authority for us to erase $192 million in past commitments to an organization that deserves our strong support.

Mr. President, to expedite completion of this bill at this late hour, I have agreed to withhold offering my amendment. However, is is my fervent hope that we will revisit this issue, and that if additional budget authority becomes available later this session that we use some of it to make a contribution to the GEF for FY 1999, and that we make the cap adjustment provided for under the Balanced Budget Act to cover the $192 million in arrears that would be made available under my amendment. To do so would not affect any of the other funds in this bill, but it would fulfill our commitment to pay these arrears, and support the most important international organization devoted to protecting the environment.

DEVELOPMENT ASSISTANCE FOR AFRICA

Mr. FEINGOLD. Mr. President, I rise today in support of development assistance for Africa, which is included in the fiscal year 1999 Foreign Operations appropriations bill.

For fiscal year 1999, the total funding for development assistance has gone down once again. At the same time, there are still earmarks for many programs in all regions in this bill. Given that there will be necessary cuts throughout all of these accounts, Africa should not suffer any more than other accounts simply because it lacks the earmarks that have been given to other regions of the world.

Development assistance for Africa used to be provided through a separate account called the Development Fund for Africa (DFA), which was created in the fiscal year 1988 appropriations bill to meet a broad range of objectives specifically aimed at Africa, including rural and sustainable development, private sector development, maternal and child health needs, and educational improvement, particularly in the primary grades. For a variety of reasons, the DFA has been dropped as a separate funding account. Nevertheless, the goals and programs embodied in the DFA continue to be important in terms of our Africa program.

For many years, these goals were championed by our former colleagues and former Chairmen of the Subcommittee on African Affairs, Senators Nancy Kassebaum-Baker and Paul Simon. As the current Ranking Member of that subcommittee, I share their commitment to these goals. I have seen how the 48 countries of sub-Saharan Africa are increasingly becoming even

more relevant to United States interests, and our economic, political, humanitarian, and security concerns.

Long-term development assistance to African nations—whether through bilateral or multilateral channels—directly complements U.S. foreign policy goals and national security interests.

There are several examples of this complementary relationship.

First, we have an interest in a safe and healthy environment. The rapid spread of the Ebola virus demonstrated some of the areas of vulnerability on the African continent. Now, unfortunately, the rates of HIV and AIDS infections in Africa are the highest in the world, and they are continuing to rise rapidly. As we have seen, viruses do not need visas.

Second, we have an interest in expanding trade and investment ties with the African continent. U.S. exports to Africa expanded by 22.7 percent in 1995—this is nearly twice the growth rate of total U.S. exports worldwide. Already U.S. exports to Africa equal 54 percent more than our exports to the former Soviet Union. We export more to South Africa alone than to all of Eastern Europe combined.

Third, we have an interest in democracy. More than half of African nations now can be considered democratic or have made substantial progress toward democracy. Many of these nations also are moving toward free-market economies.

Fourth, we have an interest in human resource development. Sub-Saharan Africa has the fastest growing and poorest population in the world. A substantial percentage of Africa's population is under 18 years of age. These children will soon grow to adulthood and I hope there will be opportunities for them to lead productive and dignified lives, in which their basic human needs are met. At the same time, Africa's infant and child mortality rates are 2 to 3 times higher than those in Latin America or Asia.

Finally, we have an interest in security. It is unfortunate, but Africa also is home to terrorist activity and to drug and arms trafficking. As the recent bombings of our embassies in Kenya and Tanzania, and the bombing of a crowded restaurant in South Africa have painfully demonstrated, Africa is not immune to the scourge of terrorism.

Mr. President, a stable African continent serves American interests. The Development Fund for Africa was created to ensure a steady source of long-term development funds for Africa. Over the past decade, the DFA has contributed to substantial gains in health care, education, small business development, democracy, and stability. A sustained assistance program for Africa helps African nations to invest in development and not in crises. The types of challenges we face in Africa today are very complex and require long-term solutions. And this requires long-term investment.

As a result of DFA assistance, African farmers are growing more food, more children are attending primary school, and more informal sector entrepreneurs have access to credit than was possible 10 years ago. And the United States has played a key role in helping several African countries experience dramatic drops in fertility through effective family planning and health care programs.

In sum, Mr. President, our assistance program represents a sound investment in our relationship with the continent of Africa that signals our continued interest in remaining engaged with Africa. I hope that during consideration of this bill in the Senate, in the House, and in conference, as well as during the United States Agency for International Development budgeting process, that we can maintain a similar proportion of the total development assistance appropriations as that requested by the President in the congressional presentation documents for foreign assistance.

Mr. GORTON. Mr. President, as the Senate considers appropriations for foreign operations, I would like to recognize the efforts of two organizations headquartered in my home state of Washington. World Vision Relief and Development (WVRD) and World Concern Development Organization (WCDO) have made great strides in bringing hope to a troubled world.

On countless occasions, World Vision has achieved its objective of long-term transformation of human lives through effective implementation of emergency relief, rehabilitation and sustainable development programs throughout the world. World Vision, which is largely funded through the generosity of Americans, has operations in approximately 94 different countries. Of particular note is World Vision's efforts on behalf of the world's children. Through tireless efforts in public health and nutrition, the organization has allowed children to survive.

In Sudan, World Vision has shown courageous long-term interest in the tragedy that continues to unfold there. Since operating in Sudan since the early 1980s, World Vision has provided 4 therapeutic feeding centers, brought medical supplies and services to the needy, and been committed to long-term agricultural development.

WCDO based in Seattle works in the areas of relief, rehabilitation and development to help the recipients in developing countries achieve self-sufficiency, economic independence, physical health and spiritual peace through integrated community development. WCDO fosters crop improvement through new crops, cash crops and improved seed demonstration projects. It has also raised world literacy rates, developed communities, provided shelter for refugees, and given thousands the skills necessary to survive and grow. The world is a better place with WCDO in it.

I know the Senate will join me in saluting the care World Vision and World Concern have shown for those in desperate need of compassion and a helping hand.

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

● Mr. LEAHY. Mr. President, I have agreed to strike section 578 of the bill which contains a reporting requirement relating to arms sales. I have done so in response to a request by the chairman and ranking member of the Foreign Relations Committee.

However, both Senator HELMS and Senator BIDEN have agreed that they will include a modified version of this reporting provision which has been negotiated and agreed upon by myself, Senator HELMS, Senator BIDEN, and Senator MCCONNELL in legislation that has been reported by the Foreign Relations Committee and which is expected to be acted on by the Senate later this month. If that legislation is not adopted by the Senate or the reporting provision is not included in whatever version of that legislation becomes law, Senator HELMS, Senator BIDEN, and Senator MCCONNELL have agreed to support its inclusion in the FY 1999 Foreign Operations Conference Report, a Continuing Resolution, or whatever other legislative vehicle is appropriate. My purpose in striking section 578 is to give the Foreign Relations Committee an opportunity to include the modified reporting provision in its legislation, but to ensure that if that fails it is included in a legislative vehicle that becomes law.

Mr. HELMS. The senator is correct.

Mr. MCCONNELL. I concur.

Mr. BIDEN. I concur.●

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

● Mr. DOMENICI. Mr. President, the Senate is now considering S. 2334, the Foreign Operations and Export Financing Appropriations bill for fiscal year 1999.

The Senate bill provides $12.6 billion in budget authority and $4.9 billion in new outlays to operate the programs of the Department of State, export and military assistance, bilateral and multilateral economic assistance, and related agencies for fiscal year 1999.

When outlays from prior year budget authority and other completed actions are taken into account, the bill totals $12.6 billion in budget authority and $12.6 billion in outlays for fiscal year 1999.

The subcommittee is below its section 302(B) allocation for budget authority and outlays.

Mr. President, I will ask that a table displaying the Budget Committee scoring of this bill be printed in the RECORD at the conclusion of my remarks.

Mr. President, I would like to commend the committee for including full funding for the IMF in this bill. The committee and Senator MCCONNELL's leadership on this issue as well as the sanctions task force is a great contribution to this Congress and the American people.

Liquidity levels are at historically low levels at the IMF and if we choose not to fund our share of the increase, there will be no increases from the other 181 members of the IMF. According to IMF bylaws, no U.S. participation would guarantee no world participation in the increased funding.

The language in this bill and passed by the Senate in the 1998 supplemental also addresses the reforms needed by the IMF, especially addressing the issues of greater transparency and stronger promotion of free trade.

Mr. President, I urge the adoption of the bill.

I ask that the table to which I referred be printed in the RECORD.

The table follows:

S. 2334, FOREIGN OPERATIONS APPROPRIATIONS, 1999
SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 1999, in millions of dollars]

	Defense	Non-defense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority		12,554		45	12,599
Outlays		12,595		45	12,640
Senate 302(b) allocation:					
Budget authority		12,600		45	12,645
Outlays		12,600		45	12,645
1998 level:					
Budget authority		13,215		44	13,259
Outlays		12,829		44	12,873
President's request:					
Budget authority		14,079		45	14,124
Outlays		13,002		45	13,047
House-passed bill:					
Budget authority				45	
Outlays		7,695		45	
SENATE-REPORTED BILL COMPARED TO:					
Senate 302(b) allocation:					
Budget authority		−46			−46
Outlays		−5			−5
1998 level:					
Budget authority		−661		1	−660
Outlays		−234		1	−233
President's request:					
Budget authority		−1,525			−1,525
Outlays		−407			−407
House-passed bill:					
Budget authority		12,554			12,554
Outlays		4,900			4,900

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

U.N. CONVENTION TO COMBAT DESERTIFICATION

Mr. FEINGOLD. Mr. President, I would like to commend the Committee on Appropriations for including language in its report on S. 2334, the Foreign Operations Appropriations Bill for FY 1999, related to the United Nations Convention to Combat Desertification. In its discussion of funding for the International Fund for Agricultural Development (IFAD), the Committee notes its support for that organization's efforts to implement this important Convention. The United States was instrumental in negotiation of this treaty, and has signed it, but the Senate has yet to exercise its advice and consent responsibilities on it.

Mr. President, desertification is a serious problem with which many of my colleagues may not be familiar. I fear the Convention may be overlooked because of this ignorance, but at great cost and with little reason.

THE PROBLEM OF DESERTIFICATION

Desertification is the severe land degradation of arid and semi-arid regions, rendering such drylands unable to sustain crops or other vegetation. It is not the spread of existing deserts, but rather the destruction of fertile soils, largely through human activity. In the past, drylands recovered easily following long droughts and dry periods. Under modern conditions, however, they tend to lose their biological and economic productivity quickly unless they are sustainably managed. Today drylands on every continent are being degraded by over-cultivation, deforestation and poor irrigation practices. Excessive population pressure and unwise economic policies also exacerbate the problem.

Over one-quarter of the Earth's land surface is endangered by desertification, threatening the livelihoods of one billion people. In Africa, 73 percent of drylands are moderately or severely desertified, and the proportion of drylands affected by desertification is comparable. In addition, 40 percent of the land surface of the United States, covering most of 17 western states, qualifies as affected dryland areas. The direct worldwide economic loss from desertification, mainly from decreased agricultural productivity, is estimated at $42 billion per year, while the cost of actions needed to combat it is estimated at between $10–22 billion annually. The loss of annual income in areas immediately affected by desertification in the United States is an estimated $5 billion. It is clear that it is far more cost-effective to prevent desertification than to deal with its devastating consequences.

To most Americans, the Dust Bowl of the 1930's is the most familiar example of desertification and its consequences—massive hunger, poverty, and migration. Mr. President, desertification is far more than an environmental problem. It is connected to famine, malnutrition, starvation, epidemics, poverty, economic and social instability and mass migration. Desertification contributes to water scarcity. In many countries, inadequate water resources leads to increased political tension, often rendering desertification a security issue. Around the world, desertification and water shortages lead to reduced crop production, hunger and mass migration which can spark turmoil and armed conflict over scarce food resources. These upheavals can result in heavy costs to the U.S. taxpayer in the form of extended humanitarian assistance or large immigration programs.

The Convention to Combat Desertification was called for at the U.N. Conference on Environment and Development in Rio in 1992, when the severity of the problem was recognized. At that time, several African nations argued that the Climate Change and Biodiversity Conventions did not address their major environmental concern—desertification.

The United States has since been an active participant during the negotiation and drafting process. The Convention entered into force in 1996 and has been ratified by more than 120 countries. The President submitted the treaty to the Senate for its advice and consent in August of 1996, but no action has yet taken place. It is crucial that we consider this treaty as soon as possible, prior to the Conference of the Parties, due to take place in November.

Mr. President, this treaty is unlike the other environmental conventions brought before the Senate in recent years. It advocates a unique method that I believe will have efficient, effective outcomes. Not only is this the first international treaty to address directly the issue of poverty and land degradation in rural areas, but it also calls for the participation of resource users in the development of solutions. This is one of the most important facets of the convention; by stressing the need for concerted, cooperative action at all levels, strategies to attack this problem becomes an amalgamation of expertise and experience. First-hand knowledge of the problem and an awareness of the particularities means that programs will be specifically designed to meet the needs of a certain area. This method will also empower the residents of countries—mostly developing countries—where desertification is a particular problem, helping people to help themselves.

The Convention calls upon affected countries to establish national action plans to combat the problem at local and regional levels, and calls upon developed countries to channel existing bilateral and multilateral funds to support these programs. These national action plans mean that countries will be active participants that will accept responsibility without imposing some kind of universal solution on countries that may have different needs.

Thus, the Convention aims to ensure that funding programs are better coordinated, that funding is based on the needs of affected countries, that donor countries can be sure their funds are well spent, and that recipients obtain the maximum benefit from the sums available. No new funding is required. Instead, the treaty establishes a Global Mechanism which can serve to mobilize and coordinate donor resources to combat the problem of desertification.

The United States has a long history of managing its drylands. Desertification affected hundreds of thousands of Americans during the Dustbowl years of the 1930s, when impoverished farmers had to abandon their exhausted land. Today, desertification in the United States has been associated with Western grazing and water management practices. Aspects of the desertification process, such as soil erosion, present a serious threat to agricultural productivity. As a result of these decades of experience, we have created a variety of programs and institutions to combat drought. The United States is considered to have the premier technology and expertise in this area, and so our participation in the Convention to Combat

Desertification can really determine its success.

It is of course important to consider the implications of the treaty for the United States. The Convention to Combat Desertification does not require any land-use restrictions, legislation or regulations for U.S. implementation. The President has asserted that if the U.S. was to ratify the treaty its obligations would be met by current law and on-going programs. Most importantly, the Convention does not call for increased funding from the United States. This treaty operates on existing levels of aid.

Mr. President, around the world desertification and water shortages lead to reduced crop production, hunger, and mass migration which can spark turmoil and armed conflict over scarce food resources. The Convention to Combat Desertification could lead to powerful preventive action that reduces dependence on U.S. foreign aid.

Mr. President, there are many reasons why it is in the U.S. national interest to ratify the Convention to Combat Desertification.

First, expectations are high among the CCD nations that private sector business and NGOs will play a key role in coordinating and implementing the provisions of the treaty. The U.S. agricultural industry, our excellent university system, and strong network of NGOs have much to offer their counterparts in developing countries in combating desertification. The treaty provides opportunities for U.S. agribusiness to build positive relationships with developing country governments and to improve the policy environment for bilateral trade in their emerging markets. By providing the necessary institutional mechanisms, the CCD will facilitate the transfer of technology and information from U.S. business firms to the world's huge and expanding drylands.

It is clear that ratifying the CCD creates a number of opportunities for the U.S. private sector, including the export of American technical assistance and expertise in erosion control. Failure to ratify will place American agribusiness at a competitive disadvantage vis-a-vis similar businesses in the 128 countries that have already ratified the CCD.

Second, being part of the CCD is critical to U.S. leadership in promoting democracy and sound stewardship of natural resources around the world. If the Senate ratifies the Convention prior to adjournment this year, the U.S. could play a major role in decisions affecting the treaty's implementation this November.

Third, helping fight desertification abroad, and the poverty that goes with it, benefits American exports and the U.S. trade balance. Rising incomes in the agricultural sector of developing countries generate a higher demand for U.S. exports of seeds, fertilizer, agrochemicals, farm and irrigation equipment as well as other U.S. produced goods and services. By helping build markets in developing countries, we gain greater access to them in the long run.

As desertification deepens poverty worldwide, it undercuts economic growth and triggers social instability in developing countries. This results in more frequent and costly U.S. food programs, increased immigration to the U.S. from land-degraded countries like Mexico, and reduced foreign markets for American businesses. The CCD has the potential to alleviate these problems, with no additional American foreign aid. It also stimulates business and leads to better trade environments.

Mr. President, this Convention is important to the leaders of many African nations. In fact, it was presented as a priority of the African Diplomatic Corps prior to President Clinton's trip to Africa earlier this year.

As the Ranking Member of the Subcommittee on African Affairs, I have had the opportunity to see first hand how valuable the provisions of this Convention will be to the people of Africa. It is a mechanism by which the people of Africa will be assisted in preserving and protecting their land, which is a vital element in Africa's fight to become self-sufficient. This convention is innovative because it requires participation from all segments of the population, from the farmers and herders who work the land, to local governments and environmental organizations, to those who affect environmental and agricultural policy at the national and regional levels. It works from the bottom-up, incorporating the knowledge of those directly involved for a more effective approach.

The consideration of this Convention will also refocus the Senate's attention on the plight of the African people. It is the perfect opportunity for the Senate to go on record in support of programs that are both vital to the African continent and consistent with United States foreign, economic, and environmental policy. The Convention also furthers the Administration's stated policy to build a new partnership with Africa.

Mr. President, there has been virtually no formal opposition to the Convention to Combat Desertification. The same arguments used against U.S. participation in the United Nations or in other international organizations or against other environmental treaties—views I do not share, but which nevertheless are argued here in this body—simply do not apply to the CCD. There are no possible constraints on U.S. sovereignty or policies, but just the sort of benefits that I have described.

This should be a non-controversial issue, and it is in our best interest to deal with it as soon as possible. Swift ratification ensures U.S. leadership and potential profit. I hope that the Senate Committee on Foreign Relations, of which I am an active member, will act on this treaty in a timely manner.

PEACE CORPS

Mr. DODD. Mr. President, for 37 years now, the Peace Corps has been promoting international peace and friendship through the service abroad of American volunteers. More than 150,000 Americans from every background have served in the Peace Corps in 132 countries. Right now, more than 6,500 peace Corps Volunteers are living and working alongside local people in 84 countries.

The Peace Corps is a model of citizen service on international scale and a model of American leadership in the world. In their engagement abroad, American Peace Corps Volunteers share and represent the culture and values of the American people, while living and working alongside local people, and speaking the local language. In doing so, they earn respect and admiration for our country. This is a different type of American Leadership and an important complement to our formal U.S. foreign policy.

From the day of its establishment, the Peace Corps has seen strong bipartisan support for its programs. I regret that this year the subcommittee has not been able to fund the Peace Corps at the administrations full request. However, I do understand the difficult budgetary constraints facing the subcommittee this year.

Mr. LEAHY. I want to associate myself with the remarks of the Senator from Connecticut. I too regret that we were limited in our ability to provide funding. Unfortunately, the funding allotted to the 150 account is inadequate to meet all our foreign policy needs. I believe the members of the subcommittee made best efforts to fund all worthy programs including the Peace Corps. There may be opportunities to review some of these levels in conference.

Mr. DODD. I thank the Senator from Vermont for his remarks. Certainly, I would hope that additional funds could be found to supplement the FY 1999 Peace Corps budget if at all possible. As my colleagues know, the Peace Corps is a very personal matter for me as I served as a Peace Corps Volunteer in the Dominican Republic. This was a very worthwhile experience for me personally.

I know that our colleague from Georgia, Mr. COVERDELL, also has very personal feelings with respect to the Peace Corps having served as a Peace Corps Director before being elected to the Senate.

Mr. COVERDELL. I thank the Senator from Connecticut. Mr. President, Peace Corps volunteers are some of our best ambassadors to the world. They represent the finest characteristics of the American people: a strong work ethic, generosity of spirit, a commitment to service, and an approach to problems that is both optimistic and pragmatic. The people-to-people nature of the Peace Corps, and its separation from the formal conduct of the foreign policy of the United States, has allowed Volunteers to establish a record

of service that is respected and recognized globally.

Furthermore, the Peace Corps is helping to prepare America's workforce with overseas experience by training Volunteers to use skills that are increasingly important to America's participation in the international economy. Volunteers worldwide learn more than 180 languages and dialects, and they receive extensive cross-cultural training that enables them to function effectively at a professional level in different cultural settings. Returned Volunteers often use these skills and experiences to enhance careers in virtually every sector of our society—Congress, the Executive branch, the Foreign Service, education, business, finance, industry, trade, health care, and social services.

The Peace Corps has emerged as a model of citizen service and of practical assistance to people in 132 developing countries, as my colleague mentioned. I can certify that during my tenure as Director and since then, virtually every ambassador or other official I have met from countries with volunteers is an enthusiastic supporter of the Peace Corps. They view the Peace Corps as the most successful program of its kind. I think it is the right time to look to further expansion of the Peace Corps and I believe reaching a level of 10,000 volunteers is an appropriate goal. I appreciate the funding constraints the Senator from Vermont spoke of. I hope that more resources do become available and at that time would look forward to working with my colleagues from Connecticut, Vermont, and the Chairman to prepare the Peace Corps for extending its mission into the 21st Century.

SECTION 907

Mr. TORRICELLI. Mr. President, there is perhaps no greater foreign policy priority in the post-cold-war world than assisting former Communist countries in making the difficult transition to democracy. The fall of the Soviet Union was not the final victory of the cold war. That will come only when all of these former adversaries embrace liberty, free markets, and the rule of law. Recognizing this, the 102nd Congress in 1992, passed the Freedom Support Act. This bill acknowledged that we can help countries make the transition to democracy both with the carrot of economic aid and the stick of withholding such assistance. It included a provision, Section 907, which mandated that with the exception of humanitarian aid, democracy-building funds, and investment assistance, Azerbaijan will not receive any direct economic aid until it ceases the blockade of neighboring Armenia and the Armenian enclave of Nagorno-Karabakh.

However, since that historic moment in 1992, this provision of the Freedom Support Act has repeatedly come under fire for its scope and perceived effect on relations between the United States and Azerbaijan. Opponents of Section 907 have repeatedly sought the opportunity to weaken its restrictions, or eliminate them altogether, arguing that they are no longer valid and have unfairly constrained U.S. investment in the Caspian Sea region. In response, I would argue that Section 907 is still necessary to safeguard the rights of the Armenian people.

Mr. President, I am pleased that the Foreign Operations Appropriations Bill reaffirms our commitment to Section 907 of the Freedom Support Act. By doing so, this Congress reaffirms our commitment to the peaceful resolution of international conflicts and to the Armenian people themselves. The Azeri blockade of Armenia and Nagorno-Karabakh is a direct result of the dispute between the two countries over the status of Nagorno-Karabakh, the longest-running ethnic conflict in the former USSR. The human cost to date has been 35,000 lives and 1.4 million refugees.

The Azeri blockade has been particularly brutal for Armenia which relies on its ties to the outside world for survival. It is a land-locked country where only 17 percent of the land is arable. Due to the blockade, 80 percent of the Armenian population now live in poverty. Humanitarian assistance cannot get to Armenia, which is still trying to rebuild from the devastating earthquake of a decade ago, and Nagorno-Karabakh is dealing with a critical shortage of medical equipment. Industrial recovery has been stalled as 90 percent of Armenia's energy supply comes from abroad, and without its usual rail and transportation routes, Armenia is forced to rely on chartered cargo flights from Russia and Ukraine, or insecure land connections through Georgia, one of the most unstable countries in the former Soviet Union.

Mr. President, the tragedy is that while life in Armenia is bleak, Azerbaijan has a bright future. It is estimated that Azerbaijan controls oil reserves of 40 billion barrels, and with it the potential to generate tremendous revenue. Section 907 will not cripple Azerbaijan. Indeed, since 1992, we have sent $130 million of humanitarian aid to ensure that this does not happen. Instead, this provision sends a powerful message to the Azeri government that in the post-Cold War era the United States will not tolerate the inhumane and belligerent treatment of innocent people in Armenia, in the former USSR, or anywhere the world over. We owe it to the Armenian people to continue this pressure on Azerbaijan to lift its blockade, and I am proud that this bill keeps Section 907 intact.

AMENDMENT NO. 3516

Mr. TORRICELLI. Mr. President, I rise today in support of the amendment offered by Senator KENNEDY regarding the tragedy of Pan Am Flight 103. This year marks the tenth anniversary of the bombing over Lockerbie, Scotland which killed 270 people. The memory of the 189 American citizens on board that doomed flight has not faded with the passage of time, but those who want to see justice done have become increasingly frustrated with the amount of time it has taken to try and bring the perpetrators to justice.

It now appears as if the indicated suspects, Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah, may finally be tried for their crime. The United States-United Kingdom proposal urges Colonel Qaddafi to transfer the suspects to the Netherlands to stand trial before a Scottish court, under Scottish law, and by a panel of Scottish judges. However, I believe that it is critical for the United States to retain its pressure on Colonel Qaddafi to comply with the will of the international community. Qaddafi must transfer these suspects to the Netherlands, but the United States must also continue to refuse to negotiate with Qaddafi on this issue. Should Qaddafi fail to transfer the suspects, it is critical that the United Nations prepare a strong response and impose a multilateral oil embargo against Libya. I wholeheartedly support the language of this amendment, and I am pleased to be a cosponsor.

RESTRICTIONS ON IMET FOR INDONESIA

Mr. FEINGOLD. Mr. President, I would like to comment on one provision of the Foreign Operations Appropriations bill that does not appear in this year's bill, for fiscal year 1999, and that is the provision that would impose certain restrictions for security assistance to Indonesia.

As many of my colleagues may know, since 1992, the Congress has imposed restrictions on the provision of International Military Education and Training, known as IMET, to Indonesia, in response to the despicable treatment by the Indonesian military in East Timor the previous year, when more than 100 civilians were brutally massacred. In the Foreign Operations bill that year, for FY 1993, the Congress cut off all IMET assistance for Indonesia.

A few years later, in the Foreign Operations Appropriation bill for fiscal year 1996, Congress authorized a limited form of IMET, known as ''expanded IMET,'' meaning military training courses focused on the management of defense resources, improvement in domestic systems of military justice in accordance with internationally recognized human rights, and the principle of civilian control of the military. This was the result of a compromise between those of my colleagues who support close ties between the United States military and Indonesia, and those of us, myself included, who remained skeptical and opposed because of continuing human rights abuses in Indonesia.

In 1997, Indonesia withdrew completely from the program because it recognized the continuing opposition from some of us in Congress to these relations. President Suharto wanted to avoid what he knew would be criticism over his military's treatment of East Timor, and he decided that IMET, ultimately, was not worth it to him.

This year, the Appropriations Committee has decided to remove the limitations on IMET for Indonesia. I welcome the Committee's report language urging the Defense Security Assistance Agency to consult with Congress regarding its plans for IMET training in Indonesia, particularly given past human rights concerns. However, since such consultation is not mandated, I would hope the DSAA will follow this proscription, and consult early and fully with the relevant appropriations and authorizing committees of both Houses of Congress.

Nevertheless, it is my strong view that 1998 is not the year to change our policy with respect to IMET in Indonesia.

Congress wisely restricted IMET at a time when the Indonesian military was clearly involved in myriad abuses. This year, Indonesia has certainly undergone tremendous changes. We have seen the country suffer through a quickly downsliding economy. We have seen student demonstrations not thought possible in that country's restrictive political environment. And then, amazingly, we have seen the resignation of long-time authoritarian leader Suharto.

The country's new leader, President B.J. Habibie, has certainly taken some steps that are encouraging. He has released some political prisoners, and allowed workers to form unions. He has pledged to hold parliamentary elections by May and presidential election by December 1999. And, he has even broached the sensitive subject of East Timor, agreeing to hold talks on the region's status, and announcing a drawdown of some troops.

But, in my view, these actions should still be considered mere preliminary steps. They are promising, but do not yet warrant a policy change with respect to our military training.

Notably, Nobel Peace Prize winner Bishop Carlos Ximenes Belo, and other reliable sources in Dili, the capital of East Timor, believe the situation in East Timor remains substantially unchanged. Asked if he saw any concrete results after the UN action, the bishop said firmly, ''Not yet.'' In early August, Belo stated, ''There is still intimidation and terror.''

In late July, there was a widely publicized announcement of Indonesian troop withdrawal from East Timor, with about 100 foreign journalists brought there for the occasion. The problem is that there is every indication that the drawdown may not actually have taken place. Bishop Belo stated on August 20 that the troops were actually shifted to the western side of the island and later brought back to East Timor in trucks. ''We must denounce this,'' Bishop Belo said at the time. Other sources note that the army in East Timor's rural areas does not seem to act in the same spirit of reform that the leadership in Jakarta is professing.

With all the political changes taking place in Indonesia, generally, it remains critical that the country's government make strong efforts to demilitarize East Timor as quickly as possible, and establish a United Nations or other international presence to protect human rights. Until such measures are in place, any claims of progress can have little credibility. There is a strong need to monitor closely conditions on the ground.

Given this unsure environment, and particularly the unclear role of the military in the transition process, I believe restrictions on IMET training continue to be appropriate.

As a result, I am disappointed that this year's bill does not include the restrictions that were first included in the Foreign Operations bill for fiscal year 1996, and continued every year since then. I believe removing these restrictions represents a radical step that I fear will send the wrong signal to the Indonesian Government.

It is, however, my understanding that the House version of this bill, which is still in committee, is likely to include these restrictions. If this is the case, it is my sincere hope that the Senate conferees will agree to accept the House version of these provisions.

Mr. MCCAIN. Mr. President, in going through the fiscal year 1999 foreign operations appropriations bill and accompanying report, I was pleased by the apparent reduction in earmarks and other wasteful and unnecessary spending compared with past years. The fact that part of the reason for this reduction is that programs traditionally funded in the foreign operations bill have been shifted to other appropriations bills only mildly diminishes my enthusiasm for the progress that has been made on this bill.

Foreign aid programs, as all of us in Congress know, are enormously unpopular with the vast majority of the American populace. That only one percent of the federal budget is allocated for foreign assistance and generally supports U.S. foreign policy objectives does not detract from the extreme disfavor with which the public views the notion of their tax dollars going to foreign countries. It has always been to Congress' credit that it passes foreign aid legislation every year despite public opposition out of this recognition for the very important role aid programs play in facilitating economic growth and social stability in less developed nations.

While the bill before us includes fewer earmarks for the benefit of parochial or other favored programs, there are still too many. Some of the examples of earmarks and other wasteful spending are annual occurrences. A particularly egregious case in point is the annual $3 million allocation for the International Fertilizer Development Center. An annual provision in the foreign aid bill, it is highly questionable whether the millions of dollars funneled to this program are warranted by its actual value to less developed countries or to the American public. Some justification for this funding, as well as a sense of whether it could and should be competitively awarded, would go a long way toward alleviating my concern about its continued inclusion in this bill.

The International Law Enforcement Academy for the Western Hemisphere in Roswell, New Mexico is the recipient in this bill of $5 million. This is a classic earmark, matching an activity established and geographically located for parochial reasons. That the bill mandates it receive $5 million simply compounds the injury to the integrity of the federal budget process represented by this project. Clearly, the concept of fiscal responsibility remains alien to members of this body.

One area in which there has been no discernable improvement is earmarking for specific academic institutions, a practice that wastes millions of dollars every year, either in clearly questionable programs or by failing to mandate competitive bidding processes. The accompanying list includes these projects, but a few in particular warrant special mention. The International Integrated Pest Management Training and Research Center at the University of Vermont probably does fine work in the field of pest management—a serious endeavor given the scale of damage to crops regularly inflicted through pest infestations—but directing the Agency for International Development to provide it $1 million without the benefit of a competitive process is typically irresponsible.

The foreign operations appropriations bill also includes earmarks for the University of Hawaii, University of Northern Iowa, George Mason University, Utah State University, Montana State University, Mississippi State University, and the aforementioned project at the University of Vermont. Of these seven university earmarks, five are located in the states of members of the Appropriations Committee and a sixth is in the state of the Senate majority leader. You don't have to be Hercule Poirot to be suspicious of this pattern. Israel being a desert country and Hawaii being the quintessential tropical climate, it makes perfect sense that they are corroborating on a project involving tropical plants and animals. I strongly encourage AID to look closely at the merits of this project before allocating scarce resources toward it.

Additional funds are expected to flow to universities through the Collaborative Research Support Projects (CRSPs) for such worthwhile causes as cowpea, peanut, pond dynamics, and sorghum/millet development programs. That the peanut industry enjoys considerable political influence is not news; that the Appropriations Committee wants to allocate funds for research on pond scum, however, is, as Monty Python used to say, ''something really different.''

Finally, S. 2334 continues the onerous practice of minimizing the value of foreign aid dollars through protectionist

provisions. While the ''Buy America'' section of the bill is not mandatory, an appropriations bill automatically carries with it a certain implicit authority. Declaring that, ''to the maximum extent possible, assistance provided under this Act should make full use of American resources . . .'' is clearly intended to convey a certain message to pertinent federal agencies. The mandatory reporting requirement imposed on these agencies included in this section of the bill can be expected to have precisely that effect.

Mr. President, the waste and noncompetitive allocations represented in the foreign operations appropriations bill is minuscule relative to the billions literally wasted in the defense and transportation bills on highly questionable programs. Given the disdain with which the American public views foreign aid, however, the types of earmarks specified in the accompanying list represent a serious diversion of scarce resources otherwise needed for truly worthy programs. I regret that Congress feels compelled to continue to act without a sense of restraint, but I have been around long enough to understand that my protestations won't change the system. That I can at least illuminate the problem will have to suffice.

I ask unanimous consent that the list of objectionable programs be printed in the RECORD.

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

OBJECTIONABLE PROGRAMS IN THE FOREIGN OPERATIONS APPROPRIATIONS BILL FOR FY 1999

TITLE II—BILATERAL ECONOMIC ASSISTANCE

[In millions]

Programs with funds earmarked:

- American Schools and Hospitals abroad $15.0
  - American University in Beirut
  - Lebanese American University
  - Hadassah Medical Organization
  - Feinberg Graduate School of the Weizmann Institute of Science in Israel
  - Johns Hopkins University's Bologna and Nanjing Centers
- U.S. Telecommunications Training Institute 0.5
- Mitch McConnell Conservation Fund 1.2
- University Development Assistance Programs 12.5
  - Mississippi State University
  - Arab-American University of Jenin
  - University of Vermont
  - American University of Armenia ($10.0)
  - Montana State University
- International Fertilizer Development Center 3.0
- Microenterprise Poverty Programs 145.0
- Opportunities Industrialization Centers, International 0.4
- Carelift International 3.0
- International Fund for Agricultural Development 2.5
- International Law Enforcement Academy—Western Hemisphere .. 5.0

Programs for which the committee recommends funding:

- MasterCare International—encourages funding 3.4
- Center for Health and Population Research—encourages funding for establishment of an endowment to supplement Center's annual budget 1.5
- Patrick J. Leahy War Victims Fund—Recommends funding 12.0
- Office of Women in Development—Encourages funding 15.0
- University Development Assistance Programs—encourages AID and DOS to expand involvement of the following universities in development activities:
  - University of Hawaii
  - University of Northern Iowa
  - George Mason University
  - Utah State University
  - Montana State University
- Tuberculosis treatment—support the binational surveillance and treatment initiative underway along the Texas-Mexico border
- Private Voluntary Organizations—ensure that the level of funding to PVO's is maintained
- Tropical Fish and Plant Competitiveness—requests AID to consider joint application from Israel and state of Hawaii to enhance market competitiveness
- Collaborative Research Support Projects—expects AID to make its best efforts to at least maintain funding for the CRSPs
- American Bar Association—Sustain funding for ABA projects at FY 1998 levels
- Russian, Eurasian, and East European Research and Training Prgm.—sustain current level of funding
- Eurasian Medical Education Program—AID should consult with Committee concerning FY 1999 funding to sustain and expand the program
- Farmer-to-Farmer—AID should support these exchanges directly, in addition to the funding FTF receives from the Agriculture Department
- Soils Management Collaborative Research Support Program—Recommends AID fund SM–CRSP at a level that allows achievement of the goals for all approved projects

TITLE V—GENERAL PROVISIONS

Purchase of American-Made Equipment and Products—Assistance provided under this Act should make full use of American resources, and heads of Federal agencies shall advise any entity receiving funds under this Act of the above

Mr. KERREY. Mr. President, I rise today to offer my thoughts on the bill currently pending before the Senate. In particular, I would like to comment on the inclusion of the $14.5 billion to replenish the International Monetary Fund's (IMF) capital base and the $3.5 billion for the New Arrangements to Borrow (NAB). I appreciate the responsible action taken by the Chairman and Ranking Member of the Foreign Operations Subcommittee and the full Appropriations Committee in including these provisions in this bill.

The continuing international financial crisis poses too great of a threat to the economic prosperity of the American people for Congress to delay action on funding the IMF. The economic disruptions in Asia are impacting U.S. export markets and having an adverse effect on the U.S. economy as a whole. In my home state of Nebraska—where 45% of all exports go to East Asia and support 56,000 jobs in agriculture, food processing, transportation, and manufacturing—people have already felt the effects of the Asian crisis. The economic repercussions in the United States of a further spread of the Asian financial flu should not be underestimated. For this reason, swift Congressional action is necessary to restore confidence and hedge against future disruptions.

Aside from the economic consequences, I am deeply concerned this crisis could affect our security interests. For anyone who doubts the national security ramifications, all you have to do is to turn on the television to see the effects of spreading instability. The political chaos in Russia that has resulted from their economic troubles threatens not only Russia's free market reforms but the historic democratic achievements of the Russian people. The political and economic collapse of Russia would favor elements intent on returning to the days of dictatorship and central economic planning. Cooperation with Russia would be replaced with conflict; our peace and security would be threatened.

The Senate passed legislation earlier this year as a part of the FY98 Emergency Supplemental Appropriations Bill that would have provided the full $18 billion requested by the President for the IMF. However, funding for the IMF became mired in non-related, political battles and was not acted upon by the House of Representatives. The failure to act at that time was irresponsible. The failure to act now would be disastrous.

Mr. President, while there is no guarantee that timely Congressional action on IMF funding could have helped avoid the current difficulties in Russia and Asia, we should not wait for economic instability to spread and to further jeopardize the economic health and safety of our nation. We must act now to restore confidence and promote economic growth in the United States and in the global economic system.

I yield the floor.

GLOBAL ENVIRONMENT FACILITY

Mr. JEFFORDS. Mr. President, I would like to direct my colleagues' attention to an issue that has not been given sufficient attention during debate on this bill—funding for the Global Environment Facility (GEF). The legislation before us provides $47.5 million for the GEF, far less than the Administration's request and $145 million short of the amount necessary to cover our arrears to the GEF.

The GEF was created because the world's developed nations sought to involve the developing world in improving the global environment, but realized that they lacked the resources and technology to make significant

progress on their own. The GEF was designed to help these nations act in an environmentally responsible manner in areas where their actions would have a broad environmental impact. For we all know that if we are going to make significant progress in solving the world's most pressing environmental problems, there will have to be a collective effort by most of the world's nations.

In 1994, developed nations pledged $2 billion to the GEF, payable over four years. The U.S. portion of that replenishment was $430 million. To date, Congress has appropriated substantially less, and total arrears amount to $192.5 million. And now several donor countries are beginning to condition their own contributions on payment of our past due amounts. Without new funding, the GEF's ability to implement its programs will end in about six months.

Mr. President, the GEF has emerged as the principal international funding mechanism for global environmental protection. The organization works in four areas—biodiversity, energy, ozone protection, and international waters. Over 500 projects in 119 countries have been funded under GEF's own unique approach. To obtain the most impact for its limited resources, the GEF generally does not fund entire projects. Instead it funds the difference between what it would cost a country to do a project in the traditional manner without environmental safeguards, and the cost of doing that same project in an environmentally responsible manner.

Mr. President, we are all becoming increasingly aware that our biggest environmental problems will require global solutions. And these problems will require financial commitments from many nations. The GEF is the only institution of its kind, and is pivotal to the success of these efforts. While it is making strides in resolving some of these very serious problems, it is being hobbled by America's failure to pay up. Donors are looking to the U.S. to resume its leadership, and because of the special provisions of the balanced budget act allowing payment of U.S. arrearages to international institutions, we now have an opportunity to do so. I urge the managers of this legislation to make this issue a priority in conference with the other body and to seize the moment to make good on our debts.

AMENDMENT NO. 3506

Mr. HARKIN. Mr. President, I rise to share some of my reasons for voting in favor of the Specter-Biden amendment that restored the Comprehensive Test Ban ''prepcom'' funding. I strongly supported the Specter-Biden amendment to restore the $28 million for the U.S. share of an international network to monitor nuclear weapons testing.

The international monitoring network will support the Comprehensive Test Ban Treaty that bans all nuclear weapons explosive tests. This treaty will help our nation's nuclear non-proliferation goals by helping to stem the development of new nuclear weapons. The treaty, which awaits ratification in the U.S. Senate, has the support of the Joint Chiefs of Staff, former JCS Chairman General Colin Powell, and the vast majority of the American public.

Not only would the nuclear testing monitoring network help the U.S. as we move toward a nuclear weapons ban, it would also prove useful to our national security even without a global testing ban. As I have stated repeatedly on the floor, I am a strong supporter of a nuclear weapons test ban or C-T-B-T. However, even my colleagues that have not decided to support the treaty should support the international monitoring system on its own merits. Why shouldn't we enhance our nation's and our allies ability to detect nuclear weapons tests? The network would establish monitoring stations in places like the former Soviet Union, China, South Asia and Africa, greatly enhancing our capability to detect nuclear tests.

The CTBT's monitoring system is not fully operational. Nevertheless, even in its current and incomplete form, the system provided timely data on events at the respective nuclear test sites. Through the CTBT Prepcom, we will add monitoring stations in Pakistan, China, Kazakhstan, Diego Garcia, and elsewhere.

We saw the benefits of international monitoring in the seismic event in the Kara Sea off of Russia. Six international monitoring stations detected this event on August 16, 1996 in the Kara Sea near the Russian test site. The data from these stations allowed our intelligence community to conclude that the event was not nuclear, not associated with Novaya Zemlya activities, but rather, was an earthquake 130 kilometers southeast of the Novaya Zemlya test site.

In another recent example, the seismic stations in the CTBT Prepcom almost immediately detected the Indian and Pakistani nuclear tests, enabling the U.S. to identify the location and yield of the tests with high accuracy. This is clearly a success for the emerging CTBT detection system.

Some may ask why the U.S. should fund an international system? Why can't we just go it alone. A key answer is money. The U.S. paying for only 25% of the cost is better than footing the bill for the whole system. For example, the Air Force originally planned on paying for the entire cost of monitoring stations in Kazakhstan and South Korea. Instead, we will only pay for 25% of the costs of these stations.

In summary, I think there are many good reasons to support a nuclear weapons test ban. However, even if one has not yet decided to support the treaty, the funding of an international monitoring system is reasonable on its own and I am gratified to see that the majority of my Senate colleagues voted in favor of the Specter-Biden amendment.

AMENDMENTS NOS. 3536 THROUGH 3538, EN BLOC

Mr. LEAHY. There are several manager amendments at the desk, and I ask they be considered and agreed to en bloc.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes amendments Nos. 3536 through 3538, en bloc.

The amendments (Nos. 3536, 3537, and 3538) are as follows:

AMENDMENT NO. 3536

(Purpose: To provide assistance for sub-Saharan Africa)

At the appropriate place, insert the following new title:

TITLE ____—ASSISTANCE FOR SUB-SAHARAN AFRICA

SEC. ___01. AFRICA FOOD SECURITY INITIATIVE.

In providing development assistance under the Africa Food Security Initiative, or any comparable program, the Administrator of the United States Agency for International Development—

(1) shall emphasize programs and projects that improve the food security of infants, young children, school-age children, women, and food-insecure households, or that improve the agricultural productivity, incomes, and marketing of the rural poor in Africa;

(2) shall solicit and take into consideration the views and needs of intended beneficiaries and program participants during the selection, planning, implementation, and evaluation phases of projects; and

(3) shall ensure that programs are designed and conducted in cooperation with African and United States organizations and institutions, such as private and voluntary organizations, cooperatives, land-grant and other appropriate universities, and local producer-owned cooperative marketing and buying associations, that have expertise in addressing the needs of the poor, small-scale farmers, entrepreneurs, and rural workers, including women.

SEC. ___02. MICROENTERPRISE ASSISTANCE.

In providing microenterprise assistance for sub-Saharan Africa, the Administrator of the United States Agency for International Development shall, to the extent practicable, use credit and microcredit assistance to improve the capacity and efficiency of agriculture production in sub-Saharan Africa of small-scale farmers and small rural entrepreneurs. In providing assistance, the Administrator should take into consideration the needs of women, and should use the applied research and technical assistance capabilities of United States land-grant universities.

SEC. ___03. SUPPORT FOR PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATIONS.

The Administrator of the United States Agency for International Development is authorized to utilize relevant foreign assistance programs and initiatives for sub-Saharan Africa to support private producer-owned cooperative marketing associations in sub-Saharan Africa, including rural business associations that are owned and controlled by farmer shareholders in order to strengthen the capacity of farmers in sub-Saharan Africa to participate in national and international private markets and to encourage the efforts of farmers in sub-Saharan Africa to increase their productivity and income through improved access to farm supplies, seasonal credit, and technical expertise.

SEC. ___04. AGRICULTURAL AND RURAL DEVELOPMENT ACTIVITIES OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) IN GENERAL.—The Overseas Private Investment Corporation shall exercise its authority under law to undertake an initiative to support private agricultural and rural development in sub-Saharan Africa, including issuing loans, guarantees, and insurance, to support rural development in sub-Saharan Africa, particularly to support intermediary organizations that—

(1) directly serve the needs of small-scale farmers, small rural entrepreneurs, and rural producer-owned cooperative purchasing and marketing associations;

(2) have a clear track record of support for sound business management practices; and

(3) have demonstrated experience with participatory development methods.

(b) USE OF CERTAIN FUNDS.—The Overseas Private Investment Corporation shall utilize existing equity funds, loan, and insurance funds, to the extent feasible and in accordance with existing contractual obligations, to support agriculture and rural development in sub-Saharan Africa.

SEC. ___05. AGRICULTURAL RESEARCH AND EXTENSION ACTIVITIES.

(a) DEVELOPMENT OF PLAN.—The Administrator of the United States Agency for International Development, in consultation with the Secretary of Agriculture and appropriate Department of Agriculture agencies, especially the Cooperative State, Research, Education, and Extension Service (CSREES), shall develop a comprehensive plan to coordinate and build on the research and extension activities of United States land-grant universities, international agricultural research centers, and national agricultural research and extension centers in sub-Saharan Africa.

(b) ADDITIONAL REQUIREMENTS.—The plan described in subsection (a) shall be designed to ensure that—

(1) research and extension activities respond to the needs of small-scale farmers while developing the potential and skills of researchers, extension agents, farmers, and agribusiness persons in sub-Saharan Africa; and

(2) sustainable agricultural methods of farming is considered together with new technologies in increasing agricultural productivity in sub-Saharan Africa.

AMENDMENT NO. 3537

(Purpose: To state the sense of the Senate regarding the development by the International Telecommunication Union of world standards for the next generation of wireless telecommunications services)

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

SEC. . (a) The Senate makes the following findings:

(1) The International Telecommunication Union, an agency of the United Nations, is currently developing recommendations for world standards for the next generation of wireless telecommunications services based on the concept of a ''family'' of standards.

(2) On June 30, 1998, the Department of State submitted four proposed standards to the ITU for consideration in the development of those recommendations.

(3) Adoption of an open and inclusive set of multiple standards, including all four submitted by the Department of State, would enable existing systems to operate with the next generation of wireless standards.

(4) It is critical to the interests of the United States that existing systems be given this ability.

(b) It is the sense of the Senate that the Federal Communications Commission and appropriate executive branch agencies take all appropriate actions to promote development, by the ITU, of recommendations for digital wireless telecommunications services based on a family of open and inclusive multiple standards, including all four standards submitted by the Department of State, so as to allow operation of existing systems with the next generation of wireless standards.

Mr. KERREY. Mr. President, I rise today to address a very serious problem facing U.S. telecommunications service and equipment suppliers. The International Telecommunications Union is currently considering the implementation of a family of world standards for the next generation of digital wireless communications. These ITU standards will have a significant impact on the ability of American telecommunications equipment and service suppliers to compete in the competitive world telecommunications market. European nations, working through the European Telecommunications Standards Institute (ETSI), proposed a standard to the ITU based on Global System for Mobile Communication (GSM), the only digital standard permitted by law in Europe. The ETSI proposal is not compatible with American developed CDMA technology and if adopted by the ITU it could have the affect of shutting U.S. CDMA manufacturers out of the world market and rendering such investments obsolete. In light of the EU's decision to only submit a GSM standard to the ITU it is important that the United States take steps to ensure that American developed technology is not left behind.

The sense of the Senate I offered today with Senator LOTT, sends a strong message that the Federal Communications Commission and other appropriate executive branch agencies should take all appropriate actions to promote U.S. technology in this ITU proceeding. At the conclusion of the World Trade Organization Basic Telecommunications Agreement, the Administration assured Congress that the telecommunications markets of America's largest trading partners would be open to U.S. companies. However, the European Union is considering a technical standard for itself that could lock U.S. manufacturers out of the European market. A similar result in the ITU would be devastating. I am pleased today that the Senate has sent a clear statement to U.S. negotiators that the pending ITU standards must not reflect a narrow and harmful standard that locks American wireless technology out of world markets. Instead, U.S. negotiators should promote a family of standards that are compatible with U.S. technologies and safeguard American interests.

The ITU is now on notice that whatever standards it may adopt next, such standards must be harmonized or compatible with each other.

AMENDMENT NO. 3538

On page 38, line 22, delete $69,000,000 and insert in lieu thereof $75,000,000.

On page 7, line 21, delete $1,890,000,000 and insert in lieu thereof $1,904,000,000.

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

The amendments (Nos. 3536, 3537, and 3538) were agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, the Senator from Indiana wants to modify an amendment.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

AMENDMENT NO. 3526, AS MODIFIED

Mr. COATS. Mr. President, there is a technical correction needed, which has been accepted on both sides. I therefore ask unanimous consent that lines 3 through 16 of the previously adopted amendment No. 3526 appear on line 24 after the word ''activities.''

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, finally, let me thank Senator LEAHY for his cooperation and friendship as we put this bill together. In addition to thanking my friend and colleague, Senator LEAHY, I also want to express my appreciation to Tim Rieser, Cara Thanassi, and J.P. Dowd of Senator LEAHY's staff, and Steven Cortese and Jennifer Chartrand of the full committee, and Billy Piper, Shannon Bishop on my staff, and my long time foreign policy advisor, Robin Cleveland, as well as Senator STEVENS. Thanks to all of these people for their participation in the development of this legislation.

Mr. LEAHY. I thank my good friend from Kentucky for all his help and for helping to protect the interests of Members on both sides of the aisle. He has been a pleasure to work with. As always, he was very ably assisted by Robin Cleveland, who has done a tremendous job, and Jennifer Chartrand and Billy Piper, who have also worked so hard on this. I have had Tim Rieser, Cara Thanassi, and J.P Dowd on my staff. Tim has been with me for many years, as has J.P. Dowd. This is Cara's first year working on the Foreign Operations bill and she has been a great help.

AMENDMENT NO. 3539

(Purpose: To provide sound management of and support for U.S. Refugee resettlement)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. ABRAHAM, proposes an amendment numbered 3539.

On page 30, line 7, strike the final period and insert a semicolon, and insert the following: ''*Provided further,* That amounts appropriated under this heading for fiscal year 1999, and amounts previously appropriated

under such heading for fiscal year 1998, shall remain available until expended.''

Mr. BYRD. Mr. President, what does the language mean, so that I can understand it?

Mr. ABRAHAM. Mr. President, I would be happy to elaborate on the legislation. The amendment's purpose is as follows: Each year in our refugee resettlement programs, we have considerable costs associated with that. We appropriate moneys for those. In a typical year, we always have trouble at the end of the year with respect to remaining funds that need to be spent. If there is remaining money at the end of a year, it will be carried forward to use in the next fiscal year for those purposes.

Mr. BYRD. For those purposes again?

Mr. ABRAHAM. Refugee resettlement purposes.

Mr. BYRD. Thank you.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 3539) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I believe that completes all of the amendments.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Do the managers of the bill desire a rollcall?

Mr. MCCONNELL. Yes. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered and 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), and the Senator from Alaska (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 ''nay.''

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 PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 3, as follows:

[Rollcall Vote No. 259 Leg.]

YEAS—90

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

NAYS—3

Byrd	Faircloth	Smith (NH)

NOT VOTING—7

Bingaman	Glenn	Murkowski
Coverdell	Helms	
Domenici	Inouye	

The bill (S. 2334), as amended, was passed.

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

Mr. BROWNBACK. 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 Kansas, Mr. BROWNBACK, is recognized.

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

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

THE APPLICATION OF THE INDEPENDENT COUNSEL STATUTE TO THE CLINTON/GORE/DNC CAMPAIGN FINANCE SCANDAL

Mr. HATCH. Mr. President, the last several weeks leading up to the end of a Congress are always a pressure packed time and a challenging time for all Members of this body. This fall, of course, is no exception. Given the legislative challenges we face, I would prefer that the Judiciary Committee's and the Senate's efforts stay focused exclusively on completing remaining legislative and appropriations items. Unfortunately, the Attorney General of the United States, Janet Reno, has diverted our attention from those issues we would all prefer to be working on because of her continued refusal to do what the law compels her: request the appointment of an independent counsel to conduct the investigation of the fundraising activities surrounding the 1996 reelection campaign. I thank my ranking member on the Senate Judiciary Committee, Senator LEAHY, for being willing to meet with me and Attorney General Reno and others for almost 3 hours this morning and into the afternoon.

We met along with top officials and staff of the Justice Department, including Deputy Attorney General Holder, Criminal Division Director James Robinson, Former Task Force head Charles LaBella, FBI Task Force lead agent James DeSarno, Public Integrity head Lee Radek, along with House Judiciary Chairman HYDE, House Government Reform and Oversight Chairman BURTON, and Ranking Member WAXMAN, having invited the Ranking Member JOHN CONYERS as well who could not attend the meeting, regarding the campaign finance investigation and the application of the independent counsel statute to this widespread and dangerous scandal.

I had requested this meeting in late July after the existence of the so-called LaBella memorandum had come to light. In that memo, Mr. LaBella, her handpicked lead investigator with the most extensive knowledge of the facts of this scandal, concluded that the facts and law dictated that a broad independent counsel be appointed to investigate campaign finance abuses by the 1996 Clinton/Gore reelection campaign, the Clinton administration, and the Democratic National Committee. This memo came several months after a similar written conclusion made by the Director of the Federal Bureau of Investigation, Louis Freeh.

Under federal law, the Attorney General must apply to the special division of the Court of Appeals for the D.C. Circuit for appointment of an independent counsel whenever, after completion of a preliminary investigation, she finds that a conflict of interest exists or when she finds specific and credible information that a high-ranking official included in a specific category of individuals within the executive branch may have violated federal law. The appointment of an independent counsel is a serious matter and one which the Attorney General should only initiate when necessary.

Yet, more than one and a half years ago, all ten Republicans on the Judiciary Committee felt the time had come to request such an appointment. We sent a letter to the Attorney General, as we are authorized to do by the independent counsel statute, requesting that she make an application for an independent counsel and demonstrating the evidence which requires such an application concerning the campaign finance scandal.

I must confess, as I did then, to a degree of frustration with the Independent Counsel Act. Did I appreciate having to send our letter? Certainly not.

Do I believe that changes need to be made to the Independent Counsel Act? Yes. Yet, the Independent Counsel Act is the law of the land and, notwithstanding its relative flaws, we on the Judiciary Committee and even a stubborn Attorney General have an obligation to abide by it. That issue was the primary focus of today's meeting.

In addition, the Department and my House colleagues asked me to broaden the focus of today's meeting to include a review of the LaBella memorandum. I agreed to this additional focus in order to work toward a reasonable resolution of the ongoing contempt dispute between Attorney General Reno and the House Committee on Governmental Reform and Oversight concerning the Attorney General's refusal to produce this document.

I had hoped that today's meeting might allay my concerns that the Attorney General is flouting both the independent counsel law and the Congress in its legitimate oversight function. Unfortunately, only some of my concerns were addressed satisfactorily.

On the contempt issue, I believe that Chairman BURTON generally concluded that today's review of the partially-redacted memoranda is a solid first step towards a reasonable resolution of the dispute. It is clear that we will need to have followup discussions with the Department as to some of the redactions, but it appears that the contempt crisis possibly may be averted. I congratulate Chairman BURTON, Ranking Member WAXMAN, Chairman HYDE, and the Attorney General for striving towards an accommodation, and I am pleased that our meeting had this positive outcome.

We are not yet there, and it is a decision that only the House can make. But I have to say I think we made a very important first step, hopefully the final step, and towards a positive outcome here.

I should point out, however, that approximately 60–70% of the LaBella memo was redacted on the alleged grounds that it discussed material protected under Rule 6(e), and nobody should conclude that the Attorney General has made a complete disclosure to the Congress.

However, on the larger and more significant issue of the appointment of an independent counsel, I cannot announce similar progress. After reviewing redacted versions of the memos prepared by Mr. LaBella and Director Freeh, it is clear that both gentlemen have advanced strong, convincing arguments in support of a broad-based independent counsel. Importantly, when I asked the Attorney General and her top advisors why those recommendations have, thus far, been rejected, the answers I received were vague, insufficient, or unconvincing.

I have urged Attorney General Reno to appoint a broad-based independent counsel for campaign finance for well over a year. In fact, these events have gone on for well over 2 years. I have written the Attorney General numerous times to demonstrate how she is misapplying and misunderstanding the independent counsel law. The law allows her to appoint an independent counsel if she has information that a crime may—that is the pivotal word, ''may''—have been committed, but she has read the law as requiring that the evidence shows without a doubt that a crime has been committed. This standard is way too high. By setting up these legal standards, she basically has required that a smoking gun walk in the doors of Justice Department before she will do anything.

I believe she is reexamining that issue. She has promised us to reexamine it. She has promised to look into this one final time, and I hope with all my heart she is doing so in good faith, and I will give her the benefit of the doubt that she is.

But, as has been widely reported, numerous individual investigations are being handled by the task force. We found out again today that is true. The LaBella memorandum talked in terms of literally dozens of independent investigations in which he was involved. Yet, the task force has reportedly never conducted an investigation or inquiry into the entire campaign finance matter in order to determine if there exists specific and credible information warranting the triggering of the independent counsel statute. Indeed, as has been reported, the task force has been utilizing a higher threshold of evidence when evaluating allegations that may implicate the Independent Counsel Act or White House personnel.

It has been argued that this different legal standard being applied to the campaign finance investigation has had the result of keeping the investigation of White House personnel out of the reach of the Independent Counsel Act. Today's briefing failed to respond to or put to rest any of these longstanding charges.

I have admired the courage of FBI Director Freeh and lead investigator LaBella in discussing, within applicable rules, their views on these important issues. They made it clear that the independent counsel is required under the law, that there are no legal arguments for the Attorney General to hide behind. Director Freeh stated that covered White House persons are at the heart of the investigation. Investigator LaBella said there was a core group of individuals at the White House and the Clinton campaign involved in illegal fundraising. That should be the end of the argument.

I was also struck by Mr. LaBella's comments that the public only knows one percent of what's out there. That scares me because I thought we have heard a lot about abuses by the DNC and how foreign money corrupted our system. His remark shows just how much we need an independent counsel.

Now some may attempt to defend the Attorney General by noting that she has initiated two 90-day reviews of potential perjury by the Vice-President and former White House deputy chief of staff Harold Ickes. The political machine surrounding the Attorney General may have convinced her to take the two limited actions she has initiated to relieve the political heat. These two 90-day reviews completely avoid the substance of the real allegations. This is not to minimize the significance of perjury allegations, but her actions thus far miss the larger issues.

Any independent counsel must be given authority to delve into the most important questions surrounding or involving the scandal. As the New York Times concluded, a limited appointment would be a ''scam to avoid getting at the more serious questions of whether the Clinton campaign bartered Presidential audiences or policy decisions for contributions. A narrowly focussed inquiry could miss the towering problem of how so much illegal foreign money, possibly including Chinese government contributions, got into Democratic accounts.'' This is the New York Times.

We read today how FBI Director Freeh and Lead Investigator LaBella have recommended an appointment with a wide scope, and the Attorney General should not and cannot ignore their wise counsel any longer. As a unnamed senior government source told the Wall Street Journal: ''We showed [the Attorney General] significant threads of evidence that went right into the White House and to the upper levels of the DNC.'' Yet the Attorney General, thus far, has refused to act.

Moreover, the time for 30-day or 90-day reviews has passed: we need action. The campaign finance violations we are discussing happened 2 and 3 years ago. While the independent counsel statute allows for 30 and 90 day review periods, it does not require it. When the FBI Director and the lead investigator lay out the evidence showing that a broad independent counsel is necessary, the review periods are not warranted.

I must also take issue with the Attorney General's assertions that the current investigation is not a failure because it has secured a limited number of indictments. Let's remember that the ongoing campaign finance investigation has only indicted the most conspicuous people who made illegal donations to the DNC or the Clinton/Gore campaign. It has made no headway in finding out who in the administration or DNC knew about or solicited these illegal donations. Until it does so, the investigation is a failure, and in the eyes of many a sham.

Rather than make pronouncements concerning what the Congress should or must do in response to the Attorney General's continued misinterpretation of the law, I feel it is prudent to meet with those of my colleagues on the Judiciary Committee who joined with me in requesting that she apply for the appointment of an independent counsel more than a year ago.

I also want to pay particular tribute and respect to my ranking minority member, Senator LEAHY, who sat through all this today, has cooperated through all this, has tried to get to the bottom of this with us, and who may have a different view from me but nevertheless has worked in a bipartisan way to try to resolve these matters, a way that I intend to continue to work. And I don't think anybody can accuse me of not bending over backwards for the Attorney General through all these months and years.

In closing, let me quote the New York Times, which, I believe, captured the situation perfectly: ''Ms. Reno keeps celebrating her stubbornness as if it were some sort of national asset or a constitutional principle that had legal standing. It is neither. It is a quirk of mind or personality that has blinded her to the clear meaning of the statute requiring attorneys general to recuse themselves when they are sunk to the axle in conflict of interest.'' That is strong language. I wish it had not had to be issued by the New York Times. But to many it seems to be accurate.

Strong will is a character trait I admire. Certainly I admire the Attorney General in many ways. But adherence to one's personal opinion at the expense of the law cannot be ignored, particularly when it is the Attorney General. Her refusal to appoint an independent counsel in accordance with the law should be of great concern to both Republicans and Democrats and to the American people for whom she is obligated and sworn to enforce the law. Notwithstanding the recent announcements, this matter has now passed the point of reasonableness, and I am no longer willing to give the Attorney General the benefit of the doubt: it is now beyond dispute that she is not living up to her duty to enforce the law.

I am hopeful that within a short period of time she will enforce the law, or I will have more to say on this matter. I have bent over backwards to try to be accommodating to her and accommodating to the Justice Department, but as we all know, it is now becoming an embarrassment to the Justice Department. There are a few down there who are backing her decisions and an awful lot of people including the Nation's top investigator, Louis Freeh, his chief investigator, James V. Desarno of the FBI, and the chief prosecutor and investigator, Charles LaBella, who have no axe to grind but all of whom have said it is time to get this behind us, to get an independent counsel, to stop any claims of conflict of interest, and to implement the law that is so clear on its face so that we can get to the bottom of these problems and do so in a way that does not involve the President's appointee investigating the very people who appointed her including the President.

I hope nobody has any legal problems in this matter, but it has to be resolved in the eyes of the American people and certainly has to be resolved in the eyes of the Judiciary Committee or at least those who have requested that she request the appointment of an independent counsel, and it is time to get this behind us.

Again, I thank all of those who were in the meeting this morning—specifically, my colleague Senator LEAHY, my dear colleagues over in the House, Chairman HYDE who chairs the Judiciary Committee and has tremendous burdens on his shoulders right now, and also Congressmen BURTON and WAXMAN.

I yield the floor.

Mr. LEAHY. Mr. President, first off, I thank my friend, the distinguished senior Senator from Utah, for his kind remarks. We have tried to work very closely together on this. It is something that is not a happy chore for either one of us. The meeting we had today was nearly 3 hours, as I recall. He and I went off and had lunch afterward and discussed it. I think it accomplished a great deal. He and his counterpart in the House, Chairman HYDE, did a service for the Congress and for the country by patiently working out what I believe could have been a very difficult situation with the House Government Reform and Oversight Committee contempt resolution against the Attorney General. He has helped all people, Republicans and Democrats, and I commend the Senator from Utah for that.

The Attorney General and the Deputy Attorney General and all the others who have been listed by the Senator from Utah, as I said, spent nearly 3 hours together today. The Attorney General explained, as she has in the past in public hearings, her reasons for not appointing an independent counsel to take over the ongoing Department investigation of allegations of wrongdoing in the 1996 Presidential election. She also provided us on a confidential basis internal Department memoranda in this matter.

Without going into what is in those memoranda, I mention the fact that she made them available for our review because it is unprecedented. And I, for one, appreciate the way the Attorney General has tried to keep Congress, in its oversight capacity, informed.

This is a serious matter. Whether or not the Attorney General should appoint an independent counsel has diverted the attention of a number of committees, both here in the Senate and the House, and a number of Members. It is a difficult thing because there are grand jury rules that have to be followed, there are secrecy rules that have to be followed, and there are internal procedures that have to be followed that sometimes may not allow for an instant response between the time a question is asked and the evening news.

The Attorney General has referred matters to independent counsels at least 10 times, if you count both the requests she has made for appointments of new independent counsels or expansions of the jurisdictions of those independent counsels already operating. So she does not shy away from exercising her discretion under the independent counsel statute.

I do not want to see us get involved in some kind of intense second-guessing and arm-twisting of the Attorney General when she has shown she is willing to trigger an independent counsel statute, as she has done 10 times already. This goes for when she has declined to do so as well. So whether one agrees or disagrees with the Attorney General's decision on appointing independent counsels, or decisions not to appoint independent counsels—and one can agree or disagree—but what we as Senators want to be careful about, what we must be careful about, is not to politicize what is already becoming an overly politicized process. The meeting this morning was designed to bring down the decibel level. I do not want to be in a position to increase it.

I give the Attorney General credit for playing it straight with Members of Congress in both parties; for always being available and willing to explain her reasons to the extent she can without jeopardizing ongoing investigations or violating grand jury secrecy rules.

I have been here with five administrations and dealt with Attorneys General through all of them. There are some things that they cannot share with us and have to wait on, either because of grand jury rules or ongoing investigations, before they can discuss them.

This Attorney General is not going to be pushed around by anybody in Congress. I would be concerned if she allowed herself to be pushed around. We have had discussions about internal debates that have taken place within the Department of Justice and the FBI on whether in this or that or in another instance an independent counsel should be appointed. I would certainly hope there would be an internal debate. These are very, very serious matters. If we had a Department of Justice or an FBI where internally, on every single issue, everybody walked in lockstep, my question would be what have they missed?

I never remember prosecuting a case of any seriousness or complexity when I was a prosecutor, but with the police or the investigators or other members of my office having some internal debate. ''Are we bringing the right charge? Are we bringing enough charges? Are we bringing too strong a charge? Should we withhold charges?'' And nothing I ever had to deal with began to reach the significance of what the Attorney General is dealing with.

So will there be internal debate? Of course there will be. Should there be internal debate? Of course there should be. But under the law, at some point the buck stops on her desk, and she has to make that decision. Once she has

made that decision, fine. If we disagree, let us say so. But understand that she has to make it.

Prosecutors have enormous power. The trust and the confidence of the American people in our justice system would evaporate if this Attorney General or any Attorney General allowed politics to dictate decisions like these. I don't think she is doing that. I believe, this is confirmed by listening to even some in the Department of Justice who have disagreed with her decisions. They have all said, unanimously, that they understand she is looking at this very, very honestly. She has made her decisions very directly and very honestly.

People from both the FBI and within the Department of Justice, when asked specifically, ''Was anybody put off limits? Was any part of the investigation put off limits?'', they said unanimously nothing was put off limits. They were not told to put anybody or any transaction or any activity off limits.

So I think we will see more on this as days go on. I think the meeting this morning was a valuable one and I commend my friend from Utah for having the meeting. Many aspects of this we agree on. Some aspects we may disagree on. But I state to my friend from Utah he has been fair and open with us on this. If we have disagreements, they are honest disagreements. But he and I will continue to work closely on this because in the end what we want to see, whatever these questions are, is that we have them resolved fairly. And I think we agree on that. I yield the floor.

Mr. HATCH. Mr. President, if I can take just another minute?

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, you know, by some counts—some can count as many as nine requests for preliminary reviews in this matter. We are now almost 2 to 3 years down the line. The evidence is growing cold. The witnesses are absenting the country. We have evidence that cannot be found. And we had investigators telling us today that while one part of the Justice Department is going this way, another part of the Department is going another way, they weren't meeting, and that they were not able to put these threads of evidence together because of the type of restrictions and limitations that were placed on them.

It is true that they said that they could investigate anybody, but thus far it seems as though the White House and the DNC leadership, the people who would have known who committed crimes were off limits or at least have not been fully examined. That is one reason why Mr. LaBella, Mr. Freeh, and Mr. Desarno—top people in this Government—have suggested that we should have an independent counsel.

I think the Attorney General has to make a decision here one way or the other. If she makes a decision to just have a limited, narrowly appointed independent counsel or counsels under these circumstances, then I have to say that is going to be a catastrophic event.

I am hopeful that she will do the right thing within a very limited period of time. She does not have to use the 90 days that she has requested. She has had years now to make determinations in these matters, and she ought to make them, and she ought to make them one way or the other—to her praise or condemnation. I personally believe that she will, within a short period of time. I pray with all my heart that she will, because I like her personally, and I don't feel good about standing up and disagreeing with her. I would like to have a good relationship with her and would naturally like her to be a great Attorney General. But she has to face these problems and she has to face that statute and she can no longer ignore it. Even if she does not agree with the mandatory part of that statute, which appears to be the case, although she is willing to relook at it, she has to agree that there is a whopping conflict of interest here, both an actual conflict and an appearance of a conflict, which necessitates the requests for the appointment of a broad-based independent counsel in these matters to get this finally behind us. And I hope that we can do that.

I apologize to my colleague from Kentucky for interrupting this debate, but this is important to do. I apologize to him at this time and I yield the floor.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–6509. A communication from the Senior Attorney of the Copyright Office, Library of Congress, transmitting, pursuant to law, the Copyright Office's report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC–6510. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, notification that the Department is allotting emergency funds made available under the Low-Income Home Energy Assistance Act of 1981 to eleven States; to the Committee on Labor and Human Resources.

EC–6511. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Secretary's report on Head Start programs for fiscal years 1994 through 1997; to the Committee on Labor and Human Resources.

EC–6512. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Pediculide Drug Products for Over-the-Counter Human Use; Final Monograph; Technical Amendment'' (RIN0910–AA01) received on August 18, 1998; to the Committee on Labor and Human Resources.

EC–6513. A communication from the Acting Secretary of Energy, transmitting, pursuant to law, the Office of Civilian Radioactive Waste Management's report on activities and expenditures for fiscal year 1997; to the Committee on Energy and Natural Resources.

EC–6514. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Tuna Fisheries; Atlantic Bluefin Tuna'' (I.D. 070698D) received on August 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6515. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Papayas Grown in Hawaii; Increased Assessment Rate'' (Docket FV98–928–1 FR) received on August 17, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6516. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced From Grapes Grown in California; Increase in Desirable Carryout Used to Compute Trade Demand'' (Docket FV98–989–2 FIR) received on August 17, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6517. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Colorado; Exemption from Area No. 2 Handling Regulation for Potatoes Shipped for Experimentation and the Manufacture or Conversion into Specified Products'' (Docket FV98–948–2 IFR) received on August 17, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6518. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Brucellosis in Cattle; State and Area Classifications; Florida'' (Docket 98–014–2) received on August 17, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6519. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mediterranean Fruit Fly; Removal of Quarantine Area'' (Docket 97–056–15) received on August 17, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6520. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mediterranean Fruit Fly; Addition to Quarantined Areas'' (Docket 98–083–1) received on August 17, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6521. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mexican Fruit Fly Regulations; Removal of Regulated Area'' (Docket 98–084–1) received on August 17, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6522. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Validated Brucellosis-Free States; Alabama'' (Docket 98–086–1) received on August 17, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6523. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mediterranean Fruit Fly; Addition to Quarantined Areas'' (Docket 98–083–2) received on August 17, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6524. A communication from the President of the United States, transmitting, pursuant to law, notice of the extension of the national emergency declared in Executive Order 12924; to the Committee on Banking, Housing, and Urban Affairs.

EC–6525. A communication from the President of the United States, transmitting, pursuant to law, a report on the national emergency with respect to Iraq (Executive Order 12722); to the Committee on Banking, Housing, and Urban Affairs.

EC–6526. A communication from the President of the United States, transmitting, pursuant to law, notice that the President has taken additional steps regarding the national emergency with respect to the National Union for the Total Independence of Angola (Executive Order 12865); to the Committee on Banking, Housing, and Urban Affairs.

EC–6527. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Portfolio Reengineering: Notice of Fiscal Year 1998 Transition Program Guidelines'' (FR–4162–N–03) received on August 17, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6528. A communication from the Acting Chairman of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the Board's annual report for calendar year 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–6529. A communication from the Secretary of Defense, transmitting, notice of military retirements; to the Committee on Armed Services.

EC–6530. A communication from the Chief of the Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison of the Military Housing Maintenance function at Travis Air Force Base, California; to the Committee on Armed Services.

EC–6531. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Quality Assurance Among North Atlantic Treaty Organization Countries'' (Case 97–D038) received on August 17, 1998; to the Committee on Armed Services.

EC–6532. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Letter of Offer and Acceptance'' (Case 98–D015) received on August 17, 1998; to the Committee on Armed Services.

EC–6533. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Waiver of 10 U.S.C. 2534—United Kingdom'' (Case 98–D016) received on August 17, 1998; to the Committee on Armed Services.

EC–6534. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Personnel Records and Training'' (RIN3206–AH94) received on August 17, 1998; to the Committee on Governmental Affairs.

EC–6535. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report entitled ''Annual Report of the Civil Service Retirement and Disability Fund for Fiscal Year 1997''; to the Committee on Governmental Affairs.

EC–6536. A communication from the Assistant Secretary for Management and Budget and Chief Financial Officer of the Department of Health and Human Services, transmitting, pursuant to law, the Department's Federal Managers Financial Integrity Act Annual Report and the Department's report under the Inspector General Act for the period April 1, 1997 through September 30, 1997; to the Committee on Governmental Affairs.

EC–6537. A communication from the Interim District of Columbia Auditor, transmitting, pursuant to law, a copy of the Auditor's report entitled ''Analysis of Projected Fiscal Year 1999 Dedicated Tax Revenue for the Washington Convention Center Authority''; to the Committee on Governmental Affairs.

EC–6538. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, a notice of additions and deletions to the Committee's Procurement List dated August 10, 1998; to the Committee on Governmental Affairs.

EC–6539. A communication from the Manager of Employee Benefits and Payroll, AgriBank Farm Credit Bank, transmitting, pursuant to law, the annual financial report of the Retirement Plan for the Employees of the Seventh Farm Credit District for fiscal year 1997; to the Committee on Governmental Affairs.

EC–6540. A communication from the Chief of Staff of the Office of the Commissioner of Social Security, transmitting, pursuant to law, the report of a rule entitled ''Federal Old-Aged, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Standards of Conduct for Claimant Representatives'' (RIN0960–AD73) received on August 17, 1998; to the Committee on Finance.

EC–6541. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Former Indian Reservations in Oklahoma'' (Notice 98–45) received on August 13, 1998; to the Committee on Finance.

EC–6542. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Taxation of Fringe Benefits'' (Rev. Rul. 98–40) received on August 17, 1998; to the Committee on Finance.

EC–6543. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Effective Date of Consolidated Overall Foreign Loss Provisions'' (Notice 98–40) received on August 19, 1998; to the Committee on Finance.

EC–6544. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Special Disaster Relief'' (Announcement 98–81) received on August 19, 1998; to the Committee on Finance.

EC–6545. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Estate and Gift Tax Marital Deduction'' (RIN1545–AU27) received on August 19, 1998; to the Committee on Finance.

EC–6546. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Last In, First-Out Inventories'' (Rev. Rul. 98–42) received on August 19, 1998; to the Committee on Finance.

EC–6547. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule regarding the ''applicable percentage'' of depletion for oil and gas produced from marginal properties (Notice 98–42) received on August 19, 1998; to the Committee on Finance.

EC–6548. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule regarding the inflation adjustment factor to be used in computing the enhanced oil recovery credit (Notice 98–41) received on August 19, 1998; to the Committee on Finance.

EC–6549. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rewards for Information Relating to Violations of Internal Revenue Laws'' (RIN1545–AU85) received on August 20, 1998; to the Committee on Finance.

EC–6550. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Returns Relating to Higher Education Tuition and Related Expenses'' (Notice 98–46) received on August 20, 1998; to the Committee on Finance.

EC–6551. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated August 12, 1998; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Finance, to the Committee on Foreign Relations, and to the Committee on Indian Affairs.

EC–6552. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the Office's report entitled ''Sequestration Update Report for Fiscal Year 1999''; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on the Budget and to the Committee on Governmental Affairs.

EC–6553. A communication from the Principal Deputy Under Secretary of Defense for Acquisition and Technology, transmitting, Selected Acquisition Reports for the quarter ending June 30, 1998; to the Committee on Armed Services.

EC–6554. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Rule to Determine the Plant 'Pediocactus winkleri' (Winkler Cactus) to be a Threatened Species'' (RIN1018–AC09) received on August 17, 1998; to the Committee on Environment and Public Works.

EC–6555. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans;

California State Implementation Plan Revision; Ventura County Air Pollution Control District'' (FRL6142–3) received on August 13, 1998; to the Committee on Environment and Public Works.

EC–6556. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries'' (FRL6145–5) received on August 13, 1998; to the Committee on Environment and Public Works.

EC–6557. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Streamlining the State Sewage Sludge Management Regulations'' (FRL6145–8) received on August 13, 1998; to the Committee on Environment and Public Works.

EC–6558. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Triasulfuron; Pesticide Tolerance'' (FRL6023–8) received on August 13, 1998; to the Committee on Environment and Public Works.

EC–6559. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District, Yolo-Solano Air Quality Management District, and Ventura County Air Pollution Control District'' (FRL6140–6) received on August 17, 1998; to the Committee on Environment and Public Works.

EC–6560. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenpropathrin; Extension of Tolerance for Emergency Exemptions'' (FRL6020–2) received on August 17, 1998; to the Committee on Environment and Public Works.

EC–6561. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Uses of Certain Chemical Substances'' (FRL5788–7) received on August 17, 1998; to the Committee on Environment and Public Works.

EC–6562. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Maintenance Plan Revisions; Ohio'' (FRL6147–9) received on August 17, 1998; to the Committee on Environment and Public Works.

EC–6563. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Georgia: Approval of Revisions to the Georgia State Implementation Plan'' (FRL6143–7) received on August 19, 1998; to the Committee on Environment and Public Works.

EC–6564. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Washington: Withdrawal of Immediate Final Rule for Authorization of State Hazardous Waste Management Program Revision'' (FRL6147–3) received on August 19, 1998; to the Committee on Environment and Public Works.

EC–6565. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Zinc Phosphide; Pesticide Tolerances for Emergency Exemptions'' (FRL6021–6) received on August 19, 1998; to the Committee on Environment and Public Works.

EC–6566. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Consumer and Commercial Products: Schedule for Regulation'' (FRL6149–6) received on August 19, 1998; to the Committee on Environment and Public Works.

EC–6567. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting'' (FRL6145–6) received on August 19, 1998; to the Committee on Environment and Public Works.

EC–6568. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Volatile Organic Compound Emission Standards for Architectural Coatings'' (FRL6149–7) received on August 19, 1998; to the Committee on Environment and Public Works.

EC–6569. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Volatile Organic Compound Emission Standards for Consumer Products'' (FRL6149–8) received on August 19, 1998; to the Committee on Environment and Public Works.

EC–6570. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings'' (FRL6149–5) received on August 19, 1998; to the Committee on Environment and Public Works.

EC–6571. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Triclopyr; Extension of Tolerances for Emergency Exemptions'' (FRL6021–5) received on August 19, 1998; to the Committee on Environment and Public Works.

EC–6572. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Deltamethrin; Pesticide Tolerance'' (FRL5795–2) received on August 19, 1998; to the Committee on Environment and Public Works.

EC–6573. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compounds From Sources that Store and Handle Jet Fuel'' (FRL6144–5) received on August 20, 1998; to the Committee on Environment and Public Works.

EC–6574. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of New Jersey; Disapproval of the 15 Percent Rate of Progress Plan'' (FRL6151–2) received on August 20, 1998; to the Committee on Environment and Public Works.

EC–6575. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New Jersey; Motor Vehicle Inspection and Maintenance Program'' (FRL6151–4) received on August 20, 1998; to the Committee on Environment and Public Works.

EC–6576. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Guidelines for the Feather and Down Products Industry'' received on August 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6577. A communication from the Acting Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Trade Regulation Rule Regarding Use of Negative Option Plans by Sellers in Commerce'' received on August 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6578. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Partnering for Construction Contracts'' received on August 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6579. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Mentor–Protege'' received on August 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6580. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Contracting by Negotiation'' received on August 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6581. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Catcher/Processor Sector'' (I.D. 072798A) received on August 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6582. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Technical Amendment'' (I.D. 062298C) received on August 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6583. A communication from the Assistant Administrator of the National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''General Grant Administration Terms and Conditions of the Coastal Ocean Program'' (RIN0648–ZA47) received on August 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6584. A communication from the Assistant Administrator of the National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''National Marine Sanctuary Program Regulations; Florida Keys National Marine Sanctuary Regulations; Anchoring on Tortugas Bank'' (RIN0648–AK45) received on August 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6585. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of the Commission's Rules to Provide for Operation of Unlicensed NII Devices in the 5 GHz Frequency Range'' (Docket 96–102) received on August 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6586. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; (Redwood, Mississippi)'' (Docket 96–231) received on August 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6587. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Old Forge and Newport Village, New York)'' (Docket 97–179) received on August 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6588. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Warrenton and Enfield, North Carolina and La Crosse and Powhatan, Virginia)'' (Docket 97–229) received on August 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6589. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Advance Notice of Arrival: Vessels Bound for Ports and Places in the United States'' (Docket 97–067) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6590. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; St. Johns River, Jacksonville, Florida'' (Docket 07–98–033) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6591. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; AlliedSignal Inc. TFE731 Series Turbofan Engines'' (Docket 97–ANE–51–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6592. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' (Docket 29295) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6593. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' (Docket 29294) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6594. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Tioga, ND'' (Docket 98–AGL–34) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6595. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Spencer, IA'' (Docket 98–ACE–31) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6596. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Forest City, IA'' (Docket 98–ACE–30) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6597. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A340 Series Airplanes'' (Docket 97–NM–340–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6598. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL–215–6B11 (CL–415 Variant) Series Airplanes'' (Docket 98–NM–03–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6599. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: General Electric Company CF6–80A3 Series Turbofan Engines'' (Docket 98–ANE–35–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6600. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier-Rotax GmbH 912 F Series Reciprocating Engines'' (Docket 98–ANE–26–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6601. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Cessna Aircraft Company Model 172R Airplanes'' (Docket 98–CE–60–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6602. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Denison, IA'' (Docket 98–ACE–29) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6603. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations; Grassy Sound Channel, Middle Township, New Jersey'' (Docket 05–98–015) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6604. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; West Palm Beach, Florida'' (Docket 07–98–049) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6605. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Jetstream Model 301 Airplanes'' (Docket 98–CE–54–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6606. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Model 750 Citation X Series Airplanes'' (Docket 98–NM–208–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6607. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes'' (Docket 98–CE–40–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6608. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; CFM International CFM56–3, –3B, –3C, –5, –5B, and –5C Series Turbofan Engines'' (Docket 97–ANE–54–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6609. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–215–1A10 and CL–215–6B11 Series Airplanes'' (Docket 98–NM–05–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6610. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasilera de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes'' (Docket 97–NM–279–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6611. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Harmonization of Miscellaneous Rotorcraft Regulations'' (Docket 28929) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6612. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Barrow, AK'' (Docket 98–AAL–7) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6613. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D Airspace; Colorado Springs USAF Academy Airstrip, CO'' (Docket 98–ANM–07) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6614. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument

Approach Procedures; Miscellaneous Amendments'' (Docket 29293) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6615. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Dunkirk, NY'' (Docket 98–AEA–10) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6616. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Series Airplanes'' (Docket 98–NM–146–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6617. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Model BAe 146 and Model Avro 146–RJ Series Airplanes'' (Docket 97–NM–128–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6618. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; de Havilland Model DHC–8–100, –200, and –300 Series Airplanes'' (Docket 98–NM–70–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6619. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 and 200) Airplanes'' (Docket 97–NM–116–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6620. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sabb Model 2000 Series Airplanes'' (Docket 98–NM–213–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6621. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes'' (Docket 98–NM–160–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6622. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sabb Model SABB 2000 Series Airplanes'' (Docket 98–NM–151–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6623. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Series Airplanes'' (Docket 98–NM–180–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6624. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Learjet Model 60 Airplanes'' (Docket 98–NM–227–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6625. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilateus Britten-Norman Ltd. BN–2, BN–2A, BN–2B, and BN–2T Series Airplanes'' (Docket 97–CE–112–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6626. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilateus Aircraft Ltd. Model PC–7 Airplanes'' (Docket 98–CE–30–AD) received on August 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6627. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Glaser-Dirks Flugzeubau GmbH Model DG–400 Gliders'' (Docket 98–CE–07–AD) received on August 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6628. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model ASW–19 Sailplanes'' (Docket 98–CE–05–AD) received on August 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6629. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Fortuna, CA'' (Docket 98–AWP–3) received on August 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6630. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Robinson Helicopter Company (RHC) Model R44 Helicopters'' (Docket 98–SW–25–AD) received on August 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6631. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes'' (Docket 98–NM–128–AD) received on August 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6632. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A319, A320, A321, A330, and A340 Series Airplanes Equipped with AlliedSignal RIA–35–B Instrument Landing System Receivers'' (Docket 98–NM–154–AD) received on August 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6633. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Air Bag On-Off Switches'' (RIN 2127–AH25) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6634. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' (Docket 29300) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6635. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' (Docket 29299) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6636. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hartzell Propeller Inc. HC–E4A–3(A, I, J) Series Propellers'' (Docket 98–ANE–53–AD) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6637. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F28 Mark 1000, 2000, 3000, and 4000 Series Airplanes'' (Docket 97–NM–287–AD) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6638. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F28 Mark 0070 and Mark 0100 Series Airplanes'' (Docket 97–NM–248–AD) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6639. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes'' (Docket 97–NM–20–AD) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6640. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Class D Airspace and Class E Airspace; Willoughby, OH'' (Docket 98–AGL–36) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6641. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Akron, CO'' (Docket 98–ANM–10) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6642. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Pueblo, CO'' (Docket 98–ANM–01) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6643. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Superior, WI'' (Docket 98–AGL–38) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6644. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Moorhead, MN'' (Docket 98–AGL–40) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6645. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Glenwood, MN'' (Docket 98–AGL–39) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6646. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Slayton, MN'' (Docket 98–AGL–35) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6647. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of VOR Federal Airway; WA'' (Docket 97–ANM–23) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6648. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Kearney, NE'' (Docket 98–ACE–34) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6649. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Beatrice, NE'' (Docket 98–ACE–32) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6650. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Ottumwa, IA'' (Docket 98–ACE–27) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6651. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establish Class E Airspace; Davenport, IA'' (Docket 97–ACE–21) received on August 20, 1998; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, with amendments:

S. 389. A bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes (Rept. No. 105–299).

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. GRAMS:

S. 2431. A bill to provide support for the human rights and treatment of international victims of torture; to the Committee on Foreign Relations.

By Mr. JEFFORDS (for himself, Mr. HARKIN, Mr. BOND, Mr. KERREY, Mr. MCCONNELL, Ms. COLLINS, Mr. KENNEDY, Mr. REED, and Mr. FRIST):

S. 2432. A bill to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. D'AMATO:

S. 2433. A bill to protect consumers and financial institutions by preventing personal financial information from being obtained from financial institutions under false pretenses; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 2434. A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts; to the Committee on the Judiciary.

By Mr. ALLARD:

S. 2435. A bill to permit the denial of airport access to certain air carriers; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. LOTT, and Mr. THOMPSON):

S. Res. 270. A resolution to express the sense of the Senate concerning actions that the President of the United States should take to resolve the dispute between the Air Line Pilots Association and Northwest Airlines; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS (for himself, Mr. HARKIN, Mr. BOND, Mr. KERRY, Mr. MCCONNELL, Ms. COLLINS, Mr. KENNEDY, Mr. REED, and Mr. FRIST):

S. 2432. A bill to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes; to the Committee on Labor and Human Resources.

ASSISTIVE TECHNOLOGY ACT OF 1998

● Mr. JEFFORDS. Mr. President, ten years ago Congress passed the Technology-Related Assistance for Individuals with Disabilities Act, referred to as the ''Tech Act''. My friend, Senator HARKIN, was the principal sponsor in the Senate. I was the principal sponsor in the House. Both Houses of Congress worked together and passed the same legislation on the same day. Once again, Senator HARKIN and I, with our colleague Senator BOND, joined forces to draft the Assistive Technology Act of 1998 (ATA), which we are introducing today with the co-sponsorship of Senators KENNEDY, FRIST, COLLINS, MCCONNELL, REED, and KERRY. Once again, we are working toward expeditious consideration of legislation that promotes access to assistive technology for individuals with disabilities. With the assistance of our colleagues in the Senate and the other body, I am confident that the ATA will become law. The ATA authorizes funding for assistive technology activities for fiscal years 1999 through 2004.

The ATA builds on the success of its predecessor, the Tech Act. The Tech Act sunsets September 30, 1998. This will result in the termination of federal assistance to nine states for promoting access to assistive technology for individuals with disabilities, and place the remainder of the states in jeopardy of diminished or no funding during or after fiscal year 1999.

Through the ATA the Senate has the opportunity to reaffirm the federal role of promoting access to assistive technology devices and services for individuals with disabilities. The bill allows States flexibility in responding to the assistive technology needs of their citizens with disabilities, and does not disrupt the ongoing work of the 50 State assistive technology programs funded under the Tech Act.

These programs make a difference. Access to assistive technology for an individual with a disability means independence, ability to work or attend school, and the opportunity to participate in community life. Lack of access to assistive technology means dependence and isolation.

In my State of Vermont, Lynne Cleveland is the project director for our Tech Project. Lynne testified before the Labor and Human Resources Committee on April 29, 1998 on the impact of the Vermont Tech Project on the lives of Vermonters with disabilities. For example, one of the many things the Vermont Tech Project supports is a rehabilitation engineering technician program, the only one in the nation, at Vermont Technical College. Graduates of the program work for schools, non-profit agencies, state agencies, and vendors helping others make appropriate, cost-effective decisions regarding assistive technology for individuals with disabilities and educating others about the need for and value of the individual with a disability having a central role in such decisions.

The Vermont Tech Project touches and changes the lives of individual Vermonters of all ages and walks of life. For Bill, a man in his mid-thirties who suffered a stroke, the Tech Project helped secure assistive technology that enabled him to obtain employment designing web pages. Equally important to Bill is that assistive technology enables him to talk again with his children. For Ray, who lost his vision in mid-life, acquiring assistive technology has allowed him to continue as a snowplow dispatcher for the State of Vermont. For Ty, a teenager born with a visual impairment, access to assistive technology means she can pursue her goal of becoming a lawyer. For Annie, a first grader with Downs Syndrome, having assistive technology means that she can use the computer in a regular education classroom, learning and playing games with her classmates. For Lillian, a senior citizen, access to and training on a closed circuit television, enables her to stay in her home rather than living in a nursing home. The Vermont Tech Project has touched each of these individuals by working with others to change policies, improve coordination, pool resources, and educate people about the benefits of assistive technology.

Across the U.S., state assistive technology programs have brought about a wide range of improvements in the last decade. State assistive technology programs have contributed to changes in state laws, improved coordination among state agencies and between the public and private sector, all of which have expanded access to assistive technology. These programs have increased public awareness of the value of assistive technology, have educated individuals with disabilities about how to select and purchase appropriate assistive technology, and expanded the number of individuals in schools, the workplace, and other settings of community life that can provide assistance in selecting, securing, and using assistive technology.

The ATA allows this important work to continue. Title I of the bill supports states in sustaining and strengthening their capacity to address the assistive technology needs of individuals with disabilities; title II brings focus to the federal investment in technology that could benefit individuals with disabilities; and title III supports micro-loan programs to provide assistance to individuals who desire to purchase assistive technology devices or assistive technology services. The legislation also draws attention to and promotes consideration of the principles of universal design in the design of future technology and using the power of the INTERNET to bring best practices related to assistive technology to anyone's keyboard.

In title I the ATA streamlines and clarifies the expectations, including expectations related to accountability, associated with continuing federal support for state assistive technology programs. It targets specific, proven activities, as priorities, referred to as ''mandatory activities''. All state grantees must set measurable goals in connection to their use of ATA funds, and both the goals and the approach to measuring the goals must be based on input from a state's citizens with disabilities.

If a state has received fewer than 10 years of federal funding under the Tech Act for its assistive technology program, title I of the ATA allows a state, which submits a supplement (a continuity grant) to its current Tech Act grant for federal funds, to use ATA funds for mandatory activities: a public awareness program, interagency coordination, technical assistance and training, and outreach. Such a state also may use ATA funds for optional grant activities: alternative state-financed systems for assistive technology devices and assistive technology services, technology demonstrations, distribution of information about how to finance assistive technology devices and assistive technology services, and operation of a technology-related information system, or participation in interstate activities or public-private partnerships pertaining to assistive technology.

If a state has had 10 years of funding for its assistive technology program through the Tech Act, the state may submit an application for a noncompetitive challenge grant under the ATA. Grant funds must be spent on specific activities—interagency coordination, an assistive technology information system, a public awareness program, technical assistance and training, and outreach activities.

In fiscal years 2000 through 2004, if funding for title I exceeds a certain level, states operating under challenge grants may apply for additional ATA funding, provided through competitive millennium grants. These grants are to focus on specific state or local level capacity building activities related to access to technology for individuals with disabilities.

Title I of the ATA also authorizes funding for protection and advocacy systems in each state to assist individuals with disabilities to access assistive technology devices and assistive technology services, and funding for a technical assistance program, including the National Public Internet Site, and specifies administrative procedures with regard to monitoring of entities funded under title I of the ATA.

Title II of the ATA authorizes national activities, including increased coordination and communication among federal agencies with regard to addressing the assistive technology needs of individuals with disabilities. Title III of the Act authorizes a broad range of alternative financing mechanisms to assist individuals with the purchasing of assistive technology through micro-loans.

Providing access to assistive technology for individuals with disabilities was a simple promise in 1988. Today it is much, much more. The ATA represents the bridge to the next century for individuals with disabilities. Across that bridge lies increased independence, realized potential, new partnerships, unimagined challenges, and unlimited opportunities.●

● Mr. HARKIN. Mr. President, I support the Assistive Technology Act of 1998. This Act will enable States and the Federal Government to build on their work under the Technology-Related Assistance for Individuals with Disabilities Act of 1988, or Tech Act, which sunsets this year, and to establish new directions in assistive technology policy for the 21st Century.

In 1988, I was proud to be the chief Senate sponsor of the Tech Act, and was very fortunate to work with then-Representative JEFFORDS, who was the chief House sponsor. In developing this new Act, I have been fortunate to work with Senator JEFFORDS again, and also with Senator BOND, whose commitment and leadership have been invaluable.

The issue of assistive technology is deeply important to me. My brother Frank is deaf. Assistive technology is part of our relationship. Frank and I talk all the time, using a TDD; we watch television together using a closed-caption decoder. My nephew Kelly was injured in the Navy and is a quadriplegic. But he lives independently, in large part because of assistive technology. For example, Kelly is able to drive his van by using a wheelchair lift and hand controls.

But assistive technology doesn't just work for people with disabilities. We hear all the time that defense research often has everyday applications. The same is true of assistive technology research. I saw a television commercial recently, advertising voice-activated software for business executives. Well, that technology was originally development for people whose disability kept them from using a keyboard. And if you've ever watched the closed-captioned news in a noisy restaurant or so you didn't wake up your husband or wife, you've used assistive technology. The more assistive technology we develop, the more all of us will benefit from it.

Under the Assistive Technology Act of 1998, States will be able to continue the consumer-responsive programs of technology-related assistance for people with disabilities they have developed over the past ten years.

The Act will help States establish and strengthen systems to inform people with disabilities what their assistive technology options are, so they can take advantage of them. It will enable States to help schools and employers accommodate assistive technology users, so they can live independently, and get an education and a job. And the Act will create a one-stop Internet site where consumers, family members, assistive technology professionals, and anyone else who's interested can access all the information there is about assistive technology.

The Act also recognizes that the Federal government must work more efficiently, and with the private sector, if we are going to make assistive technology more accessible. It requires federal agencies and offices that conduct assistive technology research to work more closely together, to take advantage of each other's abilities and information and to better utilize federal resources. It enables the Federal government to increase its research, and to make grants to outside researchers, for assistive technology and universal design. It offers help to small businesses to research, develop, and bring assistive technology to the market. And the Act enables the Federal government to work with the information technology industry, to increase the industry's voluntary participation in efforts to make information technology more accessible to people with disabilities.

Finally, the Act will help States establish, or expand, loan programs for people with disabilities or their representatives to access to meet their assistive technology needs.

I have often said that disability is a natural part of the human experience, that in no way diminishes the right of individuals to live independently,

enjoy self-determination, pursue meaningful careers and enjoy full inclusion in the economic, political, social, cultural, and educational mainstream of American society. Assistive technology enables people with disabilities to exercise that right.

There have been amazing changes in technology since we wrote the Tech Act, ten years ago. Technology can do more for more people than ever before—and that trend is going to continue. But that also means the consequences are greater than ever if we don't make assistive technology, information technology, and our society generally, more accessible, because the more technology can do, the further people with disabilities will fall behind if they can't use it.

Mr. President, this Act enjoys broad support in the disability community and the assistive technology community, and is endorsed by the National Governors Association. I hope my colleagues will join Senators JEFFORDS, BOND, and me, and our other cosponsors, in supporting this worthwhile Act.●

● Mr. BOND. Mr. President, today with my colleagues Senator JEFFORDS and Senator HARKIN I introduce the Assistive Technology Act of 1998. This important piece of legislation will provide technical assistance to the more than 50 million citizens in the United States with disabilities.

The Tech Act, passed in 1988, has proven time and again its invaluable assistance in helping persons with disabilities acquire assistive technology that improves their functional capability and quality of life. This technical assistance allows students to learn better in school, adults to acquire jobs, and seniors to live more independently. I have seen the success of the State Tech Act projects first hand in my home State of Missouri. It is estimated that 750,000 Missourians of all ages live with a disabling condition. Ms. Diane Golden, of the Missouri Assistive Technology Project, informed me that Missouri's state office handled 4,000 direct cases this past year, not including thousands of calls regarding information and referrals.

Mr. President, Missourians know the impact of the State Tech Act Projects.

Wanda, an elder Kansas City woman lost most of her hearing late in life. For three years, she lived without the ability to talk with friends or to call her doctor in an emergency. Wanda's inability to use the telephone, in addition to other age related issues, was threatening her ability to continue living in her own home.

Missouri Tech Act Project staff worked with Wanda to identify an adaptive telephone that would allow her to continue to live independently. The cost of the device was prohibitive for this woman and no public funding source was available. Nevertheless, Project staff located a private funding source for the adaptive telephone and as a result Wanda has been able to continue to live independently.

Realizing that thousands of individuals throughout the state were facing the same need for adaptive telephone equipment, the Project developed a statewide telecommunication equipment distribution program that provides Missourians, with all types of disabilities, adaptive telephone equipment. The program has been operational for a year and has provided more than one million dollars of adaptive telephone equipment to thousands of Missourians.

Another Missourian, Mary, an 8-year-old young girl, who is non-vocal, needed an augmentative communication device that would allow her to communicate at home and school. Medicaid had approved purchasing the device just before its conversion from a fee-based system to a managed care system. The new managed care plan was unfamiliar with augmentative communication devices and the family was having no success in securing the device. Project staff worked with the managed care provider to explain the importance and cost-effectiveness of augmentative communication devices and as a result, secured funding for Mary's device.

Understanding that most, if not all, of the managed care plans under contract with Medicaid would be unfamiliar with augmentative communication devices and other types of assistive technology, Project staff worked with the Missouri Medicaid plans to educate them about the importance, cost-effectiveness, and coverage of assistive technology. As a result, numerous plans routinely approve assistive technology. As a result, numerous plans routinely approve assistive technology devices and many call the Project for assistance when they receive requests for assistive devices of which they are unfamiliar.

These examples are just a small sampling of the successes of the Missouri Technology Assistance Project. Some other accomplishments of the Project include development of an educational technology access informational packet that the Department of Education distributed to more than 17,000 schools nationally; passage of a sales tax exemption for the purchase of assistive technology in Missouri; establishment of a short-term equipment loan program; development and distribution of a Consumer Guide to Missouri Assistive Device Lemon Laws; and establishment of a web page with postings of equipment for their recycling program.

Missouri's success is one example of the many accomplishments of other State Tech Act Projects since the inception of the Tech Act in 1988. The Assistive Technology Act of 1988 will guarantee that states continue to serve the disabled community, their families, friends, teachers, and employers.

The bill we are introducing also provides improvements to the current State Tech Act Projects. Some notable improvements include better coordination and information sharing; Microloan programs to help assistive technology end users in obtaining assistive devices; incentive grants to assure better accountability of all programs; and increased small business investment in assistive and universally designed technology research and development. These improvements and new initiatives strengthen the work currently done by the State Tech Act Projects, encourage improvements to current programs and are forward looking in the acquisition, development, and service delivery of assistive technology.

State Tech Act Projects provide vital technology related services to individuals with disabilities. The initiatives of these important programs ensure the availability of technology to people with disabilities that make living independently a reality. The Assistive Technology Act of 1998 strengthens and maintains a program that works for a constituency that would otherwise be denied the exciting opportunities that technology affords.

Mr. President I urge my colleagues in the Senate and the House to pass this legislation expediently so that technological assistance can continue to be available for our nation's disabled.

Let me conclude by thanking my distinguished colleagues Senator JEFFORDS and Senator HARKIN and their staff for their hard work on this important piece of legislation. Mr. President, on behalf of Senators JEFFORDS and HARKIN and myself, I ask unanimous consent to print in the RECORD, a letter of support for the Assistive Technology Act of 1998 from the United Cerebral Palsy Association.

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

UNITED CEREBRAL PALSY ASSOCIATIONS,
Washington, DC, September 2, 1998.

DEAR SENATORS JEFFORDS, BOND, AND HARKIN: On behalf of Untied Cerebral Palsy Association (UCPA) and our 151 affiliates, we strongly endorse the Assistive Technology Act of 1998. We applaud your interest in overcoming barriers to, funding for, and access to assistive technology devices and services for individuals with disabilities of all ages. This access provides the gateway to not only education and employment but also other activities of daily living for the approximately 54 million individuals with disabilities in this country.

Through our national technical assistance efforts, UCPA has been able to assist thousands of people by providing information, training and technical assistance to individuals with disabilities, family members, and those who work with individuals with disabilities. However, a great number of individuals do not have access to assistive technology that would improve their quality of life. This legislation will further the goal of universal access.

Thank you for the opportunity to comment on this legislation.

Sincerely,

PETER KEISER,
Chair, Community Services Committee.●

By Mr. D'AMATO:

S. 2433. A bill to protect consumers and financial institutions by preventing personal financial information

from being obtained from financial institutions under false pretenses; to the Committee on Banking, Housing, and Urban Affairs.

FINANCIAL INFORMATION PRIVACY ACT

Mr. D'AMATO. Mr. President, I rise today to introduce important pro-consumer legislation to protect the privacy of confidential financial information for every American. The Financial Information Privacy Act will make it a federal crime to obtain or attempt to obtain private consumer information from our nation's financial institutions through the use of false, fictitious or fraudulent statements.

Mr. President, the exploitation of personal information by unscrupulous ''information brokers'' and individuals attempting to pry into the private financial affairs of others is an issue of vital concern to every American.

A flourishing industry of ''information brokers'' has emerged as detailed in hearings held just last month by the House Banking Committee. These individuals use deceptive practices, such as lying about their identity on the phone, in order to obtain personal customer information for resale. Armed with personal information such as bank account balances, account numbers and transaction activity, this information can be used to build a profile of a consumer which can be bought and sold in the marketplace. Advances in technology have enabled information brokers to inexpensively create enormous databases of individual profiles and use the Internet to market their information worldwide.

Mr. President, these same techniques are used by criminals to obtain information to create fraudulent credit applications that can quickly destroy a victims credit worthiness and require months of effort to clear up. The problem is growing exponentially. One of the leading credit reporting services reports that since 1992, the number of financial fraud cases where individuals have pretended to be another person has risen from 32,000 to more than 500,000 in 1997. I believe the evidence is clear that inadequate financial privacy laws are a significant factor in this rise. Americans demand and rightfully expect the privacy of personal financial information.

While existing laws do provide protection against unfair and deceptive practices, there is no federal law that expressly prohibits acquiring personal customer account information under false pretenses. Banking groups and federal regulatory agencies have all testified that this legislation would be an important tool to protect consumers from the invasive practices of information brokers. Passage of this measure will make it clear that Congress will not tolerate this invasion of privacy and will do whatever is necessary to insure that the private financial information of our citizens remains private.

Mr. President, in closing I want to comment Chairman LEACH for his quick action in the House to move this measure forward. Working together with our House colleagues, we have an opportunity to greatly strengthen the privacy laws that safeguard the personal financial information of every American. I urge my colleagues to vote in favor of this vital legislation.

I ask unanimous consent that the full text of this bill be printed in the RECORD.

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

S. 2433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINANCIAL INFORMATION PRIVACY.

(a) IN GENERAL.—The Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended by adding at the end the following:

''TITLE X—FINANCIAL INFORMATION PRIVACY PROTECTION

''§ 1001. Short title

''This title may be cited as the 'Financial Information Privacy Act'.

''§ 1002. Definitions

''For purposes of this title, the following definitions shall apply:

''(1) CUSTOMER.—The term 'customer' means, with respect to a financial institution, any person (or authorized representative of a person) to whom the financial institution provides a product or service, including that of acting as a fiduciary.

''(2) CUSTOMER INFORMATION OF A FINANCIAL INSTITUTION.—The term 'customer information of a financial institution' means any information maintained by a financial institution which is derived from the relationship between the financial institution and a customer of the financial institution and is identified with the customer.

''(3) DOCUMENT.—The term 'document' means any information in any form.

''(4) FINANCIAL INSTITUTION.—

''(A) IN GENERAL.—The term 'financial institution' means any institution engaged in the business of providing financial services to customers who maintain a credit, deposit, trust, or other financial account or relationship with the institution.

''(B) CERTAIN FINANCIAL INSTITUTIONS SPECIFICALLY INCLUDED.—The term 'financial institution' includes any depository institution (as defined in section 19(b)(1)(A) of the Federal Reserve Act), any loan or finance company, any credit card issuer or operator of a credit card system, and any consumer reporting agency that compiles and maintains files on consumers on a nationwide basis (as defined in section 603(p)).

''(C) FURTHER DEFINITION BY REGULATION.—The Board of Governors of the Federal Reserve System may prescribe regulations further defining the term 'financial institution', in accordance with subparagraph (A), for purposes of this title.

''§ 1003. Privacy protection for customer information of financial institutions

''(a) PROHIBITION ON OBTAINING CUSTOMER INFORMATION BY FALSE PRETENSES.—It shall be a violation of this title for any person to obtain or attempt to obtain, or cause to be disclosed or attempt to cause to be disclosed to any person, customer information of a financial institution relating to another person—

''(1) by knowingly making a false, fictitious, or fraudulent statement or representation to an officer, employee, or agent of a financial institution with the intent to deceive the officer, employee, or agent into relying on that statement or representation for purposes of releasing the customer information;

''(2) by knowingly making a false, fictitious, or fraudulent statement or representation to a customer of a financial institution with the intent to deceive the customer into relying on that statement or representation for purposes of releasing the customer information or authorizing the release of such information; or

''(3) by knowingly providing any document to an officer, employee, or agent of a financial institution, knowing that the document is forged, counterfeit, lost, or stolen, was fraudulently obtained, or contains a false, fictitious, or fraudulent statement or representation, if the document is provided with the intent to deceive the officer, employee, or agent into relying on that document for purposes of releasing the customer information.

''(b) PROHIBITION ON SOLICITATION OF A PERSON TO OBTAIN CUSTOMER INFORMATION FROM FINANCIAL INSTITUTION UNDER FALSE PRETENSES.—It shall be a violation of this title to request a person to obtain customer information of a financial institution, knowing or consciously avoiding knowing that the person will obtain, or attempt to obtain, the information from the institution in any manner described in subsection (a).

''(c) NONAPPLICABILITY TO LAW ENFORCEMENT AGENCIES.—No provision of this section shall be construed so as to prevent any action by a law enforcement agency, or any officer, employee, or agent of such agency, to obtain customer information of a financial institution in connection with the performance of the official duties of the agency.

''(d) NONAPPLICABILITY TO FINANCIAL INSTITUTIONS IN CERTAIN CASES.—No provision of this section shall be construed so as to prevent any financial institution, or any officer, employee, or agent of a financial institution, from obtaining customer information of such financial institution in the course of—

''(1) testing the security procedures or systems of such institution for maintaining the confidentiality of customer information;

''(2) investigating allegations of misconduct or negligence on the part of any officer, employee, or agent of the financial institution; or

''(3) recovering customer information of the financial institution which was obtained or received by another person in any manner described in subsection (a) or (b).

''(e) NONAPPLICABILITY TO CERTAIN TYPES OF CUSTOMER INFORMATION OF FINANCIAL INSTITUTIONS.—No provision of this section shall be construed so as to prevent any person from obtaining customer information of a financial institution that otherwise is available as a public record filed pursuant to the securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934).

''§ 1004. Administrative enforcement

''(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—Except as provided in subsection (b), compliance with this title shall be enforced by the Federal Trade Commission in the same manner and with the same power and authority as the Commission has under

the title VIII, the Fair Debt Collection Practices Act, to enforce compliance with such title.

''(b) ENFORCEMENT BY OTHER AGENCIES IN CERTAIN CASES.—

''(1) IN GENERAL.—Compliance with this title shall be enforced under—

''(A) section 8 of the Federal Deposit Insurance Act, in the case of—

''(i) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

''(ii) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act, by the Board;

''(iii) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System and national nonmember banks) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation; and

''(iv) savings associations the deposits of which are insured by the Federal Deposit Insurance Corporation, by the Director of the Office of Thrift Supervision; and

''(B) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any Federal credit union.

''(2) VIOLATIONS OF THIS TITLE TREATED AS VIOLATIONS OF OTHER LAWS.—For the purpose of the exercise by any agency referred to in paragraph (1) of its powers under any Act referred to in that paragraph, a violation of this title shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in paragraph (1), each of the agencies referred to in that paragraph may exercise, for the purpose of enforcing compliance with this title, any other authority conferred on such agency by law.

''(c) STATE ACTION FOR VIOLATIONS.—

''(1) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, if the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this title, the State—

''(A) may bring an action to enjoin such violation in any appropriate United States district court or in any other court of competent jurisdiction;

''(B) may bring an action on behalf of the residents of the State to recover damages of not more than $1,000 for each violation; and

''(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

''(2) RIGHTS OF FEDERAL REGULATORS.—

''(A) PRIOR NOTICE.—The State shall serve prior written notice of any action under paragraph (1) upon the Federal Trade Commission and, in the case of an action which involves a financial institution described in section 1004(b)(1), the agency referred to in such section with respect to such institution and provide the Federal Trade Commission and any such agency with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

''(B) RIGHT TO INTERVENE.—The Federal Trade Commission or an agency described in subsection (b) shall have the right—

''(i) to intervene in an action under paragraph (1);

''(ii) upon so intervening, to be heard on all matters arising therein;

''(iii) to remove the action to the appropriate United States district court; and

''(iv) to file petitions for appeal.

''(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, no provision of this subsection shall be construed as preventing the chief law enforcement officer, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(4) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION PENDING.—If the Federal Trade Commission or any agency described in subsection (b) has instituted a civil action for a violation of this title, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Federal Trade Commission or such agency for any violation of this title that is alleged in that complaint.

''§ 1005. Civil liability

''Any person, other than a financial institution, who fails to comply with any provision of this title with respect to any financial institution or any customer information of a financial institution shall be liable to such financial institution or the customer to whom such information relates in an amount equal to the sum of the amounts determined under each of the following paragraphs:

''(1) ACTUAL DAMAGES.—The greater of—

''(A) the amount of any actual damage sustained by the financial institution or customer as a result of such failure; or

''(B) any amount received by the person who failed to comply with this title, including an amount equal to the value of any nonmonetary consideration, as a result of the action which constitutes such failure.

''(2) ADDITIONAL DAMAGES.—Such additional amount as the court may allow.

''(3) ATTORNEYS' FEES.—In the case of any successful action to enforce any liability under paragraph (1) or (2), the costs of the action, together with reasonable attorneys' fees.

''§ 1006. Criminal penalty

''(a) IN GENERAL.—Whoever violates, or attempts to violate, section 1003 shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both.

''(b) ENHANCED PENALTY FOR AGGRAVATED CASES.—Whoever violates, or attempts to violate, section 1003 while violating another law of the United States or as part of a pattern of any illegal activity involving more than $100,000 in a 12-month period shall be fined twice the amount provided in subsection (b)(3) or (c)(3) (as the case may be) of section 3571 of title 18, United States Code, imprisoned for not more than 10 years, or both.

''§ 1007. Relation to State laws

''(a) IN GENERAL.—This title shall not be construed as superseding, altering, or affecting the statutes, regulations, orders, or interpretations in effect in any State, except to the extent that such statutes, regulations, orders, or interpretations are inconsistent with the provisions of this title, and then only to the extent of the inconsistency.

''(b) GREATER PROTECTION UNDER STATE LAW.—For purposes of this section, a State statute, regulation, order, or interpretation is not inconsistent with the provisions of this title if the protection such statute, regulation, order, or interpretation affords any person is greater than the protection provided under this title.

''§ 1008. Agency guidance

''In furtherance of the objectives of this title, each Federal banking agency (as defined in section 3(z) of the Federal Deposit Insurance Act) shall issue advisories to depository institutions under the jurisdiction of the agency, in order to assist such depository institutions in deterring and detecting activities proscribed under section 1003.''.

(b) REPORT TO THE CONGRESS.—Before the end of the 18-month period beginning on the date of the enactment of this Act, the Comptroller General, in consultation with the Federal Trade Commission, Federal banking agencies, and appropriate Federal law enforcement agencies, shall submit to the Congress a report on the following:

(1) The efficacy and adequacy of the remedies provided in the amendments made by subsection (a) in addressing attempts to obtain financial information by fraudulent means or by false pretenses.

(2) Any recommendations for additional legislative or regulatory action to address threats to the privacy of financial information created by attempts to obtain information by fraudulent means or false pretenses.

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 2434. A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to a motor vehicle franchise contracts; to the Committee on the Judiciary.

MOTOR VEHICLE FRANCHISE CONTRACT ARBITRATION FAIRNESS ACT OF 1998

Mr. GRASSLEY. Mr. President, today, I am joined by my colleague from Wisconsin, Senator FEINGOLD, in introducing the Motor Vehicle Franchise Contract Arbitration Fairness Act of 1998.

As the Senate's leading advocate of ADR or alternative dispute resolution, I have attempted to facilitate the use of ADR in a number of ways. In the last Congress, we enacted my legislation to make permanent the use of ADR with and among our federal agencies. This year, we are attempting to enact legislation authorizing federal court-annexed ADR.

A small percentage of ADR cases involves the use of binding arbitration. In dealing with arbitration, I have tried to emphasize the use of voluntary, rather than mandatory arbitration. Both parties must agree to voluntary arbitration, whereas mandatory arbitration can be forced upon a party, as in the case of some contractual arrangements. The authorization and use of mandatory arbitration has to be carefully considered since the right to trial may be limited or even forfeited.

One such arrangement can be found in some contracts between automobile or truck dealers and manufacturers. In these contracts, dealers are given a ''take it or leave it'' clause that forces them to agree to binding arbitration. There is no real bargaining. If the dealer wants the contract, he or she has to agree to the mandatory arbitration clause.

A number of states have enacted laws to prevent these types of unfair contracts. But, even though these clauses may violate a number of state laws, the Fourth Circuit overturned a lower court and ruled that these state laws conflict with the Federal Arbitration Act of 1925, and are therefore preempted by the Supremacy Clause of the U.S. Constitution. So much for states' rights.

Historically, Congress has questioned whether arbitration agreements should allow a stronger party to a contract to force a weaker party to forfeit rights to a court as a condition of entering a contract. But, it's been unclear as to what exactly the federal law allows. I believe it's now time to do more than just question these unfair ''agreements''.

The legislation Senator FEINGOLD and I are introducing today would help remedy this current unfortunate situation by allowing only voluntary arbitration clauses between dealers and manufacturers. The bill would continue to recognize arbitration as a valuable alternative to litigation as long as both parties voluntarily agree to it. We want to preserve arbitration as an effective alternative to litigation, but we want to ensure that it's a fair alternative.

I urge my colleagues to join Senator FEINGOLD and myself in trying to address these unfair franchise contracts.

Mr. FEINGOLD. Mr. President, I rise today to introduce, with my distinguished colleague from Iowa, Senator GRASSLEY, the Motor Vehicle Franchise Contract Arbitration Fairness Act of 1998.

While alternative dispute resolution such as arbitration can serve a useful purpose in resolving disputes between parties, I am extremely concerned with the increasing trend of stronger parties to a contract forcing weaker parties to waive their rights and to arbitrate disputes. Earlier this Congress, I introduced S. 63, the Civil Rights Procedures Act, to amend certain civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination and sexual harassment.

It has come to my attention that the automobile and truck manufacturers, which present dealers with ''take it or leave it'' contracts, are increasingly including mandatory, binding arbitration clauses as a condition of entering into or keeping an auto or truck franchise. This practice forces dealers to submit their disputes with manufacturers to involuntary arbitration. As a result, dealers are required to waive access to judicial or administrative forums, substantive contract rights, and statutorily provided protection. In short, this practice clearly violates the dealers fundamental due process rights and runs directly counter to basic principles of fairness.

Historically and currently, franchise agreements for auto and truck dealerships are nonnegotiable with the manufacturer; the dealer accepts the terms offered by the manufacturer or they lose the dealership; plain and simple. Dealers, therefore, have been forced to rely on the states to pass laws designed to minimize the manufacturers' greater bargaining power and to safeguard their rights. The first such state automobile statute was enacted in my home state of Wisconsin in 1937. Since then all states, except Alaska, have enacted substantive law to balance the enormous bargaining power enjoyed by manufacturers over dealers and to safeguard small business dealers from unfair automobile and truck manufacturer practices.

In addition, the majority of states have created their own alternative dispute resolution mechanisms and forums which specialize in auto and truck industry disputes. These administrative forums are inexpensive, efficient, and unbiased. For example, in Wisconsin mandatory mediation is required before the start of an administrative hearing or court action. Arbitration is also optional if both parties agree. These state dispute resolution forums, with years of experience and precedent, are greatly responsible for the small number of manufacturer/dealer lawsuits.

Unfortunately, when mandatory binding arbitration is included in dealer agreements, state laws and forums established to resolve auto dealer and manufacturer disputes are essentially null and void. Under the Federal Arbitration Act (FAA) arbitrators are not required to apply federal or state law. The stronger party—in this case the auto or truck manufacturer—can, therefore, use mandatory arbitration to circumvent the state laws which were specifically enacted to regulate the dealer/manufacturer relationship. Not only is the circumvention of these laws inequitable, it also eliminates the deterrent to prohibited acts that these state laws provide.

Besides losing the protection of state law and the ability to use state forums, there are other numerous reasons why a dealer may not want to agree to binding arbitration. Arbitration lacks some of the important safeguards and due process offered by administrative procedures and the judicial system. For example: (1) arbitration lacks the formal court supervised discovery process oftentimes necessary to learn facts and gain documents; (2) an arbitrator need not follow the rules of evidence; (3) arbitrators generally have no obligation to provide factual or legal discussion of their decision in a written opinion; and (4) arbitration often does not allow for judicial review.

The most troubling problem with this sort of mandatory, binding arbitration may be the absence of judicial review. Take for instance a dispute over a dealership termination. To that dealer—that small business person—this decision is of paramount importance. Even under this scenario, the dealer would not have recourse to substantive judicial review of the arbitrators' ruling. Let me be very clear on this point; in most circumstances a dealer cannot appeal an arbitration award even if the arbitration panel disregarded state law which likely would have produced a different result.

This problem is growing. The use of mandatory binding arbitration is increasing in many industries, but nowhere is it growing more steadily than the auto/truck industry. Currently 11 auto and truck manufacturers require some form of such arbitration in their dealer franchise contracts.

In recognition of this problem, many states enacted laws to prohibit the inclusion of mandatory, binding arbitration clauses in certain agreements. The Supreme Court, however, held in *Southland Corp.* v. *Keating,* 104 S. Ct. 852 (1984), that the FAA by implication preempts these state laws. The Southland Corp. decision has, in effect, nullified many state arbitration laws that were designed to protect weaker parties in unequal bargaining positions from involuntarily acquiescing—often without other meaningful options—to these mandatory, binding arbitration clauses.

The legislative history indicates that Congress never intended that the FAA be a tool that the stronger party to a contract could use to force the weaker party into binding arbitration. Congress certainly did not intend the FAA to be a weapon used to coerce parties into relinquishing important protections and rights that would have been afforded them by the judicial system. Unfortunately, this is precisely the current situation.

Although contract law is generally the province of the states, the Supreme Court's decision in Southland Corp. has in effect made any state action on this issue moot. I, therefore, along with Senator GRASSLEY, am introducing this bill today to ensure that auto and truck dealers are not coerced into waiving their rights. Our bill, the Motor Vehicle Franchise Contract Arbitration Fairness Act of 1998 would simply allow each party to an auto or truck franchise contract to voluntarily agree to arbitration; mandatory, binding arbitration would be prohibited. The bill would not proscribe arbitration, however. On the contrary, our measure would encourage arbitration by making it a fair choice that both parties to such a franchise contract willing and knowingly select. In short, this bill would ensure that the decision to arbitrate is voluntary and that the rights and remedies provided for by our judicial system are not mandatorily waived.

Today if a small business person wants to obtain or keep her or his auto or truck franchise, she or he may only be able to do so by relinquishing her or his statutory rights and foreclosing the opportunity to use the courts or administrative forums. Mr. President, I cannot not say this more strongly—this is unacceptable; this is wrong. I,

therefore, urge my colleagues to join with Senator GRASSLEY and me to put an end to the invidious practice.

By Mr. ALLARD:

S. 2435. A bill to permit the denial of airport access to certain air carriers; to the Committee on Commerce, Science, and Transportation.

AIRPORT PROTECTION FROM FORCED SCHEDULED SERVICE

• Mr. ALLARD. Mr. President, today I am introducing legislation to address a problem facing small reliever airports that do not accept scheduled service operations. Centennial Airport is a small reliever airport near Denver, Colorado, where operations consist primarily of small private chartered and business planes. A unique situation exists at Centennial Airport involving certain charter services and a loophole in the Federal regulations governing scheduled flights.

Centennial Airport is not certificated for scheduled flight service. In fact, the Airport Authority, with strong local backing, has banned scheduled service at Centennial. According to Federal law, the Federal Aviation Administration cannot force any airport to become certificated. The airport is not equipped with a terminal, baggage system, or passenger security. Furthermore, Denver International Airport is less than 25 miles from Centennial, and has the capacity to handle additional scheduled service operations.

A situation arose more than three years ago when a company called Centennial Express Airlines, Inc., began charter service at Centennial, but immediately announced that the airline's service would continue as scheduled service. The Airport Authority sued and the County District Court ordered the flights stopped. In April of this year the Colorado Supreme Court ruled in favor of Centennial Airport Authority's ban. The Court cited the safe operation of the airport as a priority, and upheld the airport's discretion to prohibit scheduled passenger service.

While this decision protected the airport's right to refuse scheduled service, a similar situation recently arose with another company, Colorado Connection Executive Air Services, and the result has been detrimental for Centennial airport.

In 1997, Colorado Connection proposed to start public charter passenger service pursuant to a regular and public schedule. Colorado Connection, which is entirely owned by Air One Charter, tried using a combination of Department of Transportation and Federal Aviation Administration exemptions to offer scheduled service under Federal regulations, because the company that books the flights does not own the aircraft and the schedule is not officially published in the airline guide. The use of two different corporate names allowed Air One Charter to fly the scheduled passenger service under Colorado Connection without subjecting the airline to FAA scheduled service regulations. Air One Charter indicated intent to market 6–12 daily flights to various Colorado cities and to contract baggage services for their flights.

The Centennial Airport Authority unanimously voted to deny airport access to Colorado Connection's scheduled service. The vote took place in April 1998 and a month later the FAA initiated a part 16 investigation. The FAA claims that the Airport Authority's move to deny service is unjustly discriminatory. Last week the FAA issued a decision to pull Federal funding for Centennial Airport if the ban on scheduled service is not lifted. This decision is in direct conflict with the Colorado Supreme Court's ruling on the issue. It is the result of a loophole in a law that was not intended to force small airports to take on the responsibility and burden of supporting scheduled service.

Immediately following the announcement of the FAA's decision, the owner of Centennial Express was reported by the Denver Post to have plans to begin scheduled flights from Centennial Airport.

I am proposing legislation to rectify this situation and uphold the authority of airports like Centennial to ban all scheduled service if they choose to do so. This bill would allow a general aviation airport to deny access to a part 380 public charter operator that operates as a scheduled service, and clarifies that such action would not be in violation of requirements for federal airport aid. This will not require any airport to do anything, and it will not allow an airport to discriminate against one scheduled service operator and not another.

This amendment is nearly identical to language that the House Commerce Committee has included in its FAA Reauthorization Act. It would prohibit the FAA from charging discrimination if an airport chooses to deny access to scheduled service operators. It will only apply to reliever airports that are not certificated under Part 139 to handle scheduled service and airports within 35 miles of a large hub airport.

I am not aware specifically of any other reliever airports existing outside of Colorado that have an interest in this legislation, however, I hope that my colleagues see the importance of protecting the right of small airports and surrounding communities to refuse all scheduled service operations.•

ADDITIONAL COSPONSORS

S. 37

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 37, a bill to terminate the Uniformed Services University of the Health Sciences.

S. 59

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 59, a bill to terminate the Extremely Low Frequency Communication System of the Navy.

S. 230

At the request of Mr. THURMOND, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 230, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 466

At the request of Mr. LAUTENBERG, the names of the Senator from Virginia (Mr. ROBB), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 466, a bill to reduce gun trafficking by prohibiting bulk purchases of handguns.

S. 981

At the request of Mr. LEVIN, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 981, a bill to provide for analysis of major rules.

S. 1097

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1097, a bill to reduce acid deposition under the Clean Air Act, and for other purposes.

S. 1482

At the request of Mr. COATS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1482, a bill to amend section 223 of the Communications Act of 1934 to establish a prohibition on commercial distribution on the World Wide Web of material that is harmful to minors, and for other purposes.

S. 1649

At the request of Mr. FORD, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1649, a bill to exempt disabled individuals from being required to enroll with a managed care entity under the Medicaid program.

S. 1858

At the request of Mr. JEFFORDS, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1858, a bill to amend the Social Security Act to provide individuals with disabilities with incentives to become economically self-sufficient.

S. 1970

At the request of Mr. ABRAHAM, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1970, a bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

S. 2049

At the request of Mr. KERREY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2049, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 2054

At the request of Mr. JEFFORDS, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Minnesota (Mr. GRAMS), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2054, a bill to amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a model project to provide the Department of Veterans Affairs with Medicare reimbursement for Medicare health-care services provided to certain Medicare-eligible veterans.

S. 2181

At the request of Mr. AKAKA, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2181, a bill to amend section 3702 of title 38, United States Code, to make permanent the eligibility of former members of the Selected Reserve for veterans housing loans.

S. 2185

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2185, a bill to protect children from firearms violence.

S. 2190

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 2190, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 2201

At the request of Mr. TORRICELLI, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 2201, a bill to delay the effective date of the final rule promulgated by the Secretary of Health and Human Services regarding the Organ Procurement and Transplantation Network.

S. 2222

At the request of Mr. GRASSLEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2222, a bill to amend title XVIII of the Social Security Act to repeal the financial limitation on rehabilitation services under part B of the Medicare Program.

S. 2265

At the request of Mr. TORRICELLI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2265, a bill to amend the Social Security Act to waive the 24-month waiting period for Medicare coverage of individuals disabled with amyotrophic lateral sclerosis (ALS), to provide Medicare coverage of drugs used for treatment of ALS, and to amend the Public Health Service Act to increase Federal funding for research on ALS.

S. 2295

At the request of Mr. MCCAIN, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Delaware (Mr. BIDEN) 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 Mississippi (Mr. COCHRAN) 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. 2323

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 2323, a bill to amend title XVIII of the Social Security Act to preserve access to home health services under the Medicare program.

S. 2346

At the request of Mr. ALLARD, the name of the Senator from Mississippi (Mr. COCHRAN) 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. 2371

At the request of Mr. HAGEL, the name of the Senator from Texas (Mrs. HUTCHISON) 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.

At the request of Mr. LOTT, the names of the Senator from Wyoming (Mr. ENZI), and the Senator from Texas (Mr. GRAMM) were added as cosponsors of S. 2371, supra.

S. 2425

At the request of Mr. SESSIONS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2425, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

SENATE JOINT RESOLUTION 55

At the request of Mr. ROTH, the names of the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Idaho (Mr. KEMPTHORNE) were added as cosponsors of Senate Joint Resolution 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.

SENATE CONCURRENT RESOLUTION 91

At the request of Mr. WARNER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of Senate Concurrent Resolution 91, a bill expressing the sense of the Congress that a postage stamp should be issued to commemorate the life of George Washington and his contributions to the Nation.

SENATE RESOLUTION 259

At the request of Mr. THURMOND, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Missouri (Mr. BOND) 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. 2244

At the request of Mr. CHAFEE the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 2244 proposed to S. Con. Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

SENATE RESOLUTION 270—EXPRESSING THE SENSE OF THE SENATE CONCERNING ACTION THAT THE PRESIDENT OF THE UNITED STATES SHOULD TAKE TO RESOLVE THE DISPUTE BETWEEN THE AIRLINE PILOTS ASSOCIATION AND NORTHWEST AIRLINES

Mr. FRIST (for himself, Mr. LOTT, and Mr. THOMPSON) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 270

Whereas a strike by the Air Line Pilots Association, the union of the pilots of Northwest Airlines, has led to a severe disruption in air service;

Whereas such a strike could result in the loss of employment by tens of thousands of individuals in the United States;

Whereas such a strike affects approximately 11 percent of the domestic airline traffic in the United States;

Whereas such a strike would cause more than 44,000 Northwest Airlines employees to be idle;

Whereas such a strike could affect—

(1) the livelihood of thousands of other workers employed in airline and airport supply industries; and

(2) commerce relating to tourism, logistics, and business requiring travel;

Whereas such a strike could cause substantial adverse economic effects in communities of the United States; and

Whereas because nearly 20 percent of the air traffic of Northwest Airlines is in foreign air commerce (as that term is defined in section 40102 of title 49, United States Code), a strike could have an adverse effect with respect to—

(1) the expansion of the market of United States goods and services in foreign countries; and

(2) the trading partners of the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should work in conjunction with the National Mediation Board to facilitate a resolution of the labor dispute between the Air Line Pilots Association and Northwest Airlines; and

(2) the President should—

(A) immediately after the enactment of this resolution, encourage the settlement of the issues that are the subject of the labor dispute through the use of the services of the National Mediation Board established under section 4 of the Railway Labor Act (45 U.S.C. 154) or an agreement by the parties to the dispute to arbitrate the issues that are the subject of the labor dispute through the National Mediation Board; and

(B) if necessary, establish a board under section 10 of the Railway Labor Act (45 U.S.C. 160) to serve as an emergency board to investigate the matter relating to the labor dispute and to make a report to the President in the manner prescribed in that section.

● Mr. FRIST. Mr. President, I rise today to ask the Senate to go on record and ask the President to use all of the powers available to him to end the Northwest Airlines strike.

As many of my colleagues are already aware, Northwest Airlines Pilots have been on strike since the 29th of August. At this time there are no talks between pilots and management. Additionally, the management of Northwest Airlines insists that they have made their ''final'' offer.

Northwest Airlines loses a minimum of $27 million a day in lost revenue. Additional costs are incurred from placing booked passengers on other airlines. The first ten days of the strike are expected to cost the U.S. economy over $700 million. Further, Northwest is temporarily laying off as many as 30,000 workers by the end of this week.

Northwest and Northwest Airlink have 552 departures in Tennessee. This is nearly half of Tennessee's air service. Every major city in Tennessee is affected by the Northwest Airlines strike: Jackson, Tennessee has lost 100 percent of its service, Memphis has lost 77 percent, and Knoxville 11 percent. The strike left over 9,000 passengers stranded in Tennessee. Approximately 46 percent of stranded travelers will be unable to find travel on other airlines.

The numbers of people stranded and the money lost are so large that they have become mere abstractions. Behind the numbers and figures exist struggling small businesses, air travelers experiencing ridiculous inconveniences, and real economic loss. All of these people are innocent bystanders held hostage by a dispute that they have nothing to do with.

For all of the reasons I have outlined, I am submitting a resolution today that asks the President of the United States to act immediately to bring this strike to a quick conclusion. If necessary, the President should not hesitate to create a Presidential Emergency Board to resolve the dispute between the Air Line Pilots Association and Northwest Airlines. Too many people have already suffered as a result of this strike. It is certainly time to advance the common interests of the pilots, passengers, management and bystanders, and end this strike.●

AMENDMENTS SUBMITTED

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT

HUTCHISON (AND MCCONNELL) AMENDMENT NO. 3526

Mrs. HUTCHISON (for herself and Mr. MCCONNELL) proposed an amendment to amendment No. 3500 proposed by Mr. MCCAIN to the 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; as follows:

Add the following proviso:

(5) North Korea is not providing ballistic missiles or ballistic missile technology to a country the government of which the Secretary of State has determined is a terrorist government for the purposes of section 40(d) of the Arms Export Control Act or any other comparable provision of law.

DODD (AND OTHERS) AMENDMENT NO. 3527

Mr. DODD (for himself, Mr. HARKIN, Ms. MIKULSKI, Mr. KERREY, Mr. KERRY, Mr. LEAHY, and Mr. JEFFORDS) 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) RESPONSIBILITY TO MAKE AVAILABLE HUMAN RIGHTS RECORDS PURSUANT TO PENDING REQUESTS.—

(1) GUATEMALA AND HONDURAS.—The United States has received specific written requests for human rights records from the Guatemala Clarification Commission and the National Human Rights Commissioner in Honduras, and from American citizens and their relatives who have been victims of gross violations of human rights in those countries.

(2) Not later than 120 days after the date of enactment of this Act, each agency shall review all requested human rights records referred to in subsection (a)(1) which it has not yet located or reviewed for the purpose of declassifying and disclosing such records to the public except as provided in subsection (b),

(b) POSTPONEMENT OF PUBLIC DISCLOSURE.—

(1) GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLOSURE OF HUMAN RIGHTS RECORDS.—An agency may only postpone public disclosure of a human rights record or portions thereof that are responsive to the pending requests—

(A) pursuant to the declassification standards contained in section 6 of P.L. 102–526 or

(B)(i) if its public disclosure should be expected to reveal the identity of a confidential human source.

(ii) however it shall not be grounds for withholding from public disclosure relevant information about an individual's involvement in a human rights matter solely because that individual was or is an intelligence source, however the public disclosure of the fact that the individual was or is such a source may be withheld pursuant to this section.

(2) REVIEW OF DECISION TO WITHHOLD RECORDS.—The Interagency Security Classification Appeals Panel (hereinafter in this section the ''Panel''), established under Executive Order No. 12958, shall—

(A) review all decisions to withhold the public disclosure of any human rights record that has been identified pursuant to requests referred to in subsection (a)(1), subject to the declassification standards referred to in subsection (b)(1);

(B) notify the head of the agency in control or possession of the human rights record that was the subject of the review of its determination and publish such determination in the Federal Register;

(C) contemporaneously notify the President of its determination, who shall have the sole and nondelegable authority to review any determination of the Panel, and whose review shall be based on the declassification standards referred to in subsection (b)(1). Within 30 calendar days of notification, the President shall provide the Panel with an unclassified certification setting forth his decision and the reasons therefor; and

(D) publish in the Federal Register a copy of any unclassified written certification, statement, and any other materials that the President deems appropriate in each instance.

(3) REFERENCES.—For purposes of this section, references in sections 6 and 9 of P.L. 102–526 to ''assassination records'' shall be deemed to be references to ''human rights records.''

(c) CREATION OF POSITIONS.—(1) For purposes of carrying out the provisions of this section, there shall be two additional positions on the Panel. The President shall appoint individuals, not currently employees of the United States Government, who have substantial human rights expertise and who are able to meet the requisite security clearance requirements for these positions.

(2) The rights and obligations of such individuals on the Panel shall be limited to matters relating to the review of human rights records and their service on the panel shall end upon completion of that review.

(d) DEFINITIONS.—In this Section:

(1) HUMAN RIGHTS RECORD.—The term ''human rights record'' means a record in the possession, custody, or control of the United States Government containing information about gross violations of internationally recognized human rights committed in Honduras and Guatemala.

(2) AGENCY.—The term agency means any agency of the United States Government charged with the conduct of foreign policy or foreign intelligence, including the Department of State, the Agency for International Development, the Defense Department, the Central Intelligence Agency, the National Reconnaissance Office, the Department of Justice, the National Security Council, and the Executive Office of the President.

(3) GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.—The term ''gross violations of internationally recognized human rights'' have the same meaning as is contained in section 502(B)(d)(1) of the Foreign Assistance Act of 1961.

BROWNBACK AMENDMENT NO. 3528

Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill, S. 2334, supra; as follows:

The Senate finds that according to the Department of State, Iran continues to support international terrorism, providing training, financing, and weapons to such terrorist groups as Hizballah, Islamic Jihad and Hamas;

Iran continues to oppose the Arab-Israeli peace process and refuses to recognize Israel's right to exist;

Iran continues aggressively to seek weapons of mass destruction and the missiles to deliver them;

It is long-standing U.S. policy to offer official government to government dialogue with the Iranian regime, such offers having been repeatedly refused by Tehran;

More than a year after the election of President Khatemi, Iranian foreign policy continues to threaten American security and that of our allies in the Middle East;

Despite repeated offers and tentative steps toward rapprochement with Iran by the Clinton administration, including a decision to waive sanctions under the Iran-Libya Sanctions Act and the President's veto of the Iran Missile Proliferation Sanctions Act, Iran has failed to reciprocate in a meaningful manner.

Therefore in the sense of the Senate:

(1) the Administration should make no concessions to the government of Iran unless and until that government moderates its objectionable policies, including taking steps to end its support of international terrorism, opposition to the Middle East peace process, and the development and proliferation of weapons of mass destruction and their means of delivery; and

(2) there should be no change in U.S. policy toward Iran until there is credible and sustained evidence of a change in Iranian policies.

DEWINE (AND OTHERS) AMENDMENT NO. 3529

Mr. MCCONNELL (for Mr. DEWINE for himself, Mr. COVERDELL, Mr. GRAHAM, Mr. GRASSLEY, Mr. FAIRCLOTH, and Mr. BOND) proposed an amendment to the bill, S. 2334 supra; as follows:

On page 10 line 19, insert ''*Provided further,* That of the funds appropriated under the previous proviso not less than $80,000,000 shall be made available for alternative development programs to drug production in Colombia, Peru and Bolivia.

CRAIG (AND OTHERS) AMENDMENT NO. 3530

Mr. MCCONNELL (for Mr. CRAIG for himself, Mr. KEMPTHORNE, Mr. LEAHY, and Mr. JEFFORDS) proposed an amendment to the bill, S. 2334, supra; as follows;

At the appropriate place, insert:

SEC. . JOINT UNITED STATES-CANADA COMMISSION ON CATTLE AND BEEF.

(a) ESTABLISHMENT.—There is established a Joint United States-Canada Commission on Cattle, Beef and dairy products to identify, and recommend means of resolving, national, regional, and provincial trade-distorting differences between the United States and Canada with respect to the production, processing, and sale of cattle, beef, and dairy products, with particular emphasis on—

(1) animal health requirements;

(2) transportation differences;

(3) the availability of feed grains;

(4) other market-distorting direct and indirect subsidies; and

(5) the expansion of the Northwest Pilot Project.

(6) tariff rate quotas.

(7) and other factors that distort trade between the United States and Canada.

(b) COMPOSITION.—

(1) IN GENERAL.—The Commission shall be composed of—

(A) 3 members representing the United States, including—

(i) 1 member appointed by the Majority Leader of the Senate;

(ii) 1 member appointed by the Speaker of the House of Representatives; and

(iii) 1 member appointed by the Secretary of Agriculture;

(B) 3 members representing Canada, appointed by the Government of Canada; and

(C) nonvoting members appointed by the Commission to serve as advisers to the Commission, including university faculty, State veterinarians, trade experts, producers, and other members.

(2) APPOINTMENT.—Members of the Commission shall be appointed not later than 30 days after the date of enactment of this Act.

(c) REPORT.—Not later than 180 days after the first meeting of the Commission, the Commission shall submit a report to Congress and the Government of Canada that identifies, and recommends means of resolving, differences between the United States and Canada with respect to tariff rate quotas and the production, processing, and sale of cattle and beef, and dairy products.

CRAIG (AND KEMPTHORNE) AMENDMENTS NOS. 3531–3532

Mr. MCCONNELL (for Mr. CRAIG for himself and Mr. KEMPTHORNE) proposed two amendments to the bill, S. 2334, supra; as follows:

AMENDMENT NO. 3531

On page 82, line 10, strike ''Yugoslavia.'' and insert the following: ''Yugoslavia: *Provided further,* That the drawdown made under this section for any tribunal 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 made available for the tribunal shall be made available subject to the regular notification procedures of the Committee on Appropriations.

AMENDMENT NO. 3532

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE.

(a) It is the Sense of the Senate that:

(1) The U.S. Department of Agriculture should use the GSM–102 credit guarantee program to provide 100 percent coverage, including shipping costs, in some markets where it may be temporarily necessary to encourage the export of US agricultural products.

(2) The U.S. Department of Agriculture should increase the amount of GSM export credit available above the $5.5 billion minimum required by the 1996 Farm Bill (as it did in the 1991/1992 period). In addition to other nations, extra allocations should be made in the following amounts to:

(A) Pakistan—an additional $150 million;

(B) Algeria—an additional $140 million;

(C) Bulgaria—an additional $20 million; and

(D) Romania—an additional $20 million.

(3) The U.S. Department of Agriculture should use the PL–480 food assistance programs to the fullest extent possible, including the allocation of assistance to Indonesia and other Asian nations facing economic hardship.

(4) Given the President's reaffirmation of a Jackson-Vanik waiver for Vietnam, the U.S. Department of Agriculture should consider Vietnam for PL–480 assistance and increased GSM.

REED (AND REID) AMENDMENT NO. 3533

Mr. MCCONNELL (for Mr. REED for himself and Mr. REID) proposed an amendment to the bill, S. 2334, supra; as follows:

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

That of the funds made available by prior Foreign Operations Appropriations Acts, not to exceed $750,000 shall be made available for the Claiborne Pell Institute for International Relations and Public Policy at Salve Regina University.

DEWINE AMENDMENT NO. 3534

Mr. MCCONNELL (for Mr. DEWINE) proposed an amendment to the bill, S. 2334, supra; as follows:

Beginning on page 90, line 1, after the word ''the'' insert ''central''.

On page 91, line 11, after the word ''ratified'' insert ''or in implementing''.

On page 91, strike lines 19 through 20, and insert ''for the Haitian National Police, customs assistance, humanitarian assistance, and education programs.''

On page 91, line 22, after the word ''available'' insert ''to the Government of Haiti''.

On page 92, line 5 strike everything after the word ''council'' through the ''period'' on line 7 and insert in lieu thereof ''that is acceptable to a broad spectrum of political parties and civic groups.''

On page 92, line 8, after the word ''Parties'' insert ''and Grass Roots Civic Organization''.

On page 92, line 13 after the word ''parties'' insert ''and for the development of grass roots civic organizations''.

On page 92, insert new section (e):

''(e)(1) AVAILABILITY OF ADMINISTRATION OF JUSTICE ASSISTANCE.—Funds appropriated under this act for the Ministry of Justice shall only be provided if the President certifies to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate that Haiti's Ministry of Justice:

''(A) Has demonstrated a commitment to the professionalization of judicial personnel by consistently placing students graduated by the Judicial School in appropriate judicial positions and has made a commitment to share program costs associated with the Judicial School;

''(B) is making progress in making the judicial branch in Haiti independent from the executive branch, as outlined in the 1987 Constitution; and

''(C) Has re-instituted judicial training with the Office of Prosecutorial Development and Training (OPDAT).

''(2) The limitation in subsection (e)(1) shall not apply to the provision of funds to support the training of prosecutors, judicial mentoring, and case management.''.

On page 92, line 14, strike ''(e)'' and insert ''(f)''.

On page 93, strike (f) and all that follows.

MCCONNELL AMENDMENT NO. 3535

Mr. MCCONNELL proposed an amendment to the bill, S. 2334, supra; as follows:

At the appropriate place, insert:

OFFICE OF SECURITY

SEC. . (a) ESTABLISHMENT OF OFFICE.—There shall be established within the Office of the Administrator of the Agency for International Development, an Office of Security. Such Office of Security shall, notwithstanding any other provision of law, have the responsibility for the supervision, direction, and control of all security activities relating to the programs and operations of that Agency.

(b) TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.—There are transferred to the Office of Security all security

functions exercised by the Office of Inspector General of the Agency for International Development exercised before the date of enactment of this Act. The Administrator shall transfer from the Office of the Inspector General of such Agency to the Office of Security established by subsection (a), the personnel (including the Senior Executive Service position designated for the Assistant Inspector General for Security), assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, and other funds held, used, available to, or to be made available in connection with such functions. Unexpended balances of appropriations, and other funds made available or to be made available in connection with such functions, shall be transferred to and merged with funds appropriated by this Act under the heading ''Operating Expenses of the Agency for International Development''.

(c) TRANSFER OF EMPLOYEES.—Any employee in the career service who is transferred pursuant to this section shall be placed in a position in the Office of Security established by subsection (a) which is comparable to the position the employee held in the Office of the Inspector General of the Agency for International Development.

DEWINE (AND LEAHY) AMENDMENT NO. 3536

Mr. LEAHY (for Mr. DEWINE for himself and Mr. LEAHY) proposed an amendment to the bill. S. 2334, supra; as follows:

At the appropriate place, insert the following new title:

TITLE ____—ASSISTANCE FOR SUB-SAHARAN AFRICA

SEC. ___01. AFRICA FOOD SECURITY INITIATIVE.

In providing development assistance under the Africa Food Security Initiative, or any comparable program, the Administrator of the United States Agency for International Development—

(1) shall emphasize programs and projects that improve the food security of infants, young children, school-age children, women, and food-insecure households, or that improve the agricultural productivity, incomes, and marketing of the rural poor in Africa;

(2) shall solicit and take into consideration the views and needs of intended beneficiaries and program participants during the selection, planning, implementation, and evaluation phases of projects; and

(3) shall ensure that programs are designed and conducted in cooperation with African and United States organizations and institutions, such as private and voluntary organizations, cooperatives, land-grant and other appropriate universities, and local producer-owned cooperative marketing and buying associations, that have expertise in addressing the needs of the poor, small-scale farmers, entrepreneurs, and rural workers, including women.

SEC. ___02. MICROENTERPRISE ASSISTANCE.

In providing microenterprise assistance for sub-Saharan Africa, the Administrator of the United States Agency for International Development shall, to the extent practicable, use credit and microcredit assistance to improve the capacity and efficiency of agriculture production in sub-Saharan Africa of small-scale farmers and small rural entrepreneurs. In providing assistance, the Administrator should take into consideration the needs of women, and should use the applied research and technical assistance capabilities of United States land-grant universities.

SEC. ___03. SUPPORT FOR PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATIONS.

The Administrator of the United States Agency for International Development is authorized to utilize relevant foreign assistance programs and initiatives for sub-Saharan Africa to support private producer-owned cooperative marketing associations in sub-Saharan Africa, including rural business associations that are owned and controlled by farmer shareholders in order to strengthen the capacity of farmers in sub-Saharan Africa to participate in national and international private markets and to encourage the efforts of farmers in sub-Saharan Africa to increase their productivity and income through improved access to farm supplies, seasonal credit, and technical expertise.

SEC. ___04. AGRICULTURAL AND RURAL DEVELOPMENT ACTIVITIES OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) IN GENERAL.—The Overseas Private Investment Corporation shall exercise its authority under law to undertake an initiative to support private agricultural and rural development in sub-Saharan Africa, including issuing loans, guarantees, and insurance, to support rural development in sub-Saharan Africa, particularly to support intermediary organizations that—

(1) directly serve the needs of small-scale farmers, small rural entrepreneurs, and rural producer-owned cooperative purchasing and marketing associations;

(2) have a clear track record of support for sound business management practices; and

(3) have demonstrated experience with participatory development methods.

(b) USE OF CERTAIN FUNDS.—The Overseas Private Investment Corporation shall utilize existing equity funds, loan, and insurance funds, to the extent feasible and in accordance with existing contractual obligations, to support agriculture and rural development in sub-Saharan Africa.

SEC. ___05. AGRICULTURAL RESEARCH AND EXTENSION ACTIVITIES.

(a) DEVELOPMENT OF PLAN.—The Administrator of the United States Agency for International Development, in consultation with the Secretary of Agriculture and appropriate Department of Agriculture agencies, especially the Cooperative State, Research, Education, and Extension Service (CSREES), shall develop a comprehensive plan to coordinate and build on the research and extension activities of United States land-grant universities, international agricultural research centers, and national agricultural research and extension centers in sub-Saharan Africa.

(b) ADDITIONAL REQUIREMENTS.—The plan described in subsection (a) shall be designed to ensure that—

(1) research and extension activities respond to the needs of small-scale farmers while developing the potential and skills of researchers, extension agents, farmers, and agribusiness persons in sub-Saharan Africa; and

(2) sustainable agricultural methods of farming is considered together with new technologies in increasing agricultural productivity in sub-Saharan Africa.

KERREY (AND LOTT) AMENDMENT NO. 3537

Mr. LEAHY (for MR. KERREY for himself and Mr. LOTT) proposed an amendment to the bill, S. 2334, supra; as follows:

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

SEC. . (a) The Senate makes the following findings:

(1) The International Telecommunication Union, an agency of the United Nations, is currently developing recommendations for world standards for the next generation of wireless telecommunications services based on the concept of a ''family'' of standards.

(2) On June 30, 1998, the Department of State submitted four proposed standards to the ITU for consideration in the development of those recommendations.

(3) Adoption of an open and inclusive set of multiple standards, including all four submitted by the Department of State, would enable existing systems to operate with the next generation of wireless standards.

(4) It is critical to the interests of the United States that existing systems be given this ability.

(b) It is the sense of the Senate that the Federal Communications Commission and appropriate executive branch agencies take all appropriate actions to promote development, by the ITU, of recommendations for digital wireless telecommunications services based on a family of open and inclusive multiple standards, including all four standards submitted by the Department of State, so as to allow operation of existing systems with the next generation of wireless standards.

LEAHY AMENDMENT NO. 3538

Mr. LEAHY proposed an amendment to the bill, S. 2334, supra; as follows:

On page 38, line 22, delete $69,000,000 and insert in lieu thereof $75,000,000.

On page 7, line 21, delete $1,890,000,000 and insert in lieu thereof $1,904,000,000.

ABRAHAM AMENDMENT NO. 3539

Mr. LEAHY (for Mr. ABRAHAM) proposed an amendment to the bill, S. 2334, supra; as follows:

On page 30, line 7, strike the final period and insert a semicolon, and insert the following: ''*Provided further,* That amounts appropriated under this heading for fiscal year 1999, and amounts previously appropriated under such heading for fiscal year 1998, shall remain available until expended.''

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the Presidential nomination of Dr. Jane Henney to be to be Commissioner of Food and Drugs, Department of Health and Human Services during the session of the Senate on Wednesday, September 2, 1998, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 2, 1998 at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

ADDITIONAL STATEMENTS

REFLECTIONS ON THE 53RD ANNIVERSARY OF V–J DAY

• Mr. GRAMS. Mr. President, I rise today to honor, thank, and remember the men and women who fought so bravely to protect our freedoms during World War II. As my colleagues know, it was 53 years ago today that Japan officially surrendered to the Allies, prompting President Truman's declaration of September 2nd as Victory-Over-Japan Day, or V–J Day.

That monumental declaration marked the end of the most immense and devastating war the world has ever seen—a war that shaped not only the course of history but also the lives of the many brave Americans who, through their service in the U.S. military, fought to restore freedom to lands halfway around the world.

These young Americans were thrust into a situation best described by General William Sherman when he said, quite simply, that war is hell. It is safe to say they experienced horrors and fear most of us cannot begin to comprehend.

To gain some understanding of the realities of war and of the heroism exhibited during World War II, let me take you back to December 7, 1941. The place was Pearl Harbor. George Albert Enloe, a young Navy flyer from Anoka, Minnesota, had just two days earlier turned 26 years old. Before that day he had never really known the realities of war. Here is part of the diary entry he made on that Sunday describing the surprise Japanese attack:

I can, and will always, remember the bullets that sprayed past me as I ducked into the hanger. Ensign Fox and Ensign Willis were right behind me. Fox was killed; Willis got through with a bullet through his head. The bullets came through the hanger as though it was made of paper . . . I understood then what it means to be ''under fire.'' Before, these were just words. But I found myself actually there. I was scared. I forced myself to stay. We kept shooting.

Enloe survived that day and went on to serve for five more years in the military. In that short period, he became one of the most decorated combat pilots in the entire Navy and just last month, the City of Anoka dedicated a park in his honor.

Unfortunately, as years pass and our nation enjoys one of its greatest periods of prosperity, too many Americans, especially young Americans, are unaware of the sacrifices made and the lessons taught to us by the likes of George Enloe.

In Winona, Minnesota, for example, a young man was recently found guilty of vandalizing flagpoles at a veterans park. What makes this act even more disheartening is that, according to the corrections agent who handled the case, the teen ''did not really know what a veteran was.''

Thankfully, the judge understood the importance of educating this young man on the sacrifices made by those who have served our nation's military. The sentence handed down by the judge required the teen to see and then write a report on the movie ''Saving Private Ryan.''

At a time when the movies and TV are saturated with senseless violence, this film exposes Americans to a bleakly realistic portrait of war—a war in which large numbers of Americans fought heroically in the worst conditions imaginable and often died horrible deaths in a battle against oppression. ''Saving Private Ryan'' is a violent film, just as war is violent. It is a disturbing film, as it ought to be.

I hope that young vandal walked out of the theater with some sense of what a veteran truly is. I hope ''Saving Private Ryan'' will help to raise that awareness in all Americans. During this time of relative peace, we cannot turn a blind eye to the sacrifices of the past. We must remember that our ability to speak freely, choose a place of worship, and pursue the American dream were protected by every man, every woman who served in World War II. Above all, we must never take for granted what our veterans have taught us, the lesson that is chiseled into the stone of the Korean War Veterans Memorial in Washington, DC—''Freedom Is Not Free.''

On the anniversary of the official end of World War II, I encourage Americans to take time today to thank and remember our veterans. Whether they are a neighbor, a friend, or a grandparent, ask about their experiences during that turbulent time. Through their sacrifices, freedom and prosperity have flourished. Tell them they are appreciated.

Mr. President, I have taken a few moments to try to put into perspective the magnitude of the sacrifices made by our young soldiers during World War II. I know that my words are wholly inadequate in reflecting the experiences of those brave men and women. Perhaps understanding ultimately lies not in words, but in actions—the actions of every veteran who swore an oath to defend our sacred freedom from ''all enemies, foreign and domestic.''

We are duty-bound to pass on those experiences to future generations of Americans, to ensure they know the stories, sacrifices, pain, and ultimate triumph of World War II. For their sake and for the sake of this nation, we must never let another young American forget what a veteran is.•

TRUTH IN BUDGETING

• Mr. HOLLINGS. Mr. President, there has been quite a bit of discussion in Washington recently about the need to tell the truth. Well, I have always believed people should tell the truth—in private and in public. That is why I have long opposed the biggest lie, the biggest fraud in this town—the so-called federal budget surplus. The truth is there is no surplus. We continue to borrow money from federal trust funds—mainly Social Security—to mask the budget deficit. Meanwhile, the national debt skyrockets.

I rise today, Mr. President, to draw the Senate's attention to an editorial which appeared in the Sunday, August 30, 1998 edition of the Spartanburg Herald-Journal, published in Spartanburg, SC. This editorial points out the fraudulent nature of the budget surplus and criticizes Congress and the President for failing to tell the American people the truth about the budget. I quote the Herald-Journal: ''The truth can be seen in the national debt. That debt is continuing to grow and will keep growing over the next few years. Your budget is not balanced if you continue to go deeper and deeper into debt each year.''

The editorial goes on to argue that our priority should be to balance the budget honestly and begin to reduce our national debt, rather than give in to the near-term appeal of further tax cuts—no matter how much merit the individual cuts may have. Mr. President, I have been beating this drum for years now. For the past two years, for example, I have offered budget resolutions to urge we stay the course to balance the budget and begin to reduce the debt.

In fact, I support many of the proposed tax cuts. I have consistently supported making health insurance costs for the self-employed 100 percent deductible, and I have voted to eliminate the marriage penalty three times in this year alone. But each time I have also voted to pay for these tax cuts, so that we stay on course to balance the budget. This should be our top priority. Only by reducing the national debt will we be able to whittle away at our whopping $363 billion in annual interest costs.

I have been trying for years to get the media to expose this fraud Washington perpetrates on the American people. Yet many in the media—people entrusted to report the truth—continue to report a surplus. I am glad to see that at least one newspaper in my home state of South Carolina has seen through this smoke screen. Mr. President, I ask that the entire editorial be printed in the RECORD.

The editorial follows:

[From the Spartanburg Herald-Journal, Aug. 30, 1998]

RIGHT CUTS, WRONG TIME

SOME LAWMAKERS ARE PROPOSING A SET OF WORTHY TAX CUTS AT THE WRONG TIME

Some Republicans in the U.S. House have devised a worthy package of $78 billion in tax cuts. But this year is not the time to cut taxes.

Despite the rhetoric coming from Washington, there is no budget surplus to spend—not on tax cuts, not on education, not even on Social Security.

Leaders of both parties in Congress and at the White House are claiming that they have balanced the budget. But they make their claim by not counting the money they are borrowing from federal trust funds, including Social Security.

The truth can be seen in the national debt. That debt is continuing to grow and will

keep growing over the next few years. Your budget is not balanced if you continue to go deeper and deeper into debt each year.

Reducing that debt should be Congress' top priority. Leaders in Washington have already wasted years of a boom economy in which they could have been paying down the debt. They should not waste any more time. They will not even be able to claim a balanced budget if an economic downturn upsets their budget forecasts.

That's why the GOP tax cut plans should be rejected along with President Clinton's spending plans.

The tax cuts offered by House Republicans are even-handed worthwhile cuts.

The plan would raise the standard deduction for married couples to eliminate the marriage penalty some couples incur when they combine their incomes filing jointly.

Under the GOP plan, self-employed taxpayers and employees who have to pay for their own health insurance could deduct 100 percent of that cost.

House Republicans also would let senior citizens earn more money before they start losing Social Security benefits. And they would restore tax credits for businesses for research and development. These would be beneficial tax cuts. But they shouldn't be the highest priority in this budget year.

Tax cut advocates will point out that citizens pay too much in taxes, that the government takes too big a bite out of its citizens' incomes. And they are correct. The government is too big and it takes too much of our money to support it.

But long-term concerns demand paying down the national debt first. If that debt isn't reduced soon, the chance for real and lasting tax cuts will be postponed for decades.

It is tempting in an election year to push for tax cuts. But politicians should not push for short-term political gains and taxpayers should not push for short-term financial gains.

Our national interest and our future demands that we reduce the national debt before increasing spending or reducing taxes.●

RELIEF FOR SMALL BANKS

● Mr. ABRAHAM. Mr. President, I rise today to speak in support of S. 2346, legislation which seeks to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for small banks. Expanding S corporation eligibility will greatly benefit small banks and, in this period of increased competition, help them as they strive to compete with credit unions and megabanks.

At present, most banks are classified as C corporations, which subjects them to the double taxation of profits. Earnings at banks classified as C corporations are taxed first at corporate level and, after earnings on stockholders shares are distributed, again by shareholders. Converting to an S corporation is an attractive option for small banks because it eliminates the corporate level income tax and allows greater earnings, often between 30 and 40 percent, to be passed on to shareholders.

Subchapter S of the Internal Revenue Code was first enacted in 1958 to reduce the tax burden on small business corporations. Since then, the Subchapter S provisions have been modified several times, most recently in 1982 and 1996. The changes most recently instituted reflect Republican efforts to relieve the tax burden on small businesses.

The relatively low number of small banks which have made the conversion, however, indicate that Congress needs to take additional steps to liberalize the requirements for conversion to Subchapter S. Many bankers tell me that the excessive regulatory burden placed on our banks often makes conversion to an S corporation an onerous process and discourages small banks from making the change. This must change.

This legislation will amend current law to help facilitate the conversion to an S corporation. Among the reforms is an increase in the number of S corporation eligible shareholders from 75 to 150; the ability of S corporation shares to be held as Individual Retirement Accounts (IRAs); the provision that any stock that bank directors must hold under banking regulations shall not be a disqualifying second class of stock; and permission for banks to deduct bad debt charge offs over the same number of years that the accumulated bad debt reserve must be recaptured.

These provisions, and others included in the legislation, will allow more banks to convert to S corporations. The result will be more efficient, more competitive small banks. And the consumer will be the ultimate beneficiary. I applaud Senator ALLARD for introducing this legislation. I believe it is a positive step that will help maintain a balanced playing field among the financial service industries and I urge the Senate Finance Committee to act on it quickly.●

TRIBUTE TO DR. WILLIAM FOSTER AND THE MARCHING 100

● Mr. GRAHAM. Mr. President, as we approach a new century, I recognize one of the giants of the 20th century: Dr. William Foster, Chairman of the Music Department and Director of Bands at Florida A&M University in Tallahassee, Florida.

After enriching the lives of thousands of students, and entertaining millions around the globe via superlative performances of The Marching 100 band, Dr. Foster is retiring. A special tribute will be held honoring him in Tallahassee on September 4, 1998.

Dr. Foster's service to Florida A&M University and the field of music spans half a century. His genius was in melding the varied sounds of musical instruments—along with unique choreography—into one of the most celebrated and sought-after marching bands in the world.

With each performance, The Marching 100 band proves the axiom that music is an international language. And its director, Dr. Foster, is music's Ambassador at Large, lifting the spirits of all who heard the glorious sounds of this talented group and saw the high-stepping moves that set this band apart from all others.

Mr. President, this is the time of year that we send our children and grandchildren back to school to begin another academic year. As a nation, we focus on the vital role of education.

Dr. Foster personifies the finest attributes of an educator. He passed on knowledge to thousands, he built teamwork and instilled discipline, and he had fun along the way.

The educational leadership of Dr. Foster is one of the reasons why Florida A&M University is ranked among America's leading institutions of higher learning. Last year, Florida A&M University was cited as ''College of the Year'' by editors of TIME magazine and The Princeton Review.

Mr. President, I have been honored to visit Florida A&M University on many occasions. I have experienced the spirit on campus, in the classrooms and among the greater Florida A&M University family of alumni, faculty, administrators, and students.

And, I have experienced the special joy of watching and listening to The Marching 100 under the direction of Dr. Foster. I call on my colleagues in the Senate—and all those who love music—to join me in this tribute to an outstanding American, a gifted educator and band director without peer: Dr. William Foster.●

TRIBUTE TO JUDGE PATRICK T. SHEEDY

● Mr. KOHL. Mr. President, I rise today to pay tribute to Judge Patrick T. Sheedy, who retired last month in Milwaukee after 19 years as a Circuit Court Judge and eight years as Chief Judge for Milwaukee's District 1.

Pat Sheedy exemplifies everything that we hope to see in a judge in America. He possesses a brilliant legal mind, a compassionate attitude, and the wit to see the humor in almost every situation.

I am proud to say that Judge Sheedy is a complete product of our great state of Wisconsin. He was born in Green Bay and received his undergraduate and his law degree at Marquette University in Milwaukee.

In addition to serving 27 years on the bench, Judge Sheedy served his colleagues in a variety of capacities, including as past President of the Wisconsin Bar Association. But, I know his proudest legacy would be his six children and 12 grandchildren.

Mr. President, we all know of the difficult demands we place on judges in our country. The grueling schedule and stress of legal negotiations can test the patience of even the most reasonable among us. In these most tense moments, Judge Sheedy could diffuse the most trying situations with a bit of his well-known Irish charm and humor.

We all wish Judge Sheedy well in his retirement. But, the City of Milwaukee and the State of Wisconsin will sorely miss a man who has given back so

much to our community and our state.●

THE VERY BAD DEBT BOXSCORE

● Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 1, 1998, the federal debt stood at $5,559,258,503,320.20 (Five trillion, five hundred fifty-nine billion, two hundred fifty-eight million, five hundred three thousand, three hundred twenty dollars and twenty cents).

Five years ago, September 1, 1993, the federal debt stood at $4,398,851,000,000 (Four trillion, three hundred ninety-eight billion, eight hundred fifty-one million).

Ten years ago, September 1, 1988, the federal debt stood at $2,603,539,000,000 (Two trillion, six hundred three billion, five hundred thirty-nine million).

Fifteen years ago, September 1, 1983, the federal debt stood at $1,362,606,000,000 (One trillion, three hundred sixty-two billion, six hundred six million) which reflects a debt increase of more than $4 trillion—$4,196,652,503,320.20 (Four trillion, one hundred ninety-six billion, six hundred fifty-two million, five hundred three thousand, three hundred twenty dollars and twenty cents) during the past 15 years.●

EXPLANATION OF MISSED VOTE

Mr. BROWNBACK. Mr. President, this afternoon I was not present for a vote to table the McCain Amendment No. 3500. Had I been present, I would have voted against the tabling motion. I was absent because I was presenting, posthumously, Mother Theresa's Congressional Gold Medal, which is just now available. The replicas are available from the U.S. Mint. It was a tremendous tribute to a wonderful lady, Mother Theresa, who passed away a year ago September 5, as we remembered her today. My vote would not have changed the outcome of the vote on this motion.

Mr. STEVENS. 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. DODD. 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. STEVENS. Reserving the right to object, I am trying to get another appropriations bill up, so I would like to not have the floor get under the control of some other problem here.

I do not object.

TRIBUTE TO STROM THURMOND

Mr. DODD. Mr. President, I wish to join my colleagues today in commending our dear friend from South Carolina for achieving the significant mark of having voted on 15,000 occasions as a Member of the Senate. He has been a wonderful friend to me; he was a great friend of my father's, who served with him in this body. I know there have been many kind things said about him today. I just want to add my voice to those accolades. What a great joy it is to serve with this remarkable American. I did not want the day to end without offering my words of congratulations to this fine young man from South Carolina.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I ask unanimous consent I may proceed as if in morning business for 5 minutes.

The PRESIDING OFFICER. The Senate is already in morning business, with the 10 minute limitation. The Senator is recognized.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that a Member of my staff, Hilary Hoffman, be granted floor privileges for the rest of the day's session of the Senate.

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

SUPPORT OF U.S. RATIFICATION OF THE U.N. CONVENTION TO COMBAT DESERTIFICATION

Mr. JEFFORDS. Mr. President, I would like to direct my colleagues' attention to report language accompanying this legislation supporting U.S. ratification of an important treaty—the U.N. Convention to Combat Desertification, also known as the ''Drylands'' Convention.

The term desertification is often misassociated with the expansion of deserts. Rather, it is the loss of soil fertility in dryland agricultural areas. Most of the world's basic food crops are grown in dryland areas. Poverty, population pressure and unwise government policies often drive farmers to use unsustainable farming practices on marginal lands just to survive. Over time, desertification deepens poverty. It undercuts economic growth and triggers social instability in poor countries lacking resources to combat it.

The American Dust Bowl of the 1930's is a prime example of desertification. The hunger, poverty and migration spawned by the Dust Bowl left an indelible mark on our national psyche. In 1939, John Steinbeck depicted the tragedy so well in his great American novel, The Grapes of Wrath:

> And then the dispossessed were drawn west—from Kansas, Oklahoma, Texas, New Mexico; from Nevada and Arkansas, families, tribes, dusted out, tractored out. Car-loads, caravans, homeless and hungry; twenty thousand and fifty thousand and a hundred thousand and two hundred thousand. They streamed over the mountains, hungry and restless—restless as ants, scurrying to find work to do—to lift to push, to pull, to pick, to cut—anything, any burden to bear, for food. The kids are hungry. We got no place to live. Like ants scurrying for work, for food, and most of all for land.

Every student of U.S. history studies the economic and social impact of the Dust Bowl. U.S. history textbooks feature photos similar to these behind me.

Our national response to this disaster was a successful community-based soil and water conservation effort that is still fighting the threat of desertification in areas of the American West today. While we have grappled with this problem and won, the rest of the world is not so fortunate. Imagine our own Dust Bowl if we did not have the technological know-how or the economic resources to deal with it?

The risk of new dust bowls is increasing at an accelerating rate in over ninety developing countries in Africa, Asia, and Latin America. Billions of tons of topsoil are washed or blown away every year.

The U.S. is feeling the fallout from desertification abroad. Thousands migrate over our borders from land-degraded countries such as Mexico. We spend millions on humanitarian aid for drought-affected countries in Africa. Desertification leads to even more costly and frequent food aid programs. Dwindling land and water resources frequently ignite regional conflict. Desertification abroad will also continue to pose risks to our environmental health and contribute to the loss of plant and animal species which may hold the keys to future sources of food and medicine.

To address the problem, in 1994, the United States participated in negotiating the Drylands Convention. By the time negotiations began, developed nations were weary of carrying huge loads in support of environmental treaties. U.S. negotiators insisted that no new responsibilities be placed on our government. The result is that this treaty is the first of its kind.

It does not establish a big, new U.N. program. No army of U.N. employees will be deployed to fight desertification. The treaty uses a bottom-up approach where the solutions are devised and then carried out by people at the local community level. National action plans required of all donee states by the treaty will add greater cohesion and coordination to existing efforts.

The treaty's financial mechanism is unique as well. No new U.S. foreign aid funding is required under the Convention. The U.S. currently contributes roughly $30 million per year to fight desertification. So why do we need the treaty? Because it gives U.S. foreign aid dollars ''more bang for the buck.'' Existing U.S. foreign aid resources would be used more efficiently by better matching of donors with areas of need through the establishment of a Global Mechanism. It does NOT impose any international mandates on U.S. funding.

But more importantly, the Convention would be good for U.S. business. It would increase opportunities for American agribusiness to export technology and expertise to developing countries affected by desertification through networks established by the treaty. Clearly, there is no bar to marketing these outside the framework of the Convention. But working within the Convention offers distinct advantages. It establishes networks like the Science and Technology Committee, the Roster of Independent Experts, donor coordination groups and partnerships with local community organizations. If the U.S. is not a party to the Convention, U.S. businesses and consultants will be barred from these lists.

Helping to fight desertification and poverty abroad is good for U.S. exports and the U.S. trade balance. Rising incomes in the agricultural sector of developing countries generate a higher demand for U.S. exports of seeds, fertilizer, agro-chemicals, farm and irrigation equipment as well as other U.S.-produced goods and services.

The United States signed the Drylands Convention in 1994. It has been approved by all the Organization of Economic Cooperation and Development (OECD) members except the U.S. and Japan. And Japan is expected to ratify it soon. If the U.S. does not ratify by November 1998, we will not have a voice in establishing the detailed mechanism that is at the heart of the Convention. If we want this treaty to work for us, then we must have a seat at the table in two months.

Ratification of the U.N. Convention to Combat Desertification is a win-win for the United States. We must not let this opportunity slip away from us.

The PRESIDING OFFICER. The Senator from Pennsylvania.

INDEPENDENT COUNSEL

Mr. SPECTER. Mr. President, I have sought recognition to comment on the statements made earlier today by Senator HATCH and Senator LEAHY relating to an independent counsel because there is a specific course of action which can be taken to break the impasse, in my legal judgment, and that is with an action for mandamus in the United States District Court for the District of Columbia to compel Attorney General Reno to appoint an independent counsel.

There is no doubt about the serious allegations and scandals in campaign financing. The Governmental Affairs Committee on which I serve conducted extensive hearings last year which showed beyond any doubt irregularities of a most important sort, and some even involving contributions coming from foreign sources traceable to the Government of China. In the face of this overwhelming evidence, the Attorney General has declined to appoint an independent counsel.

The remedy is present for a mandamus action, which would be directed on two legal lines. One is where Attorney General Reno has failed to carry out a mandatory duty, where the independent counsel statute says that she shall act on covered persons, and an alternative legal approach where there is an abuse of a discretionary duty where there is a conflict of interest, and there is both an actual and an apparent conflict of interest. Importantly, Attorney General Reno, when questioned during her confirmation hearing, was a great advocate of an independent counsel on precisely the kind of circumstances which are presented here.

The mandamus action was pursued on three individual occasions, and the United States District Court for the District of Columbia did order mandamus. All three of those cases were reversed for reasons which are not applicable here, where there was lack of standing which was delineated in extensive discussions in the court of appeals on two of those cases. But those three cases by district court judges did confirm the legal approach which I am advocating here today, and which is encompassed in an extensive lawsuit, which has been prepared against Attorney General Reno, calling for a mandamus action.

In two of the cases they were reversed because of lack of standing, and that is a legal issue which poses a hurdle which I believe can be overcome by action by a majority of the majority of the Judiciary Committee of either the House of Representatives or the U.S. Senate. The independent counsel statute gives a majority of the majority of each Judiciary Committee unique positioning to have the requisite standing to require an answer by the Attorney General on a statement of facts and a request that independent counsel be appointed. That does not mean conclusively that there would be standing for a mandamus action, but it is a very strong argument in support of that standing. And, in two of the cases where the court of appeals reversed an order for independent counsel to be appointed, the special standing of Congress and the special standing of the Judiciary Committee was noted. In one of the cases, the Court of Appeals for the District of Columbia referred to congressional oversight, which this would be, and in another case the Court of Appeals for the District of Columbia referred to the special positioning, which the Judiciary Committee had.

There is another issue, laying all the cards on the table face up, as to separation of powers, on matters which were raised in the decision by the Supreme Court of the United States in the case of Morrison v. Olson, upholding the constitutionality of the independent counsel statute. Some of the language of the Supreme Court there has been cited, from time to time, as raising a hurdle for this kind of a lawsuit. But I would point out that, on two of the issues which were raised by the Supreme Court of the United States, the legal argument runs in favor of this kind of an action.

The Supreme Court there referred to a provision of the statute which said that there could be ''no judicial review of an action by the Attorney General appointing independent counsel.'' But the negative implication there is that review would be possible where the Attorney General declines to appoint an independent counsel. There is also a provision in the statute which says that there may be no judicial review by the special three-judge panel where the Attorney General decides not to appoint an independent counsel, and again, by negative implication, there can be review by the United States District Court for the District of Columbia. The three-judge panel is a special panel created to make the actual appointment of an independent counsel.

Mr. President, in outlining these legal hurdles, there is no doubt that there are problems here. But, in my legal judgment, each of these hurdles and any other can be surmounted. And certainly, where there is such a pressing reason to move because of what has happened here on a compelling factual basis, I strongly believe that this effort ought to be made and that it can be made by a majority of the majority on the Judiciary Committee of the Senate or a majority of the majority in the House. And perhaps it would be appropriate for both the House and the Senate to join together as parties plaintiff to solidify and enforce the standing issue and the importance of this action.

My views are not those which I express lightly. They did not arise in the course of the last few days or the last few weeks. My initial concerns were expressed in a Judiciary oversight hearing back on April 30 of 1997, when Attorney General Reno appeared before the Senate Judiciary Committee and was questioned extensively by a number of Members, including myself. At that time I pressed Attorney General Reno on some of the so-called issue advertisements which were really, by any legal interpretation, express advocacy.

Now, if they are express advocacy, and if there is coordination with the Republican National Committee or the Democratic National Committee, then they violate the law; they violate the Federal election law. And, in articulating this concern, on a number of occasions I have said that there is fault on both sides, both by the Republican National Committee and the Democratic National Committee. But the activities by the Democratic National Committee stand on a different level because of the active participation by President Clinton himself in micromanaging the campaign and in working on these commercials. We know that from the testimony, statements of Mr. Leon Panetta, Chief of Staff of President Clinton, and from the statements of Mr. Dick Morris, who was the President's principal adviser on these campaign matters.

This is illustrative of what these commercials had to say. This appeared on advertising:

Head Start, student loans, toxic cleanup, extra police, anti-drug programs—Dole-Gingrich wanted them cut. Now, they're safe, protected in the 1996 budget because the president stood firm. Dole-Gingrich—deadlock, gridlock, shutdowns. The president's plan—finish the job, balance the budget, reform welfare, cut taxes, protect Medicare. President Clinton gets it done. Meet our challenge, protect our values.

Under no stretch of the imagination could that kind of advertisement be classified as articulating an issue only contrasted with articulating advocacy for the President's campaign.

I asked Attorney General Reno about that specifically on April 30 of 1997. Her response to me was that based on a memorandum of understanding with the Federal Election Commission, it was up to the Federal Election Commission.

On the next day, May 1, 1997, I wrote to Attorney General Reno with a long list of specific advertisements which were conclusively advocacy ads which, when designated and designed and worked on by the President himself, would constitute a violation of the law.

On June 17, I received a reply from Attorney General Reno and then from the Federal Election Commission saying that the Attorney General was saying it was up to the Federal Election Commission and the Federal Election Commission said that they would give advisory opinions. That is something for the future but not something that had already been done.

Mr. President, I ask unanimous consent that my letter of May 1, 1997, the reply from the Attorney General, and the letter from the Federal Election Commission be printed in the RECORD at the conclusion of my statement.

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

(See Exhibit 1.)

Mr. SPECTER. Mr. President, I returned to this issue with Attorney General Reno when she came in for an oversight hearing on July 15 of this year and confronted Attorney General Reno with the very basic fact that the Federal election law, with criminal provisions, is the responsibility of the Department of Justice to enforce and the responsibility of the chief enforcement officer, the Attorney General, to enforce, so that by no stretch of the imagination would it be plausible for the Attorney General to say that it was a matter for the Federal Election Commission. Notwithstanding that, the Attorney General continued to articulate this argument that it was a matter for the Federal Election Commission, which I submit, and I say this respectfully, is spurious and facetious on its face. How can it be a matter for the Federal Election Commission when it is a criminal law, criminal sanction which is the responsibility of the Attorney General and the Department of Justice? This was a very, very material matter.

Mr. President, I think it is relevant at this point to display a couple of charts, one of which is on the issue of covered persons. Referring to the coordination of advocacy advertisements, President Clinton made a statement on December 7 of 1995 at a Democratic National Committee lunch, which is really more than a smoking gun, it is a firing gun, that is on these advertisements. This is the President's voice on tape:

> Now we have come way back. . . . But one of the reasons has been. . .we have been running these ads, about a million dollars a week. . . . So I cannot overstate to you the impact that these paid ads have had in the areas where they've run. Now we're doing better in the whole country. . . . [I]n areas where we've shown these ads we are basically doing ten to fifteen points better than in areas where we are not showing them. . . .

The chart shows Leon Panetta confirmed that President Clinton helped direct expenditures of $35 million in DNC ads, and Dick Morris confirmed that President Clinton micromanaged the TV ad campaign.

This chart was presented during the Judiciary Committee hearing. In addition, the instance of the covered persons where a Mr. Warren Meddoff on October 22, 1996, personally handed President Clinton a business card with a written message suggesting a $5 million contribution.

Two days later on October 24 and again on October 26, deputy chief of staff Harold Ickes solicited Mr. Meddoff, including a call from Air Force One.

On October 29 and 30, Mr. Ickes called Mr. Meddoff and asked for an immediate contribution of $1.5 million within 24 hours.

There are two other instances depicted on this chart, and this chart only covers a very limited amount of information which was disclosed in the hearings of the Governmental Affairs Committee. One of them was a coffee which was held in the Oval Office. The President had received a memorandum from the Democratic National Committee which bore the President's writing, so we know that it was actually seen by the President.

This memorandum identified five individuals who, according to the memo, would be good for a contribution of $100,000 each. They were accorded a coffee in the White House. On May 1, there was this coffee in the Oval Office. Within the course of the week, four of the individuals contributed $100,000 each. That is not in the living quarters. That is not in any way, shape or form justifiable.

When I asked Attorney General Reno about this specifically—and bear in mind that at Judiciary Committee hearings, we have a very limited amount of time. It is not like a speech on the Senate floor where there is unlimited debate. Attorney General Reno said to me, when I asked her if this did not constitute where four people came in—bear with me. Let me read the specific information as to the question I put to the Attorney General, whether this wasn't specific and credible evidence which would satisfy the test of the independent counsel statute.

At page 193 of the record:

> Attorney General RENO: I will be happy to review it with the task force and get back to you, Senator.
>
> Senator SPECTER. Well, OK. I would ask you to review the balance of it. We will provide you with more of the specific and credible evidence, but don't you have a judgment today, Madam Attorney General?
>
> Attorney General RENO: I will review it with the task force.

The other specific bit of evidence was a June 18, 1996, coffee. In the presence of President Clinton, John Huang solicited the attendees saying:

> Elections cost money, lots and lots of money, and I am sure that every person in this room will want to support the re-election of President Clinton.

This language is important because it was stated in the presence of the President in the White House. We know that from the testimony of a former official in the National Security Council who was sitting on one side of the President, a greater distance from the individual who made the statement and the comment was heard.

Again, when confronted with this specifically, the Attorney General declined to give an opinion but said she would get back to me.

That was on July 15 of this year. And more than 45 days have passed, and we still do not have the information.

Very briefly—I will not belabor the point—this was another chart presented at Judiciary Committee hearings which shows the alternative approach on the legal issue, and that is, conflict of interest, where you have Johnny Chung, who contributed some $366,000 to the Democratic National Committee, you have the connection with the President, Vice President, and Mr. Glicken. You have a connection with President Clinton and Pauline Kanchanalak, the connection between President Clinton and John Huang, the connection between Vice President GORE and Maria Hsia, the connection between President Clinton and Charlie Trie.

In all of these matters there is a conflict of interest where these individuals have been indicted. All except for Mr. Huang, there is the delicate matter of plea bargaining and a matter where there ought to be independent counsel not being directed by the Attorney General, who is the appointee of the President.

As outlined in some detail earlier by Senator HATCH—and I will not go over that ground—this evidence has been so compelling that FBI Director Louis Freeh has taken the public position that independent counsel ought to be appointed, not an easy thing to do for the FBI Director, who is a subordinate of the Attorney General. But the FBI Director made that statement.

Then you have the legal judgment of Mr. Charles LaBella, who is the chief prosecutor, also to the effect that independent counsel ought to be appointed.

Then when Mr. LaBella was expected to be appointed as U.S. Attorney for the Southern District of California, he was skipped over—a question which needs to be answered in terms of whether his candid approach, disagreeing with the Attorney General of the United States, was a causal factor in his being passed over.

Mr. President, what I have outlined here is a very, very brief statement of very, very compelling evidence of irregularities in campaign finance. And when you deal with the issue of how Federal elections for the Presidency, for the Senate, and the House of Representatives are financed, that goes right to the core of our democratic institutions.

There is an enormous amount of skepticism in America today with the way we have political activities. I just finished, during the course of August, some 12 to 15 town meetings. In every meeting I was asked about campaign finance reform. And there was obvious cynicism by my constituents and really disgust with the way the system is run. And I was asked whether there would be campaign finance reform.

On a number of occasions it was noted that the House of Representatives had taken the bull by the horns and had passed campaign finance reform. And when asked whether it would be done in the Senate, I candidly said it was highly doubtful that 8 additional Senators could be found to join the 52 of us who have voted for cloture in order to have campaign finance reform.

If independent counsel were appointed and we got to the bottom of these issues—and many, many more—I think there would be a tidal wave of public insistence on campaign finance reform which is very necessary for the integrity of the electoral process.

When Senator HATCH, the chairman of the Judiciary Committee, speaks at great length about his frustration in what the Attorney General has not done, that is a frustration I think shared by most of Americans. Certainly it is a frustration which I share, and I think is shared by most of the members of the Judiciary Committee and most of the Members of the Congress of the United States.

In preparing this complaint in mandamus, we have a course of action which has a realistic chance of success. Is it a guarantee? No. There are many lawsuits which are filed, litigation, matters which are initiated which are not absolute guarantees. But when you have very, very compelling factual circumstances, as you do here, it is my legal judgment that the hurdles which have to be overcome can be overcome. And certainly it is an alternative which ought to be tried. It is my hope that the Attorney General will respond and appoint independent counsel. When she has, again, taken steps to have an additional investigation for 90 days, it is not totally insufficient, but it is a sharp indication that she has no intention to go to the core problems, some of which I have outlined here today.

When she activates a 90-day period of an investigation of Vice President GORE on the telephone calls, that is really a red herring, an effort to show some action which is totally—totally—insufficient. When she activates, as she did the day before yesterday, a 90-day period on Deputy Chief of Staff Ickes on a very limited phase, that again is totally insufficient.

What is necessary is to pick up the broad range of investigative leads identified by to the Director of the Federal Bureau of Investigation, Louis Freeh, and the broad range of leads identified by the chief counsel on the matter, Charles LaBella, to proceed. And if the Attorney General does not proceed, then it is my strong recommendation that the Judiciary Committee, a majority of the majority, take the bull by the horns and move to take action to compel the appointment of independent counsel through a mandamus act.

The draft copy of the complaint of mandamus—may I add that this is not carved in stone, that we are actively working to update it and to improve the complaint of mandamus, will outline the legal bases and is an outline of the evidentiary base for such an action.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 1, 1997.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: Following up on yesterday's hearing, please respond for the record whether, in your legal judgment, the text of the television commercials, set forth below, constitutes ''issue advocacy'' or ''express advocacy.''

The Federal Election commission defines ''express advocacy'' as follows:

''Communications using phrases such as ''vote for President,'' ''reelect your Congressman,'' ''Smith for Congress,'' or language which, when taken as a whole and with limited reference to external events, can have no other reasonable meaning than to urge the election or defeat of a clearly identified federal candidate.'' 11 CFR 100.22

The text of the television commercials follows:

''American values. Do our duty to our parents. President Clinton protects Medicare. The Dole/Gingrich budget tried to cut Medicare $270 billion. Protect families. President Clinton cut taxes for millions of working families. The Dole/Gingrich budget tried to raise taxes on eight million of them. Opportunity. President Clinton proposes tax breaks for tuition. The Dole/Gingrich budget tried to slash college scholarships. Only President Clinton's plan meets our challenges, protects our values.

''60,000 felons and fugitives tried to buy handguns—but couldn't—because President Clinton passed the Brady Bill—five-day waits, background checks. But Dole and Gingrich voted no. One hundred thousand new police—because President Clinton delivered. Dole and Gingrich? Vote not, want to repeal 'em. Strengthen school anti-drug programs. President Clinton did it. Dole and Gingrich? No again. Their old ways don't work. President Clinton's plan. The new way. Meeting our challenges, protecting our values.

''America's values. Head Start. Student loans. Toxic cleanup. Extra police. Protected in the budget agreement; the president stood firm. Dole, Gingrich's latest plan includes tax hikes on working families. Up to 18 million children face healthcare cuts. Medicare slashed $167 billion. Then Dole resigns, leaving behind gridlock he and Gingrich created. The president's plan: Politics must wait. Balance the budget, reform welfare, protect our values.

''Head Start. Student loans. Toxic cleanup. Extra police. Anti-drug programs. Dole, Gingrich wanted them cut. Not they're safe. Protected in the '96 budget—because the President stood firm. Dole, Gingrich? Deadlock. Gridlock. Shutdowns. The president's plan? Finish the job, balance the budget. Reform welfare. Cut taxes. Protect Medicare. President Clinton says get it done. Meet our challenges. Protect our values.

''The president says give every child a chance for college with a tax cut that gives $1,500 a year for two years, making most community colleges free, all colleges more affordable . . . And for adults, a chance to learn, find a better job. The president's tuition tax cut plan.

''Protecting families. For millions of working families, President Clinton cut taxes. The Dole-Gingrich budget tried to raise taxes on eight million. The Dole-Gingrich budget would have slashed Medicare $270 billion. Cut college scholarships. The president defended our values. Protected Medicare. And now, a tax cut of $1,500 a year for the first two years of college. Most community colleges free. Help adults go back to school. The president's plan protects our values.''

Sincerely,

ARLEN SPECTER.

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, June 19, 1997.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: I have received your letter of May 1, 1997, asking that I offer you my legal opinion as to whether the text of certain television commercials constitutes ''express advocacy'' within the meaning of regulations of the Federal Election Commission (''FEC''). For the reasons set forth below, I have referred your request to the FEC for its consideration and response.

Under the Federal Election Campaign Act, the FEC has statutory authority to ''administer, seek to obtain compliance with, and formulate policy with respect to'' FECA, and exclusive jurisdiction with respect to civil enforcement of FECA. 2 U.S.C. §437c(b)(1), *See* 2 U.S.C. §437d(e) (FEC civil action is ''exclusive civil remedy'' for enforcing FECA). The FEC has the power to issue rules and advisory opinions interpreting the provisions of FECA. 2 U.S.C. §§437f, 438. The FEC may penalize violations of FECA administratively or through bringing civil actions. 2 U.S.C. §437g. In short, ''Congress has vested the Commission with 'primary and substantial responsibility for administering and enforcing the Act.''' *FEC* v. *Democratic Senatorial Campaign Comm.*, 454 U.S. 27, 37 (1981), *quoting Buckley* v. *Valeo*, 424 U.S. 1, 109 (1976).

The legal opinion that you seek is one that is particularly within the competence of the FEC, and not one which has historically been made by the Department of Justice. Determining whether these advertisements constitute ''express advocacy'' under the FEC's rules will require consideration not only of their content but also of the timing and circumstances under which they were distributed. The FEC has considerably more experience than the Department in making such evaluations. Moreover, your request involves interpretation of a rule promulgated by the

FEC itself. Indeed, it is the standard practice of the Department to defer to the FEC in interpreting its regulations.

There is particular reason to defer to the expertise of the FEC in this matter, because the issue is not as clear-cut as you suggest. In *FEC* v. *Colorado Republican Federal Campaign Comm.*, 839 F. Supp. 1448 (D. Colo. 1993), *rev'd on other grounds*, 59 F.3d 1015 (10th Cir. 1995), *vacated*, 116 S.Ct. 2309 (1996), the United States District Court held that the following advertisement, run in Colorado by the state Republican Federal Campaign Committee, did *not* constitute ''express advocacy'':

''Here in Colorado we're used to politicians who let you know where they stand, and I though we could count on Tim Wirth to do the same. But the last few weeks have been a real eye-opener. I just saw some ads where Tim Wirth said he's for a strong defense and a balanced budget. But according to his record, Tim Wirth voted against every new weapon system in the last five years. And he voted against the balanced budget amendment.

''Tim Wirth has a right to run for the Senate, but he doesn't have a right to change the facts.''

839 F. Supp. at 1451, 1455–56. The court held that the ''express advocacy'' test requires that an advertisement ''in express terms advocate the election or defeat of a candidate.'' *Id.* at 1456. The Court of Appeals reversed the District Court on other grounds, holding that ''express advocacy'' was not the appropriate test, and the Supreme Court did not reach the issue.

Furthermore, a pending matter before the Supreme Court may assist in the legal resolution of some of these issues; the Soliciter General has recently filed a petition for certiorari on behalf of the FEC in the case of *Federal Election Commission* v. *Maine Right to Life Committee, Inc.*, No. 96–1818, filed May 15, 1997. I have enclosed a copy of the petition for your information. It discusses at some length the current state of the law with respect to the definition and application of the ''express advocacy'' standard in the course of petitioning the Court to review the restrictive definition of the standard adopted by the lower courts in that case.

It appears, therefore, that the proper legal status of these advertisements under the regulations issued by the FEC is a question that is most appropriate for initial review by the FEC.

Accordingly, I have referred your letter to the FEC for its consideration. Thank you for your inquiry on this important matter, and do not hesitate to contact me if I can be of any further assistance.

Sincerely,

JANET RENO.

OFFICE OF THE ASSISTANT ATTORNEY GENERAL, U.S. DEPARTMENT OF JUSTICE,
Washington, DC, June 19, 1997.

Hon. JOHN WARREN MCGARRY,
Chairman, Federal Election Commission, Washington, DC.

DEAR MR. CHAIRMAN: Enclosed for the attention and whatever further reply the Federal Election Commission (FEC) finds to be appropriate is a copy of an exchange of correspondence between the Attorney General and Senator Arlen Specter of Pennsylvania concerning the application of the Commission's rules governing issue advocacy by political parties to a specific advertisement. The Department of Justice regards the subject matter of this inquiry as properly within the primary jurisdiction of the FEC.

If we can assist the Commission in any way in this matter, please let me know.

Sincerely,

MARK M. RICHARD,
Acting Assistant Attorney General.

FEDERAL ELECTION COMMISSION,
Washington, DC, June 26, 1997.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: Your letter of May 1, 1997 to Attorney General Reno has been referred by the Department of Justice to the Federal Election Commission. Your letter asks for a legal opinion on whether the text of certain advertisements constitutes ''issue advocacy'' or ''express advocacy''.

As the Attorney General's June 19, 1997 letter to you correctly notes, the Federal Election Commission has statutory authority to ''administer, seek to obtain compliance with, and formulate policy with respect to'' the Federal Election Campaign Act (''FECA''). 2 U.S.C. §437c(b)(1). The Commission's policymaking authority includes the power to issue rules and advisory opinions interpreting the FECA and Commission regulations. 2 U.S.C. §§437f and 438.

Your May 1 letter notes that the Commission has promulgated a regulatory definition of ''express advocacy'' at 11 CFR 100.22. While the Commission may issue advisory opinions interpreting the application of that provision, the FECA places certain limitations on the scope of the Commission's advisory opinion authority. Specifically, the FEC may render an opinion only with respect to a specific transaction or activity which the requesting person plans to undertake in the future. See 2 U.S.C. 437f(a) and 11 CFR 112.1(b). Thus, the opinion which you seek regarding the text of certain advertisements does not qualify for advisory opinion treatment, since the ads appears to be ones previously aired and do not appear to be communications that you intend to air in the future. Moreover, ''[n]o opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of [section 437f].'' 2 U.S.C. §437f(b).

While the FECA's confidentiality provision precludes the Commission from making public any information relating to a pending enforcement matter, I note that past activity such as the advertisements you describe may be the subject of compliance action. If you believe that the advertisements in question involve a violation of the FECA, you may file a complaint with the Commission pursuant to 2 U.S.C. §437g(a) noting who paid for the ads and any additional information in your possession that would assist the Commission's inquiry. The requirements for filing a complaint are more fully described in the enclosed brochure.

I hope that this information proves helpful to your inquiry. Please feel free to contact my office or the Office of General Counsel if you need further assistance.

Sincerely,

JOHN WARREN MCGARRY,
Chairman.

Mr. SPECTER. Mr. President, that concludes my remarks and I see staff bringing me the concluding papers, which I shall present.

ORDERS FOR THURSDAY, SEPTEMBER 3, 1998

Mr. SPECTER. Mr. President, on behalf of our distinguished majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Thursday, September 3. I further ask that when the Senate reconvenes on Thursday, immediately following the prayer, there be a period for the transaction of morning business until 11:30 a.m., and further that the time between 9:30 and 10:30 be divided as follows: Senator BREAUX for 15 minutes, Senator TORRICELLI for 15 minutes, Senator DASCHLE or his designee for 30 minutes. I further ask that the time between 10:30 and 11:30 a.m. be under the control of Senator THOMAS or his designee.

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

PROGRAM

Mr. SPECTER. For the information of all Senators, when the Senate reconvenes on Thursday at 9:30 a.m., there will be a period of morning business until 11:30 a.m. Following morning business, the Senate may turn to consideration of any available appropriations bills or other legislation or executive items cleared for action.

EXECUTIVE SESSION

DEPARTMENT OF STATE

Mr. SPECTER. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate go into executive session and that the Foreign Relations Committee be discharged from further consideration of the following nominations, and the Senate then proceed to their consideration: Senator ROD GRAMS, Senator JOSEPH BIDEN, former Senator Claiborne Pell.

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

Mr. SPECTER. I ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be notified of the Senate's action, and the Senate return to legislative session.

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

The nominations considered and confirmed, en bloc, are as follows:

DEPARTMENT OF STATE

Rod Grams, of Minnesota, to be a Representative of the United States of America to the Fifty-third Session of the General Assembly of the United Nations.

Joseph R. Biden, of Delaware, to be a Representative of the United States of America to the Fifty-third Session of the General Assembly of the United Nations.

Claiborne deB. Pell, of Rhode Island, to be an Alternate Representative of the United States of America to the Fifty-third Session of the General Assembly of the United Nations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. SPECTER. Mr. President, on behalf of the majority leader, if there is

no further business to come before the Senate—and there appears to be none—I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:18 p.m., recessed until Thursday, September 3, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 2, 1998:

DEPARTMENT OF JUSTICE

ROBERT BRUCE GREEN, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS VICE JOHN W. RALEY, JR., RESIGNED.

DEPARTMENT OF STATE

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD:

MARY A. RYAN, OF TEXAS

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

RICHARD M. BROWN, OF VIRGINIA
CRAIG G. BUCK, OF TEXAS
VALERIE L. DICKSON-HORTON, OF TEXAS
MOSINA H. JORDAN, OF NEW YORK

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

WILLARD J. PEARSON, JR., OF CALIFORNIA
LUCRETIA D. TAYLOR, OF VIRGINIA
GORDON H. WEST, OF VIRGINIA
MARILYN ANNE ZAK, OF WASHINGTON

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

PAMELA LOUISE CALLEN, OF MARYLAND
JOHN ARON GRAYZEL, OF NEW YORK
JAMES RAY KIRKLAND, OF TENNESSEE
DAVID L. PAINTER, OF THE DISTRICT OF COLUMBIA
ALLAN E. REED, OF CALIFORNIA
LEE ANN ROSS, OF FLORIDA
JAMES THOMPSON SMITH, JR., OF VIRGINIA
MARK STUART WARD, OF CALIFORNIA
WAYNE J. WATSON, OF TEXAS
JANICE M. WEBER, OF PENNSYLVANIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

THOMAS B. ANKLEWICH, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

AURELIA E. BRAZEAL, OF GEORGIA
A. PETER BURLEIGH, OF CALIFORNIA
JAMES FRANKLIN COLLINS, OF ILLINOIS
EDWARD W. GNEHM, JR., OF GEORGIA
GENTA HAWKINS HOLMES, OF CALIFORNIA
ALAN P. LARSON, OF IOWA
MARK ROBERT PARRIS, OF VIRGINIA
JOHNNY YOUNG, OF MARYLAND
MANUEL F. ACOSTA, OF ARIZONA
CHARLES RUSSELL ALLEGRONE, OF VIRGINIA
RICHARD LEWIS BALTIMORE, III, OF NEW YORK
RICHARD WARREN BEHREND, OF PENNSYLVANIA
JOHN S. BOARDMAN, OF FLORIDA
BARBARA K. BODINE, OF CALIFORNIA
CLIFFORD GEORGE BOND, OF NEW JERSEY
ROBERT A. BRADTKE, OF PENNSYLVANIA
JOE H. CHADDIC, OF VIRGINIA
JOHN N. CHRISTENSEN, OF TEXAS
J. MICHAEL CLEVERLY, OF MARYLAND
BRIAN DEAN CURRAN, OF FLORIDA
MATTHEW PATRICK DALEY, OF CALIFORNIA
JAMES MICHAEL DERHAM, OF CONNECTICUT
JOSEPH MICHAEL DETHOMAS, OF VIRGINIA
JOHN M. EVANS, OF THE DISTRICT OF COLUMBIA
MICHAELBART BART, OF COLORADO
THOMAS PATRICK FUREY, JR., OF OREGON
JAMES IRVIN GADSDEN, OF THE DISTRICT OF COLUMBIA
LESLIE ANN GERSON, OF CALIFORNIA
MORRIS N. HUGHES, JR., OF CALIFORNIA
EDMUND JAMES HULL, OF ILLINOIS
CAMERON R. HUME, OF CONNECTICUT
JACQUES PAUL KLEIN, OF ILLINOIS
MICHAEL KLOSSON, OF MARYLAND
CHRISTOPHER J. LAFLEUR, OF NEW YORK
JAMES B. LANE, JR., OF OHIO
JOHN HARGRAVES LEWIS, OF PENNSYLVANIA
LEE R. LOHMAN, OF PENNSYLVANIA
JEAN ANNE LOUIS, OF VIRGINIA
EILEEN ANNE MALLOY, OF CONNECTICUT
DOUGLAS L. MCELHANEY, OF FLORIDA
ELISABETH MCKUNE, OF MARYLAND
SHARON K. MERCURIO, OF CALIFORNIA
THOMAS JOEL MILLER, OF ILLINOIS
MARK C. MINTON, OF FLORIDA
DAVID RICHARD MORAN, OF VIRGINIA
BRUCE F. MORRISON, OF NEW YORK
TIBOR P. NAGY, OF TEXAS
ROBERT B. NOLAN, OF VIRGINIA
ROBERT PAUL O'BRIEN, OF VIRGINIA
JOHN MALCOLM ORDWAY, OF CALIFORNIA
MICHAEL P. OWENS, OF TEXAS
MARY ANN PETERS, OF CALIFORNIA
KATHERINE H. PETERSON, OF CALIFORNIA
JOYCE B. RABENS, OF CALIFORNIA
MICHAEL E. RANNEBERGER, OF VIRGINIA
RICHARD ALLAN ROTH, OF MICHIGAN
NEIL EDWARD SILVER, OF VIRGINIA
EMILE M. SKODON, OF ILLINOIS
BARBARA J. TOBIAS, OF CALIFORNIA
JAMES R. VAN LANINGHAM, OF VIRGINIA
ROBIN LANE WHITE, OF MASSACHUSETTS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. HARRY A. CURRY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DANIEL J. PETROSKY, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

HART JACOBSEN, 0000
HENRY S. JORDAN, 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES G. HARRIS, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

EDWARD R. CAWTHON, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

THOMAS A. BUTERBAUGH, 0000

To be lieutenant commander

TOMAS A. ALKSNINIS, 0000
DERMOT P. CASHMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR PERMANENT APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589(A):

To be lieutenant

DEAN A. BARSALEAU, 0000
PATRICIA D. FARNAN, 0000
JAMES N. ROSENTHAL, 0000

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

AURELIA E. BRAZEAL, OF GEORGIA
A. PETER BURLEIGH, OF CALIFORNIA
JAMES FRANKLIN COLLINS, OF ILLINOIS
EDWARD W. GNEHM, JR., OF GEORGIA
GENTA HAWKINS HOLMES, OF CALIFORNIA
ALAN P. LARSON, OF IOWA
MARK ROBERT PARRIS, OF VIRGINIA
JOHNNY YOUNG, OF MARYLAND

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

MANUEL F. ACOSTA, OF ARIZONA
CHARLES RUSSELL ALLEGRONE, OF VIRGINIA
RICHARD LEWIS BALTIMORE, III, OF NEW YORK
RICHARD WARREN BEHREND, OF PENNSYLVANIA
JOHN S. BOARDMAN, OF FLORIDA
BARBARA K. BODINE, OF CALIFORNIA
CLIFFORD GEORGE BOND, OF NEW JERSEY
ROBERT A. BRADTKE, OF PENNSYLVANIA
JOE H. CHADDIC, OF VIRGINIA
JOHN N. CHRISTENSEN, OF TEXAS
J. MICHAEL CLEVERLEY, OF MARYLAND
BRIAN DEAN CURRAN, OF FLORIDA
MATTHEW PATRICK DALEY, OF CALIFORNIA
JAMES MICHAEL DERHAM, OF CONNECTICUT
JOSEPH MICHAEL DETHOMAS, OF VIRGINIA
JOHN M. EVANS, OF THE DISTRICT OF COLOMBIA
MICHAEL BART FLAHERTY, OF COLORADO
THOMAS PATRICK FUREY, JR., OF OREGON
JAMES IRVIN GADSDEN, OF THE DISTRICT OF COLUMBIA
LESLIE ANN GERSON, OF CALIFORNIA
MORRIS N. HUGHES, JR., OF CALIFORNIA
EDMUND JAMES HULL, OF ILLINOIS
CAMERON R. HUME, OF CONNECTICUT
JACQUES PAUL KLEIN, OF ILLINOIS
MICHAEL KLOSSON, OF MARYLAND
CHRISTOPHER J. LAFLEUR, OF NEW YORK
JAMES B. LANE, JR., OF OHIO
JOHN HARGRAVES LEWIS, OF PENNSYLVANIA
LEE R. LOHMAN, OF PENNSYLVANIA
JEAN ANNE LOUIS, OF VIRGINIA
EILEEN ANNE MALLOY, OF CONNECTICUT
DOUGLAS L. MCELHANEY, OF FLORIDA
ELIZABETH MCKUNE, OF MARYLAND
SHARON K. MERCURIO, OF CALIFORNIA
THOMAS JOEL MILLER, OF ILLINOIS
MARK C. MINTON, OF FLORIDA
DAVID RICHARD MORAN, OF VIRGINIA
BRUCE F. MORRISON, OF NEW YORK
TIBOR P. NAGY, JR., OF TEXAS
ROBERT B. NOLAN, OF VIRGINIA
ROBERT PAUL O'BRIEN, OF VIRGINIA
JOHN MALCOLM ORDWAY, OF CALIFORNIA
MICHAEL P. OWENS, OF TEXAS
MARY ANN PETERS, OF CALIFORNIA
KATHERINE H. PETERSON, OF CALIFORNIA
JOYCE B. RABENS, OF CALIFORNIA
MICHAEL E. RANNEBERGER, OF VIRGINIA
RICHARD ALLAN ROTH, OF MICHIGAN
NEIL EDWARD SILVER, OF VIRGINIA
EMIL M. SKODON, OF ILLINOIS
BARBARA J. TOBIAS, OF CALIFORNIA
JAMES R. VAN LANINGHAM, OF VIRGINIA
ROBIN LANE WHITE, OF MASSACHUSETTS

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ELIZABETH JAMIESON AGNEW, OF VIRGINIA
W. LEWIS AMSELEM, OF CALIFORNIA
WALTER E. ANDRUSYSZYN, OF NEW YORK
JOANNE ARZT, OF NEW YORK
CATHERINE BARRY, OF ILLINOIS
SYLVIA J. BAZALA, OF NEW JERSEY
FREDERICK A. BECKER, OF CALIFORNIA
GREGORY L. BERRY, OF OREGON
CLYDE BISHOP, OF PENNSYLVANIA
RAYMOND A. BONESKI, OF FLORIDA
DONALD E. BOOTH, OF NEW JERSEY
PAMELA E. BRIDGEWATER, OF MARYLAND
JANET G. BUECHEL, OF WASHINGTON
MATTHEW JAMES BURNS III, OF FLORIDA
CAREY EDWARD CAVANAUGH, OF FLORIDA
FREDERICK R. COOK, OF ILLINOIS
KATHLEEN M. DALY, OF MARYLAND
CHRISTOPHER WILLIAM DELL, OF NEW JERSEY
PATRICK DELVECCHIO, OF VIRGINIA
PHILO L. DIBBLE, OF THE DISTRICT OF COLUMBIA
TIMOTHY JOHN DUNN, OF CALIFORNIA
CHARLES LEWIS ENGLISH, OF FLORIDA
JUDITH RYAN FERGIN, OF MAINE
JAMES MICHAEL GAGNON, OF VIRGINIA
WILLIAM ROBERT GAINES, JR., OF CALIFORNIA
GERARD M. GALLUCCI, OF PENNSYLVANIA
RICHARD F. GONZALEZ, OF CALIFORNIA
WILLIAM HENRY GRIFFITH, OF WEST VIRGINIA
SUNETA L. HALLIBURTON, OF NEW YORK
KATHLEEN V. HODAI, OF WASHINGTON
KARL WILLIAM HOFMANN, OF CALIFORNIA
KEVIN E. HONAN, OF NEW JERSEY
JANICE LEE JACOBS, OF ILLINOIS
STEPHANIE SMITH KINNEY, OF FLORIDA
ROBERT LAWRENCE LANE, OF VIRGINIA
JOHN E. LANGE, OF NEW YORK
JOYCE ELLEN LEADER, OF MARYLAND
HENRY ALAN LEVINE, OF THE DISTRICT OF COLUMBIA
ROBERT PAUL LUDAN, OF CALIFORNIA
JEFFREY JOHN LUNSTEAD, OF PENNSYLVANIA
CARMEN MARIA MARTINEZ, OF FLORIDA
MICHAEL ANTHONY MATERA, OF CALIFORNIA
MARGARET K. MCMILLION, OF PENNSYLVANIA
MICHAEL W. MICHALAK, OF THE DISTRICT OF COLUMBIA
ALICE COOK MOORE, OF GEORGIA
MARIANNE M. MYLES, OF NEW YORK
JOHN R. NAY, OF TENNESSEE

ANDREA J. NELSON, OF NEW YORK
JOHN JACOB NORRIS, JR., OF VIRGINIA
ROBERT CHAMBERLAIN PORTER, JR., OF MAINE
JON R. PURNELL, OF NEW HAMPSHIRE
EVANS JOSEPH ROBERT REVERE, OF VIRGINIA
MARCIE BERMAN RIES, OF TEXAS
JAMES EDMOND ROBERTSON, OF MARYLAND
MARGARET SCOBEY, OF TENNESSEE
MICHAEL JAMES SENKO, OF GUAM
W. DAVID STRAUB, OF KENTUCKY
EDWARD H. VAZQUEZ, OF NEW JERSEY
MARC M. WALL, OF VIRGINIA
JACOB WALLES, OF DELAWARE
CHRISTOPHER WHITE WEBSTER, OF MARYLAND
ROBERT WEISBERG, OF NEW HAMPSHIRE
THOMAS J. WHITE, OF NEW YORK
SETH D. WINNICK, OF NEW JERSEY
ALEJANDRO DANIEL WOLFF, OF CALIFORNIA
PETER S. WOOD, OF CALIFORNIA
WILLIAM BRAUCHER WOOD, OF NEW YORK
DONALD YUKIO YAMAMOTO, OF NEW YORK
STEPHEN MARKLEY YOUNG, OF NEW HAMPSHIRE

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

WILLIAM D. ARMOR, OF VIRGINIA
ERNEST E. DAVIS, OF MISSOURI
DAVID HAAS, OF VIRGINIA
WILLIAM G. HARRISON, OF CALIFORNIA
JOHN E. HOLLAND, OF WASHINGTON
RONALD M. MAZER, OF VIRGINIA
THOMAS E. MCKEEVER, OF TEXAS
WILLIAM L. WUENSCH, OF VIRGINIA

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be colonel

CHARLES C. ARMSTEAD, 0000
KAREN A. BRADWAY, 0000
DEBRA A. CAVANAUGH, 0000
FRANCIS D. CUMBERLAND, JR., 0000
GARY S. FORTHMAN, 0000
HOWARD D. GOOGINS, 0000
LINDA E. HANSON, 0000
ROY J. HOBBS, 0000
MICHAEL L. HOPPER, 0000
KATHY A. JENNER, 0000
RICHARD D. MARSH, 0000
MICHAEL J. MURPHY, 0000
ROY J. RUFF, JR., 0000
GEORGE L. SMALL, 0000
GARY J. TRICHE, 0000
EDWARD J. WRIGHT, JR., 0000

To be lieutenant colonel

RUDY C. ABEYTA, 0000
WARREN O. ABRAHAM, 0000
MARC E. ABSHIRE, 0000
EDWARD ACEVEDO, 0000
REMEY J. ACEVEDO, 0000
PAUL C. ACKERMAN, 0000
DARRELL E. ADAMS, 0000
JOHN P. ADAMS, 0000
NORMAN B. ADAMS, 0000
RORY D. ADAMS, 0000
WANDA P. C. ADKINS, 0000
DELANE A. ABANG AGUILAR, 0000
JOHN M. AIKEN, 0000
ANDREW B. ALDERSON, 0000
MARK R. ALDRICH, 0000
RENITA D. ALEXANDER, 0000
LEROY ALFORD, 0000
KEITH R. ALLFORD, 0000
JOHN V. ALLISON, JR., 0000
RICHARD E. ANAYA, 0000
LEE C. ANDERSEN, 0000
ARTHUR H. ANDERSON, JR., 0000
CRAIGEN B. ANDERSON, 0000
DAVID L. ANDERSON, 0000
MICHAEL P. ANDERSON, 0000
ROGER N. ANDERSON, JR., 0000
WARREN M. ANDERSON, 0000
JOHN M. ANDREANO, 0000
ROBERT K. ANGWIN, 0000
TODD M. ANSTY, 0000
JEFFERY S. ANTES, 0000
EDWARD L. ANTOINE, JR., 0000
EDWARD R. APPLER, 0000
MICHAEL G. ARCHULETA, 0000
MATTHEW H. ARENS, 0000
JEFFREY M. ARKELL, 0000
FREDERIC M. ARRENDALE, 0000
STEVE ASHER, 0000
ISAAC ATKINS, JR., 0000
STEVEN M. ATKINS, 0000
TIMOTHY J. AUER, 0000
OMER F. AUSTIN, 0000
DEREK W. AVANCE, 0000
BRADLEY J. AYRES, 0000
MICHAEL R. BABCOCK, 0000
TERESA R. BABERS, 0000
MARK A. BAGGETT, 0000
CHRISTOPHER J. BAGNATI, 0000
DAVID M. BAILEY, 0000
MATTHEW K. BAILEY, 0000
PENNY H. BAILEY, 0000
JEFFREY A. BAKER, 0000
MARK A. BAKER, 0000
RAYMOND N. BAKER, 0000
JAMES B. BALDWIN, 0000
PEGGY L. BALL, 0000
JOHN W. BALLENTINE JR., 0000
LANTZ R. BALTHAZAR III, 0000
TODD C. BANGERTER, 0000
SID P. BANKS, 0000
DAVID W. BANTON, 0000
CESIDIO V. BARBERIS, JR., 0000
CHARLES T. BARCO, 0000
JAMES L. BAREFIELD II, 0000
GARY D. BARMORE, 0000
MICHAEL D. BARNETT, 0000
KEITH R. BARON, 0000
THOMAS J. BARRALE, 0000
WILLIAM R. BARRETT, 0000
GARY M. BARETTE, 0000
BRYAN D. BARTELS, 0000
DANIEL W. BARTLETT, JR., 0000
KEITH B. BARTSCH, 0000
WILLIAM L. BASSETT, 0000
ROBERT A. BEARDSLEE, 0000
JOSEPH D. BECKER, 0000
JOHN R. BECKHAM, JR., 0000
BERNICE B. BECKWITH, 0000
MICHAEL G. BEDARD, 0000
THERESA A. BEDNAREK, 0000
ROBERT J. BELETIC, 0000
JOHN M. BELL, 0000
JOHN S. BELL, 0000
LARRY D. BELL, 0000
DAVID M. BELLAMY, 0000
CLYDE T. BELLINGER, 0000
DAVID C. BENDALL, 0000
ALLEN J. BENEFIELD, 0000
MELANIE G. BENHOFF, 0000
VANESSA G. BENN, 0000
RODGER R. BENNETT, 0000
THOMAS W. BERGESON, 0000
JOHN G. BERMINGHAM, 0000
MARK A. BERTHOLF, 0000
ROBERT J. BERTINO, 0000
ERIC H. BEST, 0000
SCOTT A. BETHEL, 0000
CARLO A. BIAGINI, 0000
ADAM R. BIGELOW, 0000
JIM C. BIGHAM, JR., 0000
SANDRA R. BIGNELL, 0000
GERALD A. BIGOS, 0000
GUILLERMO A. BIRMINGHAM, 0000
CARLEE A. BISHOP, 0000
DOUGLAS N. BISSELL, 0000
ERIC B. BJORN, 0000
DOUGLAS S. BLACK, 0000
KENNETH N. BLACKBURN, 0000
FRANCINE BLACKMON, 0000
RUSSELL J. BLAINE, 0000
DARRYL W. BLAN, 0000
BRYAN J. BODNER, 0000
ANDREW P. BOERLAGE, 0000
ROBERT J. BOIS, 0000
TODD A. BOLGER, 0000
PARTICK J. BOLIBRZUCH, 0000
DONALD T. BOLLING, 0000
DOUGLAS J. BOONE, 0000
TIMONTHY L. BOONE, 0000
DAMON K. BOOTH, 0000
MARK E. BOOTH, 0000
SCOTT J. BORG, 0000
ANN L. BORGMANN, 0000
PHILLIP A. BOSSERT, JR., 0000
DELBERT D. BOTTING, 0000
TODD A. BOUDINOT, 0000
ARMAND D. BOUDREAU, JR., 0000
ERIC A. BOWEN, 0000
CHARLES T. BOWMAN, 0000
WALKER H. BOWMAN IV, 0000
STEVEN H. BOYD, 0000
DAVID L. BOYER, 0000
GREGORY T. BOYETTE, 0000
ROBERT K. BOYLES, 0000
PHILIP G. BRADLEY, 0000
WILLIAM S. BRADSHAW, 0000
STEVEN W. BRAGADO, 0000
MARK S. BRANDT, 0000
ROBERT K. BRANNUM, 0000
DWIGHT R. BRASWELL, 0000
EDWARD A. BREDBENNER, 0000
TIMONTHY K. BRELAND, 0000
PAUL N. BRICKER, JR., 0000
TONJA M. BRICKHOUSE, 0000
JOHN W. BRIDGE, 0000
HARRY BRIESMASTER III, 0000
CHARLES F. BRINK, 0000
ROBERT ESLAY BORDERICK, 0000
GARY D. BROOKS, 0000
ALAN L. BROOKSHIRE, 0000
LYNN D. BROOME, 0000
ARTHUR J. BROWN III, 0000
BETTY J. BROWN, 0000
CHARLES Q. BROWN, JR., 0000
DANIEL P. BROWN, 0000
JAMES H. BROWN III, 0000
JAMES R. BROWN, 0000
REBECCA L. BROWN, 0000
SHIRLEY H. BROWN, 0000
JAMES S. BROWNE, 0000
SCOTT A. BRUMBAUGH, 0000
DARRELL W. BRUNING, 0000
NANCY G. BRUNSKOLE, 0000
JAMES L. BRYAN, 0000
JEFFREY L. BRYANT, 0000
LESLIE M. BRYANT, 0000
JAMES K. BRYDON, 0000
ROBERT S. BUCKLAND, 0000
TIMOTHY R. BUCKNER, 0000
FRANK C BUDD, 0000
MARVIN G. BUEL, JR., 0000
MARK A. BUKER, 0000
DAVID W. BULLOCK, 0000
ROBERT W. BULLOCK, 0000
RICHARD J. BURGESS, 0000
DARRYL W. BURKE, 0000
TIMOTHY S. BURKE, 0000
GREGORY J. BURNS, 0000
CALVIN C. BUTTS, 0000
NELSON CABOT, JR., 0000
EDWARD A. CABRERA, 0000
JAMES D. CALDWELL, 0000
STEVEN C. CALL, 0000
DAVID M. CALLIS, 0000
MARIANO C., CAMPOS, JR., 0000
PETER C. CANTWELL, 0000
NEAL R. CARBAUGH, 0000
PATRICK T. CAREY, 0000
STEPHEN R. CARLSON, 0000
MICHAEL K. CARNEY, 0000
JOSEPH M. CARRIERE, 0000
JEFFREY L. CARSON, 0000
JOHN R. CARTER, JR., 0000
THERESA C. CARTER, 0000
HENRY L. CASHEN, 0000
MICHAEL D. CASSIDY, 0000
SEAN P. CASSIDY, 0000
WILLIAM J. CASTLE, 0000
JACK S. CASZATT, 0000
DEVIN L. CATE, 0000
CHRISTOPHER R. CHAMBLISS, 0000
LEROY D. CHAMNESS, 0000
STEPHEN R. CHANNEL, 0000
SUSAN C. CHAVERS, 0000
K. MICHAEL CHESONIS, 0000
NOLEN R. CHEW, JR., 0000
SHEILA G. CHEWNING, 0000
TIMOTHY G. CHILDRESS, 0000
DAVID L. CHRISTENSEN, 0000
JERALD R. CHRISTENSEN, 0000
MICHAEL S. CHRISTIE, 0000
BRENT CHUBB, 0000
CARY C. CHUN, 0000
STEPHN B. CICHOCKI, 0000
DANIEL A. CIECHANOWSKI, 0000
ROBET B. CLARDY, 0000
BRENDAN G. CLARE, 0000
ALLEN L. CLARK, 0000
GREGORY C. CLARK, 0000
KENNETH N. CLARK, 0000
PAUL J. CLARK, 0000
TIMOTHY D. CLARY, 0000
MICHAEL D. CLAWSON, 0000
DEAN R. CLEMONS, 0000
HARRY L. CLEMONS, JR., 0000
BENJAMIN N. CLEVELAND, 0000
DANIEL R. CLEVENGER, 0000
FRED R. CLIFTON, JR., 0000
ALLAN F. COBB, 0000
STEPHEN D. COBB, 0000
MARK R. COBIN, 0000
KENNETH E. COBLEIGH, 0000
LANDON V. COCHRAN, 0000
WILLIAM R. CODY, JR., 0000
DAVID A. COFFMAN, 0000
JOHN W. COHO, 0000
BERNARD F. COLLINS II, 0000
NANCY L. COMBS, 0000
MICHAEL B. COMPTON, 0000
FERNANDO X. CONEJO, 0000
HARRY W. CONLEY, 0000
LEE D. CONN, 0000
JAMES P. CONRAD, 0000
MARK J. CONVERSINO, 0000
DAVID P. COOLEY, 0000
TIMOTHY R. COOLEY, 0000
PATRICIA K. COOMBER, 0000
ROBERT W. COOPER, 0000
KIMBERLY J. CORCORAN, 0000
CHRISTOF P. CORDES, 0000
JOHN P. CORNETT II, 0000
NORMAN M. CORTESE, 0000
JOHN M. COTTAM, 0000
JOHNNY N. COUCH, 0000
JERRY R. COUICK, 0000
FREDERICK L. COWELL, 0000
CHRISTOPHER L. COX, 0000
ROBERT E. CRAIG, JR., 0000
ARTHUR W. CRAIN, 0000
DONALD H. CREWS, 0000
MARK C. CREWS, 0000
JOHN R. CRIDER, 0000
DENNIS M. CRIMIEL, 0000
GWENDOLYN J. CRIMIEL, 0000
THOMAS A. CRISTLER, 0000
FRANCIS CROSBY, JR., 0000
HECTOR L. CRUZ, 0000
SCOTT K. CUMMINGS, 0000
KEITH R. CUNNINGHAM, 0000
JAMES N. CUTTER, 0000
WILLIAM E. CUZICK, 0000
MICHAEL V. CZARNIAK, 0000
ARDEN B. DAHL, 0000
JAMES W. DAHLMANN, 0000
ALLAN D. DAHNCKE, 0000
DAVID W. DALE, 0000
BRYAN A. DALY, 0000
VINCENT F. DANGELO, 0000
JOHN E. DARGENIO, 0000
MERID D. DATES, 0000
JOHN M. DAVIDSON, 0000
CONSTANCE H. DAVIS, 0000
GREGORY E. DAVIS, 0000
TIMOTHY C. DAVIS, 0000
CLIFFORD E. DAY, 0000
RANDALL T.C. DAY, 0000
PHILIP D. DEAN, 0000
THOMAS S. DEAN, 0000

JOHN W. DEBERRY, 0000
WILLIAM C. DEBOE, JR., 0000
JOHN R. DECKNICK, 0000
MARK A. DEDOMINICK, 0000
RANDALL R. DEGERING, 0000
DENNIS F. DELANEY, 0000
PHILIP DELILLO, 0000
GODFRED N. DEMANDANTE, 0000
NANCY M. DEMING, 0000
CORRINNE A. DEMOSS, 0000
JAMES C. DENDIS, 0000
RAY A. DENNIE, 0000
JEFFREY L. DERRICK, 0000
LLOYD D. DESERISY, 0000
NICHOLAS L. DESPORT, 0000
JAMES E. DETEMPLE, 0000
BILLY R. DETRICK, 0000
ROBERT E. DEVANEY, 0000
TROY E. DEVINE, 0000
WALTER I. DIAZ, 0000
JAMES A. DICE, 0000
RICHARD J. DIERINGER, 0000
DONALD A. DIESEL, 0000
TIMOTHY L. DIGNAN, 0000
FREDERICK D. DILLARD III, 0000
JAMES D. DINEEN, 0000
STEVEN B. DINGEE, 0000
ROBERT N. DIONNE, 0000
MARK A. DIPADUA, 0000
MARC K. DIPPOLD, 0000
STEVEN W. DITMER, 0000
DAVID M. DITO, 0000
BRADLEY E. DODD, 0000
JAMES D. DODSON, 0000
GARY L. DOMBROSKIE, 0000
ANTHONY R. DOMINICE, 0000
TERY L. DONELSON, 0000
MATTHEW P. DONOVAN, 0000
ALAN W. DOOLEY, 0000
RONALD E. DORN, 0000
KENNETH R. DORNER, 0000
JOSEPH C. DORTCH, 0000
DANIEL C. DOTY, 0000
EDDIE G. DOUGLAS, 0000
TERRANCE S. DOVE, 0000
NORMAN L. DRABEK, 0000
DOUGLAS G. DRAKE, 0000
THOMAS L. DRIEHORST, 0000
ROBERT E. DULONG, 0000
MARC B. DUNCAN, 0000
MARK C. DURHAM, 0000
SUSAN E. DURHAM, 0000
ELIZABETH M. DURHAMRUIZ, 0000
WALTER B. EADY, 0000
DOMENICK M. EANNIELLO, 0000
MARK J. EDMUNDS, 0000
DON M. EDWARDS, 0000
GREGORY B. EDWARDS, 0000
VIVIAN C. EDWARDS III, 0000
KENT A. EINMO, 0000
BERNARD L. ELA, 0000
HAROLD A. ELKINS, 0000
RONALD K. ELLIOTT, 0000
JEFFREY S. ELLIS, 0000
RICHARD K. ELSISHANS, 0000
MARVIN D. ENGELS, 0000
ALAN S. ENGLER, 0000
MATTHEW N. ERICHSEN, 0000
WILLIAM L. ERIKSON, 0000
JAMES A. ESCH, 0000
MICHAEL B. ETZLER, 0000
LOIS L. EVANS, 0000
ROBERT J. EVANS, JR., 0000
CARLTON D. EVERHART II, 0000
ROBERTA M. EWART, 0000
LYMAN A. FAITH, 0000
MARTI E. FALLON, 0000
ROBERT L. FANT, 0000
ANGELIQUE L. FAULISE, 0000
KEITH P. FEAGA, 0000
KURT C. FECHT, 0000
MERRILY D. FECTEAU, 0000
WAYNE A. FELTMAN, 0000
MICHAEL A. FERNANDEZ, 0000
BERNARD P. FERRIS, JR., 0000
EBBY FERRY, 0000
SANDRA E. FINAN, 0000
WILLIAM B. FINTER, 0000
MICHAEL R. FISCHER, 0000
WILLIAM K. FISHER, 0000
MARK E. FLAK, 0000
DEAN W. FLANDERS, 0000
PAULA BOHN FLAVELL, 0000
STEPHEN D. FLEMING, 0000
STEPHEN M. FLIPPO, 0000
JESUS FLORES, 0000
CHARLES C. FLOYD, 0000
DAVID C. FLYNN, 0000
MICHAEL D. FLYNN 0000
REINHARD P. FOERG, 0000
KEVIN A. FORD, 0000
KRISTINA M. FORTMANN, 0000
BRYAN H. FORTSON, 0000
ANTHONY A. FOTI, 0000
KURT R. FOX, 0000
MICHAEL E. BARTEAU FRANCE, 0000
GEOFREY A. FRAZIER, 0000
ANDREW C. FRECHTLING, 0000
ROBERT S. FREDELL, 0000
PHILLIP R. FREDERICK, 0000
ERIC A. FREEMAN, 0000
JACK J. FRIEDMAN, 0000
MICHAEL J. FRITZ, 0000
CARL S. FUNK, 0000
JOHN M. FYFE, 0000
DAVID R. GAETA, 0000
DEBORAH A. GALASKA, 0000
CARLA H. GAMMON, 0000
JERRY L. GANDY, 0000
SUSAN J. GARCIA, 0000
JEFFERY D. GARDNER, 0000
JOHN S. GARDNER, 0000
REBECCA P. GARDNER, 0000
ANDREA M. GARDNERINCE, 0000
THOMAS A. GARIN, 0000
LESLIE A. GARLAND, 0000
KENNETH A. GARRISON, 0000
STEVEN H. GAWLER, 0000
KEITH W. GAY, 0000
MICHAEL T. GAY, 0000
KENNETH A. GAYLOR, 0000
JAMES P. GEIB, 0000
BRADFORD D. GENTRY, 0000
DAVID K. GERBER, 0000
MICHAEL L. GERMAN, 0000
RONALD J. GEVRY, 0000
THOMAS B. GIATTINO, 0000
DEBORAH A. GIBBS, 0000
DAVID P. GIBSON, JR., 0000
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ROBERT D. GIBSON, 0000
SCOTT K. GIBSON III, 0000
MARK M. GILLAM, 0000
MARK A. GILLETT, 0000
DENNIS P. GILLON, 0000
BILLY J. GILSTRAP, JR., 0000
CARY B. GLADE, 0000
DONALD L. GLEASON, 0000
BRYAN P. GLYNN 0000
ALAN L. GOARD, 0000
JOHN J. GOMEZ, 0000
JIMMY GONZALEZ, 0000
LARRY T. GOODWIN, 0000
GROVER M. GOSSETT, 0000
DAVID T. GOULD, 0000
RALPH GRACIA, 0000
*DOUGLAS E. GRAHAM, 0000
MICHAEL J. GRAHAM, 0000
GERALD N. GRANT, 0000
LINWOOD N. GRAY, 0000
SAMUEL A.R. GREAVES, 0000
ROBERT S. GREEN, 0000
DAVID T. GREER, JR., 0000
CHERYL E. GREGORIO, 0000
DANIEL P. GRENIER, 0000
LAWRENCE S. GRESKO, JR., 0000
EDWARD M. GRIFFIN, 0000
SAMUEL R. GRIFFIN, 0000
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STEVEN C. GRIFFITH, 0000
GARY C. GRIGORIAN, 0000
GINA M. GROSSO, 0000
JOHN W. GROSVENOR, 0000
YOLANDA L. GROVE, 0000
FREDERICK I. GUENDEL, JR., 0000
JOHNNY R. GUEST, 0000
JEFFREY G. GUILD, 0000
WILLIAM L. GUTHRIE III, 0000
WILLIAM R. HAAS, 0000
JOSEPH K. HADDAD, 0000
DAVID A. HAGGINBOTHOM, 0000
DEBORAH L. HALL, 0000
JOHN B. HALL, JR., 0000
DONALD E. HALLFORD, 0000
PHILLIP A. HAMANN, 0000
JAMES J. HAMMES III, 0000
ROBERT G. HAMPTON, 0000
JAMES M. HAMRICK, 0000
RICHARD D. HANDLEY, 0000
KEVIN M. HANFORD, 0000
RONALD F. HANNENBERG, 0000
SCOTT M. HANSON, 0000
JOSEPH R. HAPY, 0000
JAMES D. HARDEN, 0000
ANTHONY L. HARDIN, 0000
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DANIEL G. HARGROVE, 0000
JEFFREY D. HARKER, 0000
JAMES J. HARKINS, JR., 0000
DANIEL M. HARRIER, 0000
DWIGHT LEE HARRIS, 0000
MARLIN L. HARRIS, 0000
MICHAEL J. HARRIS, 0000
TERESA M. HARRISON, 0000
GARY L. HART, 0000
DANA R. HARTLE, 0000
WILLIS L. HARWELL, 0000
RAYMOND S. HARWOOD, 0000
BRETT D. HASWELL, 0000
STEPHEN M. HASWELL, 0000
JOHN W. HATCH, 0000
MICHAEL C. HATHAWAY, 0000
GREGORY HAWKES, 0000
ADRIAN J. HAYES, 0000
CHRISTOPHER M. HAZEN, 0000
GERALD C. HEADLEY, III, 0000
LERNES J. HEBERT, 0000
RANDALL B. HEINBAUGH, 0000
DAVID B. HEININGER, 0000
HENRY E. HELIN, 0000
BRUCE P. HENDRICKSON, 0000
DANIEL L. HENKEL, 0000
THOMAS N. HENSON, 0000
JAMES E. HERRING, 0000
STEVEM C. HERZIG, 0000
MARK D. HESTER, 0000
JENNIFER L. HESTERMAN, 0000
EDWARD C. HEYSE, 0000
THOMAS J. HIETPAS, 0000
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MICHAEL J. HIRKA, 0000
JOHN L. HIRST, III, 0000
WILLIAM A. HITE, 0000
GARY W. HOGG, 0000
JOE L. HOGLER, 0000
MICHAEL D. HOLBERT, 0000
ARNOLD W. HOLCOMB, 0000
JUAN D. HOLGUIN, 0000
GARY W. HOLLAND, 0000
DANE HOLLENGA, 0000
MARK T. HOLLERAN, 0000
JOSEPH L. HOLLETT, 0000
JAMES C. HOLLINGSWORTH, 0000
SCOTT H. HOLLOWAY, 0000
BRUCE E. HOLLYWOOD, 0000
RICHARD J. HORAN, 0000
JAMES C. HORTON, 0000
JEFFREY A. HOSKEN, 0000
ROBERT S. HOSKINS, 0000
KENNETH E. HOSTERMAN, 0000
GERALD A. HOUGE, 0000
GREGORY S. HOUSTON, 0000
THOMAS W. HOUSTON, II, 0000
JAMES A. HOWARD, 0000
WILLIAM F. HOWARD, JR., 0000
LARRY A. HOWE, 0000
MICHAEL P. HOWE, 0000
HAL V. HOXIE, 0000
DENNIS B. HUDSON, 0000
MATTHEW E. HUGHES, 0000
ROBERT K. HUGHES, II, 0000
KIRK A. HUNIGAN, 0000
ALAN L. HUNT, JR., 0000
PETER C. HUNT, 0000
CARL HUNTER, 0000
CHARLES R. HUNTER, 0000
RICHARD M. HUNTER, 0000
JAMES E. HURLEY, 0000
WILLIAM L. HURT, 0000
WILLIAM R. HURT, JR., 0000
JUAN A. HURTADO, 0000
DAVID G. HUTCHISON, 0000
MICHAEL W. HUTCHISON, 0000
JOHN H. IDE, 0000
DAVID C. IMIG, 0000
RICHARD A. INGALSBE, 0000
PERRY B. IRBY, 0000
DEAN C. JACKSON, 0000
DONALD L. JACKSON, 0000
JOSEPH A. JACKSON, 0000
RICHARD S. JACKSON, 0000
RUFUS JACKSON, JR., 0000
GORDON J. JACOBS, 0000
JULIE D. JACOBSON, 0000
JOHN D. JAMES, 0000
DOUGLAS F. JAMIESON, 0000
VERALINN JAMIESON, 0000
JADELL JANES, 0000
SCOTT W. JANSSON, 0000
EDWARD H. JARRETT, 0000
STEVEN J. JARVIS, 0000
JAMES G. JASINA, 0000
DENNIS L. JASINSKI, 0000
WAYNE F. JASINSKI, 0000
MARK P. JELONEK, 0000
JAMES M. JENKINS, 0000
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BRADFORD W. JENSEN, 0000
KEVIN R. JOECKEL, 0000
KRIS A. JOHANESSEN, 0000
WILLIAM A. JOHANNESSEN, 0000
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KEITH L. JOHNSON, 0000
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TROY A. JOHNSON, 0000
WALTER JOHNSON, 0000
DONNA M. JOHNSONBACON, 0000
KENNETH B. JOHNSTON, 0000
BRIAN D. JONAS, 0000
JIMMY L. JONES, 0000
LARRY D. JONES, 0000
LEONARD A. JONES, 0000
RICHARD L. JONES II, 0000
THOMAS M. JONES, JR., 0000
VICTOR P. JONES, 0000
DANIEL P. JORDAN, 0000
JOHN F. JOZWICKI, 0000
JOEL B. JUREN, 0000
BRUCE M. JUSELIS, 0000
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TERRY P. KANE, 0000
MARK A. KANKO, 0000
CHRISTOPHER A. KAPELLAS, 0000
THOMAS KARIKA, 0000
STEVEN H. KAVOOKJIAN, 0000
KELVIN P. KEARNEY, 0000
DARREL P. KEATING, 0000
JULIE L. KECK, 0000
RANDY A. KEE, 0000
AL G. KEELER, 0000
JAMES D. KEELS, JR., 0000
JOHN F. KEENAN, 0000
LAWRENCE F. KEITH, 0000
GARY C. KELLER, 0000
DOUGLAS E. KELLEY, 0000
DONALD R. KELLY, 0000
MARK D. KELLY, 0000

MICHAEL L. KELLY, 0000
WALTER F. KELLY, 0000
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DAVID E. KENNEALLY, 0000
THOMAS J. KENNEDY, 0000
GREG A. KERN, 0000
KEVIN G. KERSH, 0000
KENNETH KESKEL, 0000
DONALD J. KESSLER, 0000
TIMOTHY B. KILLAM, 0000
LARRY T. KIMM, 0000
LANCE KING, 0000
SHEILA M. KINGCOLEMAN, 0000
MICHAEL J. KINGSLEY, 0000
BRUCE A. KIRBY, 0000
JOHN L. KIRK, 0000
DAVID M. KIRKHAM, 0000
DEBORAH A. KIRKHUFF, 0000
MAX E. KIRSCHBAUM, 0000
WILLIAM A. KITCH, 0000
TERRENCE J. KLEFISCH, 0000
JERRY D. KLINE, 0000
TONY V. KLUCKING, 0000
JAMES R. KNIGHT, 0000
JAMES T. KNOLL, 0000
DAVID C. KNOPF, 0000
DENISE A. KNOX, 0000
WILLIAM A. KOBREN, 0000
GERARD W. KOLASKI, 0000
THOMAS A. KONICKE, 0000
TERRY T. KONO, 0000
MICHAEL F. KORCHECK, 0000
WAYNE K. KORN, 0000
RANDALL J. KOSINSKI, 0000
REY B. KOURY, 0000
GAIL K. KRAMER, 0000
MARK L. KRAMER, 0000
TIMOTHY J. KRAMER, 0000
GEORGE D. KRAMLINGER, 0000
MARK E. KRAUS, 0000
MERRICK E. KRAUSE, 0000
JOHN T. KREGER IV, 0000
JAY M. KREIGHBAUM, 0000
KEVIN W. KREPS, 0000
KEVIN C. KRINER, 0000
KEVIN C. KRISINGER, 0000
HEATHER M. KTENIDIS, 0000
JOHN T. KUKOWSKI, JR., 0000
JOHN J. KUSNIEREK, 0000
STEVEN L. KWAST, 0000
SAM M. KYLE, JR., 0000
KURT R. LAFRANCE, 0000
MARIA R. LAMAGNAREITER, 0000
ANDREW H. LAMAR, 0000
MICHAEL W. LAMB SR., 0000
RICHARD E. LAMB, 0000
MICHAEL J. LANDRY, 0000
ROBIN MIYOSHI LANDRY, 0000
TRUDY E. LANDRY, 0000
RANDEL A. LANE, 0000
GLENN A. LANG, 0000
DAVID H. LANGAN, 0000
JON L. LANGE, 0000
SCOTT G. LARDNER, 0000
DENNIS LARM, 0000
GARY M. LASSITER, 0000
JEFFREY L. LATAS, 0000
STEVEN H. LAUDER, 0000
PAUL L. LAUGESEN, 0000
RONALD K. LAUGHJBAUM, 0000
WALTER H. LEACH, 0000
GORDON K. LEE, 0000
KIRK CHI KONG LEE, 0000
MARK A. LEE, 0000
RICHARD H., LEE JR., 0000
TIMOTHY F. LEE, 0000
HAROLD T. LEHMANN, 0000
MICHELE A. LEHMKUHL, 0000
BENJAMIN C. LEITZEL, 0000
RICHARD K. LEMASTER, 0000
WILLIAM T. LEMENAGER, 0000
DANIEL E. LEVIN, 0000
JONATHAN H. LEVISON, 0000
DAVID R. LEVY, 0000
CHARLES W. LEWIS, 0000
RICHARD A. LEWIS, 0000
SCOTT D. LEY, 0000
ROBERT S. LINDBERG, 0000
TIMOTHY F. LINDEMANN, 0000
ROBERT F. LINDSAY, 0000
KIRBY L. LINDSEY, 0000
JONAS F. LINEBERGER, III, 0000
JEFFERY K, LITTLE, 0000
CARL D. LIVERMORE, 0000
JOHN M. LIVINGOOD, 0000
PETER R. LIVINGSTON, 0000
NORMAN D. LLOYD, 0000
WA LOCKE III, 0000
VICTOR E. LOFTON, 0000
MARITZA LOGRASSO, 0000
SCOT H. LOIZEAUX, 0000
WESLEY W. LONG, 0000
DEAN J. LONGO, 0000
JAMES B. LOPEZ, 0000
MADELINE F. LOPEZ, 0000
WARREN, LOW, 0000
LYNNETTE M. LOWRIMORE, 0000
ALVIN M. LOWRY JR., 0000
ROBERT M. LUCANIA, 0000
SCOTT A. LUDLOW, 0000
DOUGLAS W. LUHRSEN, 0000
KENT S. LUND, 0000
LOREN M. LUNDSTROM, 0000
CONNIE J. LUTZ, 0000
THOMAS L. LUTZ, 0000
TIMOTHY E. LYNN, 0000
JOHN F. MABE, 0000
STUART W. MABERRY, 0000
JOHN W. MABES, JR., 0000
MARK L. MACDONALD, 9091
NATHAN G. MACIAS, 0000
MICHAEL P. MACIVER, 0000
JEFFREY M. MACLENNAN, 0000
FRANK C. MADEKA, 0000
BRUCE H. MAGOON, 0000
PHILIP A. MAHON, 0000
WILLIAM M. MAJOR, 0000
WILLIAM A. MALEC, 0000
TIMOTHY R. MALINSKI, 0000
JOEL E. MALONE, 0000
EDWIN L., MARSALIS JR., 0000
MICHELLE M. MARSHALL, 0000
DAVID M. MART, 0000
STUART K. MARTIN, 0000
GREGORY C. MARTINEAC, 0000
JERRY P. MARTINEZ, 0000
JOHN B. MARTINS, 0000
GREGORY P. MASTERS, 0000
KALI K. MATHER, 0000
BETSY T. MATSUOKA, 0000
MICHAEL C. MATTEI, 0000
RONALD E. MATTSON, 0000
PETER M. MAUNZ, 0000
*SHERRI R. MAXWELL, 0000
RUSSELL M. MAYES, 0000
EDWARD J. MCALLISTER III, 0000
MARK S. MCALPINE, 0000
JOHN M. MCBRIEN, 0000
ERIN M. MCCARTER, 0000
JAMES P. MCCAW JR., 0000
WARREN J. MCCHESNEY, JR., 0000
STANLEY J. MCCLOSKEY, 0000
RICHARD P. MCCOY, 0000
VINCENT G. MCCRAVE III, 0000
SAMUEL J. MCCRAW, 0000
DAVID M. MCCULLERS, 0000
JOHN W. MCDONALD, 0000
MICHAEL H. MCDONALD, 0000
KEVIN S. MCDONOUGH, 0000
NEAL B. MCELHANNON, 0000
MICHAEL E. MCGAUVRAN, 0000
DONALD W. MCGEE, 0000
PAUL H. MCGILLICUDDY, 0000
CATHERINE M. MCGINN, 0000
KEVIN P. MCGINNIS, 0000
THOMAS K. MCINTYRE, JR., 0000
VIVECA A. MCKAY, 0000
TIMOTHY A. MCKELVEY, 0000
WILLIAM E. MCKENNA, 0000
JOHN I. MCKENY, 0000
MARK T. MCKENZIE, 0000
BRUCE A. MCKIBBEN, 0000
VIRGINIA M. MCKINLEY, 0000
MICHAEL E. MCKINNEY, 0000
JOHN W. MCLAUGHLIN, 0000
MARK C. MCLAUGHLIN, 0000
PHILIP G. MCLEMORE, 0000
*GERALD, D. MCMANUS, 0000
THOMAS C. MCMULLEN, 0000
JOHNNY, MCQUEEN, 0000
RALPH T. MEAD, JR., 0000
JOHN M. MEEK, 0000
ROBERT N. MELVIN, 0000
EDMUND G. MEMI, 0000
RUBEN MENDEZ, 0000
MICHAEL S. MENSER, 0000
JAMES J. MERCER, 0000
*JAMES M. MEREDITH, 0000
DONALD MERKISON, 0000
MARIE E. MERRICK, 0000
JOSEPH T. MERTAN, JR., 0000
*DEAN L. MESSELHEISER, 0000
CHRISTOPHER C. METZ, 0000
KARL W. MICKELSON, 0000
JOHN C. MILLANDER, 0000
DAMIEN F. MILLER, 0000
DOUGLAS W. MILLER, 0000
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ETHEL R. MILLS, 0000
JAMES W. MILLS, 0000
SCOTT B. MILTON, 0000
STEPHEN E. MISRA, 0000
LISTON B. MOBLEY, JR., 0000
FREDERICK A. MOHR, 0000
DANIEL J. MOKRIS, 0000
KEITH W. MONCRIEF, 0000
JAY A. MOODY, 0000
FREDERICK W. MOONEY, 0000
THOMAS K. MOORE, 0000
VINCENT D. MOORE, 0000
EUGENE V. MORABITO, 0000
JEFFREY A. MORAGNE, 0000
ROGELIO MORALES, JR., 0000
KENNETH J. MORAN, 0000
SCOTT P. MORGAN, 0000
NICKY R. MORROW, 0000
ROBERT M. MORROW, JR., 0000
WILLIAM S. MOSLEY, 0000
CHARLES E. MOSS, 0000
JOSEPH S. MOTOWSKI, 0000
ANDREW M. MUELLER, 0000
WILLIAM M. MULLINS, 0000
TONY R. MULLIS, 0000
CURTIS K. MUNECHIKA, 0000
WILLIAM D. MURDOCH, 0000
GLENN A. MURPHY, 0000
JOHN D. MURPHY, 0000
WILLIAM F. MURPHY, 0000
RONALD U. MUSE, 0000
CHARLES A. MUSTAPICH, 0000
MICHAEL K. MYERS, 0000
PHILIP P. NARDI, 0000
JEFFREY A. NASH, 0000
DANIEL P. NAUGHTON, 0000
RICHARD T. NAYLOR, 0000
KERMIT D. NEAL, 0000
AINSLEY T., NEISS, JR., 0000
LAURA L. NELSON, 0000
SHANE T. NELSON, 0000
JERRY L. NEUZIL, 0000
EVERETTE S. NEWTON, 0000
JEFFREY S. NICHOLSON, 0000
MARK M. NICKSON, 0000
MICHAEL J. NIEZGODA, 0000
DANIEL NIGOLIAN, 0000
ROBERT A. NISSEN, 0000
DONALD L. NOAH, 0000
MICHAEL K. NOLAN, 0000
JON D. NORCROSS, 0000
DAVID W. NORSWORTHY, 0000
JOHN B. NORTON, JR., 0000
ERIK L. NUTLEY, 0000
MICHAEL E. O'BOYLE, 0000
WILLIAM B. O'CONNOR, 0000
MARC S. OKYEN, 0000
BURL M. OLSON, 0000
DAVID C. O'MEARA, 0000
DAVID L. ORR, 0000
JAMES D. OSBORNE, 0000
GARY A. PACKARD, JR., 0000
OSCAR J. PADEWAY, 0000
BOBBY V. PAGE, 0000
DAVID O. PAINE, 0000
GLENN A. PALMER, 0000
ROBERT J. PALMER, 0000
JAIME B. PARENT, 0000
MOHSEN PARHIZKAR, 0000
JEFFREY L. PARKER, 0000
RONNIE E. PARKER, 0000
MATTHEW A. PARKS, 0000
ANDREW L. PARRISH, 0000
RANDY L. PARTON, 0000
STEPHEN L. PATCH, 0000
DEANNA A. PAULK, 0000
THOMAS L. PAULY, 0000
BRIAN J. PAWLOWSKI, 0000
EUGENE PAWLOWSKI, 0000
JOHNNY G. PAYNE, 0000
TILLMAN W. PAYNE III, 0000
JOHN H. PEARCY, 0000
JOHN B. PECHINEY, 0000
DAVID L. PECK, 0000
ROBERT E. PECORARO, 0000
ROBERT J. PELLE, 0000
MICHAEL W. PELTZER, 0000
DENNIS S. PEREZ, 0000
RONALD A. PERKINS, 0000
JUDY F. PERRY, 0000
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WILLIAM K. PERRY, 0000
ALAN L. PETERSON, 0000
*RIC D. PETERSON, 0000
STEPHEN R. PETTIT, 0000
RANDY J. PETYAK, 0000
THOMAS P. PFEIFFER, 0000
MICHAEL E. PHELPS, 0000
THOMAS G. PHILIPKOSKY, 0000
BRETT E. PHILLIPS, 0000
DEAN C. PHILLIPS, JR., 0000
KEITH W. PHILLIPS, 0000
MICHAEL D. PHILLIPS, 0000
SCOTT N. PHILLIPS, 0000
TRACY A. PHILLIPS, 0000
JENNIFER LYNN PICKETT, 0000
MARK O. PICTON, 0000
EDWARD PIEKARCZYK, 0000
RICHARD P. PIERCE, 0000
JAMES E. PILLAR, 0000
JAMES R. PLOTT, 0000
GERALD P. PLOURDE, 0000
STEPHEN C. PLUNTZE, 0000
ERIC A. POHLAND, 0000
KENNETH W. POLASEK, 0000
ROBERT E. POLIQUIN, JR., 0000
GLENN M. POLLICK, 0000
MICHAEL E. PONTONI, 0000
PATRICK A. POPE, 0000
SHAWN H. POTTER, 0000
LYLE D. POWELL, 0000
KIRK H. PRIDELL, 0000
ANDRE M. PROVONCHA, 0000
JAMES E. PROVOST, 0000
RALPH D. PUCKETT, 0000
CAROL A. PUGH, 0000
THOMAS D. QUASNEY, 0000
ROBERT J. RACICOT, 0000
JOSE L. RAMIREZ, 0000
MICHAEL K. RANGER, 0000
JAMES M. RATTI, 0000
JOHN W. RAYMOND, 0000
GUY S. RAZER, 0000
FRANCIS J. RECHNER, 0000
VERDIS P. REDMON, 0000
DEAN REED, 0000
JERRY P. REED, 0000
ROBERT D. REEHOORN, 0000
PETER J. REHO, 0000
PATRICIA A. REILLY, 0000
THOMAS P. REILLY, 0000
ROCKFORD J. REINERS, 0000
RENE GARZA RENDON, 0000
ROBERT T. RENFREW III, 0000
MICHAEL D. RETALLICK, 0000

ANDRE L. REVELL, 0000
JAY H. REYNOLDS, 0000
JOSEPH H. REYNOLDS, 0000
WILLIAM F. REYNOLDS, 0000
RONALD R. RICCHI, JR., 0000
CHARLES R. RICE, 0000
HAROLD H. RICE, 0000
THOMAS L. RICHARDS, 0000
BABARA J. RICHARDSON, 0000
DERRICK M. RICHARDSON, 0000
LOUIS E. RICHARDSON, 0000
MARY F. RIDDELL, 0000
CHARLES D. RIECHERS, 0000
JAMES A. RIESS, 0000
MARIE Y. RIGOTTI, 0000
MICHAEL D. RIHA, 0000
BYRON H. RISNER, 0000
MICHAEL D. RIZZO, 0000
JOHN M. ROBBINS, 0000
HARRY M. ROBERTS, 0000
JOHN E. ROBERTS, 0000
JOHN R. ROBERTS, 0000
RANDY R. ROBERTS, 0000
WILLIAM R. ROBERTS, 0000
JOHN D. ROBINSON, JR., 0000
KENNETH L. ROBINSON, 0000
STUART M. RODGERS, 0000
JOSEPH M. ROEDER, 0000
FRANK K. ROGERS, 0000
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KENT D. ROGERS, 0000
ROBERT L. ROGERS, 0000
WILLIAM M. ROGERS, 0000
CARL R. ROHBOCK, 0000
EUGENE A. ROHL, 0000
MICHAEL L. ROLLISON, 0000
DANIEL L. ROONEY, 0000
JON A. ROOP, 0000
MICHAEL G. ROSAS, 0000
JAN L. ROSKO, 0000
THOMAS J. ROSS, 0000
CLIFFORD M. ROTTI, 0000
JOHN R. ROWLANDS, 0000
RONALD G. ROZZO, 0000
MARLON RUIZ, 0000
WALTER A. RUIZSULSONA, 0000
SCOTT L. RUMPH, 0000
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DAVID M. RUSSELL, 0000
JAMES D. RUSSELL, JR., 0000
WILLIAM D. RUSSELL, 0000
*GREGORY W. RUSSIE, 0000
ANTHONY J. RUSSO, 0000
MICHAEL F. RYCKELEY, 0000
EDMOND M. SAAD III, 0000
DIRK J. SALTZGABER, 0000
SEAN O. SALTZMAN, 0000
DIRK H. SALVERIAN, 0000
PHIL L. SAMPLES, 0000
GLENN C. SAMUELSON, 0000
HENRY P. SANDERS, 0000
NICHOLAS R. SANDWICK, 0000
ROBERT R. SANFORD, 0000
FABRIZIO SARACENI, 0000
DONALD W. SAUNDERS, 0000
JAMES P. SAVOY, 0000
ANTHONY L. SCAFIDI, 0000
DAVID L. SCAGLIOLA, 0000
WALTER E. SCALES, JR., 0000
WILLIAM E. SCHAAL, JR., 0000
PAUL SCHAEFER, JR., 0000
DAVID B. SCHAPIRO, 0000
BRETT T. SCHARRINGHAUSEN, 0000
WILLIAM J. SCHEPPERS, JR., 0000
RICHARD A. SCHIANO, 0000
DONALD J. SCHILPP, 0000
WILLIAM D. SCHLECHT, 0000
JOEL D. SCHMIEDEKE, 0000
DAVID W. SCHNEIDER, 0000
STEPHEN L. SCHRADER, 0000
JOSEPH A. SCHURHAMMER, 0000
DONNA G. SCHUTZIUS, 0000
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ROBERT J. SCOTT, 0000
ROBERT A. SEEGMILLER, 0000
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DAVID A. SELF, 0000
STEVEN G. SEROKA, 0000
DENNIS E. SHANAHAN III, 0000
JAMES S. SHANE, 0000
STEVI A. SHAPIRO, 0000
JAMES C. SHARP, 0000
TRACY A. SHARP, 0000
JAMES W. SHAW, 0000
JAMES J. SHEPHERD, 0000
JAMES G. SHERRARD, 0000
MARK A. SHERRIER, 0000
LAURA E. SHOAF, 0000
MICHAEL M. SHOUKAT, 0000
MICHAEL R. SHOULTS, 0000
STANLEY W. SHRADER, 0000
JOSEPH A. SHURILA, 0000
ANTHONY B. SILER, 0000
BRADLEY D. SILVER, 0000
STEVEN A. SIMIONE, 0000
WALLACE J. SIMPKIN, 0000
BRIAN A. SIMPSON, 0000
DONALD R. SIMPSON, 0000
ERIC L. SIMPSON, 0000
MARK E. SIMPSON, 0000
JOHN N. SIMS, JR., 0000
JOSEPH M. SKAJA, JR., 0000
PATRICK D. SMELLIE, 0000
MICHAEL J. SMIETANA, 0000
BRIAN S. SMITH, 0000
GARY L. SMITH, 0000
JAMES E. SMITH III, 0000
JEFFREY B. SMITH, 0000
JEFFREY S. SMITH, 0000
JOHN K. SMITH, 0000
JOHN R. SMITH, 0000
KEVIN A. SMITH, 0000
KEVIN C. SMITH, 0000
KEVIN C. SMITH 0000
KEVIN J. SMITH, 0000
MARK H. SMITH, 0000
MARK K. SMITH, 0000
MICHELE G. SMITH, 0000
PAUL E. SMITH, 0000
PHILIP A. SMITH, 0000
RICHARD J. SMITH, 0000
STAR V. SMITH, II, 0000
STEPHEN A. SMITH, 0000
STEWARD A. SMITH, 0000
WILLIAM C. SMITH, JR., 0000
JIMMY D. SMITHERS, 0000
ROBERT L. SNEATH, JR., 0000
MITCHELL D. SNECK, 0000
KEITH R. SNELL, 0000
GERALD E. SOHAN, 0000
WILLIAM H. SONGER, 0000
RICKY A. SOWELL, 0000
JOANNE M. SPAHN, 0000
JAMES L. SPANJERS, 0000
NATALIE T. STAFF, 0000
KENNETH E. STANFILL, 0000
RICHARD S. STAPP, 0000
RONALD G. STEELE, 0000
TODD D. STEINER, 0000
HOWARD D. STENDAHL, 0000
GREGORY L. STEPHENSON, 0000
MARTHA Y. STEVENSONJONES, 0000
DAVID G. STEWART, 0000
WAYNE E. STILES, 0000
WILLIAM H. STIMPSON, 0000
ROBERT L. STINE, JR., 0000
WILLIAM K. STOCKMAN, 0000
KAREN H. STOCKS, 0000
HOMER D. STOUT, 0000
JON R. STOVALL, 0000
JAY M. STRACK, 0000
TIMOTHY W. STRAWTHER, 0000
JAMES H. STRICKLER, JR., 0000
JERIDAN STRONG, JR., 0000
RALPH M. STROTHER, 0000
MICHAEL J. STUART, 0000
WILLIAM J. SULLIVAN, IV, 0000
VICKI M. SUNDBERG, 0000
JON C. SUTTER, 0000
ROBERT L. SWALE, 0000
SCOTT A. SWANSON, 0000
ROCKY A. SWEARENGIN, 0000
TOMMY GLENN SWEIGART, 0000
KRISTIN N. SWENSON, 0000
RUTH D. SYLVESTER, 0000
EDWARD L. SYMONDS, 0000
DOUGLAS G. TARBETT, 0000
MICHAEL J. TASCHNER, 0000
DIANE CAROL TATTERFIELD, 0000
FELECIA D. TAVARES, 0000
JAMES E. TEAL, JR., 0000
GABRIEL H. TELLES, 0000
EDWARD L.S. TERRY, 0000
ALFRED E. THAL, JR., 0000
CHRISTOPHER J. THELEN, 0000
JEFFREY C. THOMAS, 0000
EARL R. THOMPSON, 0000
PRESTON B. THOMPSON, 0000
RANDY K. THOMPSON, 0000
ROBERT D. THOMPSON, 0000
PAUL R. THOMSON, 0000
WILLIAM J. THORNTON, 0000
LEWIS A. THORP, 0000
LEWIS R. THRASHER, JR., 0000
MARK G. TIEDEMANN, 0000
MICHAEL J. TIERNAN, 0000
ROBERT A. TILSON, JR., 0000
THERESA M. TITTLE, 0000
STEVEN D. TONEY, 0000
STEVEN M. TORGERSON, 0000
JOHN J. TORRES, 0000
MICHAEL I. TRAPP, 0000
RICHARD G. TREMBLEY, 0000
RICHARD P. TRENTMAN, 0000
BRAIN D. TRI, 0000
KIM C. TRIESLER, 0000
DARI R. TRITT, 0000
WENDELL A. TRIVETTE, 0000
SHEILA A. TRONSDAL, 0000
BRAIN D. TROUT, 0000
DOUGLAS E. TROYER, 0000
GREGORY A. TUITE, 0000
JOHN M. TURACK, 0000
JEFFREY S. TURCOTTE, 0000
RAYMOND E. TUREK, JR., 0000
RICHARD D. TURNER, 0000
WILLIAM A. TURNER, 0000
DUSTIN A. TYSON, 0000
DAVID C. UHRICH, 0000
GRAIG W. UNDERHILL, 0000
WILKINS F. URQUHART, II, 0000
LINDA VARHALL URRUTIA, 0000
RICKY T. VALENTINE, 0000
RICHARD E. VANARSDEL, 0000
JEFFREY J. VANCE, 0000
ELISE M. VANDERVENNET, 0000
DONALD R. VANDINE, 0000
STEVEN P. VANSCIVER, 0000
GREGORY J. VANSUCH, 0000
ALAN R. VANTASSEL, 0000
MARK J. VEHR, 0000
MARY A. VEHR, 0000
GEORGE R. VELASCO, 0000
KENNETH VERDERAME, 0000
THOMAS E. VEREB, 0000
MARK C. VLAHOS, 0000
PHILIP J. VOGEL, 0000
LOUIS R. VOLCHANSKY, 0000
STEPHEN M. WADE, 0000
VICTOR E. WAGER III, 0000
WILLIAM M. WAID, 0000
RICHARD J. WALBERG, 0000
RANDALL G. WALDEN, 0000
RUSSELL K. WALDEN, 0000
REX J. WALHEIM, 0000
JAMES E. WALKER, 0000
SCOTT G. WALKER, 0000
TIMOTHY D. WALKER, 0000
WILLIAM P. WALKER, 0000
MICHAEL J. WALLACE, 0000
STEVEN P. WALLENDER, 0000
DELVAN R. WALLGREN, 0000
JACQUELINE S. WALSH, 0000
TIMOTHY J. WALSH, 0000
JEFFREY W. WANDREY, 0000
ELEONORE H. WANNER, 0000
JOSEPH M. WARD, JR., 0000
KENNETH R. WARD, 0000
STEVEN A. WARD, 0000
MARK E. WARE, 0000
MARK J. WARNER, 0000
RONALD L. WARNER, JR., 0000
GARY A. WARREN, 0000
CHRISTOPHER S. WASHER, 0000
STEPHEN L. WATERS, 0000
ALVIN M. WATKINS, 0000
JAMES M. WATKINS, JR., 0000
WILLIAM C. WATKINS, 0000
FURMAN D. WATSON, 0000
MARYANN P. WATSON, 0000
SALLY D. WATSON, 0000
JAMES R. WATTS, 0000
TIMOTHY E. WATTS, 0000
WADE B. WATTS, 0000
PAUL C. WAUGH, 0000
JANET L. WEBB, 0000
CHARLES W. WEDDLE, JR., 0000
DULCIE A. WEISMAN, 0000
EDWARD J. WEISS, 0000
DANIEL L. WELCH, 0000
RODNEY A. WERNER, 0000
STEVEN D. WERT, 0000
RICHARD L. WESCHE, 0000
TIMOTHY R. WESLING, 0000
DAVID C. WEST, 0000
ROBERT K. WEST, 0000
TERESA J. WHEELER, 0000
DOUGLAS T. WHITE, 0000
GREGORY V. WHITE, 0000
VALERIE S. WHITE, 0000
LYNNETTE T. WHITSEL, 0000
CONRAD A. WIDMAN, 0000
JOHN W. WIEBENER, 0000
LEE T. WIGHT, 0000
RICHARD S. WILCOX, 0000
KEVIN R. WILKERSON, 0000
MARK A. WILKINS, 0000
TERRY A. WILKINS, 0000
TIMOTHY J. WILL, 0000
LARRY L. WILLETTS, 0000
IRA D. WILLIAMS, JR., 0000
STEVEN W. WILLS, 0000
KENNETH S. WILSBACH, 0000
DAWN E. WILSON, 0000
JOSEPH E. WILSON, JR., 0000
STEVEN L. WILSON, 0000
MARK S. WINTERSOLE, 0000
GERALD W. WIRSIG, 0000
JEFFREY D. WISEMAN, 0000
JOHN B. WISSLER, 0000
BRIAN G. WOIKA, 0000
MARTIN J. WOJTYSIAK IV, 0000
VIVIAN K. WOLF, 0000
DAVID L. WOLFE, 0000
ADRIAN Y.J. WON, 0000
MARK K. WOOD, 0000
WARREN A. WOODROW, JR., 0000
LINDA JAMES WOODS, 0000
THOMAS G. WOZNIAK, 0000
JOHN C. WRIGHT, 0000
JOHN L. WRIGHT, 0000
JONATHAN C. WRIGHT, 0000
ROBERT G. WRIGHT, JR., 0000
RONALD M. YAKKEL, 0000
KEITH F. YAKTUS, 0000
PAUL E. YANDIK, 0000
ROBERT M. YARBROUGH, 0000
DAVID G. YOUNG, 0000
KENNETH K. YOUNG, 0000
MARIANNE C. YOUNG, 0000
BRYAN K. ZACHMEIER, 0000
TIMOTHY M. ZADALIS, 0000
JOHN D. ZAZWORSKY, JR., 0000
WILLIAM J. ZEHNER, 0000
DAVID T. ZEHR, 0000
JOEL M. ZEJDLIK, 0000
ALBERT P. ZELENAK, JR., 0000
CARL E. ZIMMERMAN, JR., 0000
DANIEL R. ZINK, 0000
KEITH W. ZUEGEL, 0000
MICHAEL L. ZYWIEN, 0000

To be major

SHIRLEY J.B. ABBOTT, 0000
*MICHAEL F. ADAMES, 0000
DAVID C. AROSE, 0000
GINO L. AUTERI, 0000
*JIMMY D. BENNER, 0000
DAVID M. BERNIER, 0000

DEAN B. BORSOS, 0000
ERIC C. BRUSOE, 0000
*JOSEPH P. BURGER III, 0000
RICHARD C. BYRD, 0000
CHARLES D. CHAPDELAINE, 0000
JAMES R. CLAPSADDLE, 0000
ROBERT H. COTHRON III, 0000
CORI A. CULVER, 0000
SUSAN L. DAVIS, 0000
PATRICK L. DAWSON, 0000
AMIR A. EDWARD, 0000
DONALD L. FAUST, 0000
JAMES T. FISH, 0000
MICHAEL GAINER, 0000
GORDON D. GOULD, 0000
*LINDA I. GUARDADO, 0000
WILLIAM L. HARRIS, 0000
BARBARA J. HENNING, 0000
EDWIN A. HURSTON, 0000
PHILIP E. JONES, 0000
BRIAN E. KING, 0000
DAVID G. KOSSIVER, 0000
DARRELL W. LANDREAUX, 0000
GREGORY A. LONG, 0000
*JENNEY L. LORD, 0000
JUDY L. LUCE, 0000
LISA A. MACUS, 0000
*JOHN W. MARSH, 0000
ARMAND L. MARTIN, 0000
LEWIS M. MARTIN, 0000
*CRAIG E. MAUCH, 0000
RICHARD W. MILES, 0000
DANIEL S. MILNES, 0000
DONALD T. MOLNAR, 0000
*TERANCE L. NIVER, 0000
THEODORE O. PERSINGER, 0000
THOMAS W. PIKE, 0000
DENNIS R. PORTER, 0000
JAMES C. RAY, 0000
RICHARD J. REISER, 0000
*MICHAEL J. REUSS, 0000
JERRY D. ROBERTS, 0000
ELMO J. ROBISON III, 0000
HEIDIE R. ROTHSCHILD, 0000
WEATHERLY A. RYAN, 0000
KIM L. SCHMIDT, 0000
CHARLES W. SCHOTT, 0000
REBECCA C. SEESE, 0000
TRACY A. TENNEY, 0000
MARK W. TESMER, 0000
RICHARD D. THOMAS, 0000
DAVID P. THOMPSON, 0000
CAMILLE M. TILSON, 0000
PAULA M. TRUSELA, 0000
ROBERT A. VALENTINE, 0000
PHILLIPS K. WHEELER, 0000
KENNETH R. WILSON, 0000
MARSHA M. WOODARD, 0000
JAMES O. WOOTEN, 0000
RUSSELL A. YEAGER, 0000
SCOTT A. ZUERLEIN, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate September 2, 1998:

DEPARTMENT OF STATE

CLAIBORNE DEB. PELL, OF RHODE ISLAND, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ROD GRAMS, OF MINNESOTA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JOSEPH R. BIDEN, OF DELAWARE, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.