

miles of service and number of fixed guideway route-miles for segments of fixed guideway systems placed in revenue service not less than 7 years before the fiscal year in which amounts are made available."

SEC. 20. URBANIZED AREA FORMULA STUDY.

(a) STUDY.—The Secretary of Transportation shall conduct a study to determine whether the formula for apportioning funds to urbanized areas under section 5336 of title 49, United States Code accurately reflects the transit needs of the urbanized areas and, if not, whether any changes should be made either to the formula or through some other mechanism to reflect the fact that some urbanized areas with a population between 50,000 and 200,000 have transit systems that carry more passengers per mile or hour than the average of those transit systems in urbanized areas with a population over 200,000.

(b) REPORT.—Not later than December 31, 1999, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the study conducted under this section, together with any proposed changes to the method for apportioning funds to urbanized areas with a population over 50,000.

ALLARD (AND GRAMS) AMENDMENT NO. 1932

(Ordered to lie on the table.)

Mr. ALLARD (for himself and Mr. GRAMS) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page ___, strike lines ___ through ___, and insert the following:

"(5) Remaining amounts shall be apportioned in urbanized areas eligible for assistance under section 5336(b)(2)(A) that are not described in paragraph (1) of this subsection, if the areas contain fixed guideway systems placed in revenue service not less than 7 years before the fiscal year in which amounts are made available, and in any urbanized area if, before the first day of that fiscal year, the area satisfies the Secretary that the area has modernization needs that cannot adequately be met with amounts received under section 5336(b)(2)(A), as provided in section 5336(b)(2)(A) and subsection (e) of this section."

At the appropriate place, insert the following:

SEC. ___. ALLOCATION OF CAPITAL INVESTMENT GRANTS AND LOANS FOR NEW STARTS.

Section 5309(m)(1)(B) of title 49, United States Code, is amended by inserting before the semicolon at the end the following: "; of which any amount in excess of \$760,000,000 is available exclusively for projects for new fixed guideway systems, and extensions to existing fixed guideway systems placed in revenue service not more than 15 years before the fiscal year for which amounts are made available".

CONCURRENT RESOLUTION ON SADDAM HUSSEIN

SPECTER (AND DORGAN) AMENDMENT NOS. 1933-1934

(Ordered to lie on the table.)

Mr. SPECTER (for himself and Mr. DORGAN) submitted two amendments

intended to be proposed by them to the concurrent resolution (S. Con. Res. 78) relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity; as follows:

AMENDMENT NO. 1933

Strike all after the resolving clause and insert the following:
That the President should—

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who may be found responsible for crimes against humanity, genocide, and other violations of international humanitarian law; and

(3) upon the creation of a commission and international criminal tribunal, take steps necessary, including the reprogramming of funds, to ensure United States support for efforts to bring Saddam Hussein and other Iraqi officials to justice.

AMENDMENT NO. 1934

Strike out the preamble and insert the following:

Whereas the International Military Tribunal at Nuremberg was convened to try individuals for crimes against international law committed during World War II;

Whereas the Nuremberg tribunal provision which stated that "crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced" is as valid today as it was in 1946;

Whereas, on August 2, 1990, without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas the Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state";

Whereas the leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

Whereas the Geneva Convention Relative to the Protection of Civilian Persons in Times of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

Whereas both Iraq and Kuwait are parties to the Fourth Geneva Convention;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information;

Whereas in violation of the Fourth Geneva Convention, from January 18, 1991, to February 25, 1991, Iraq did fire 39 missiles on Israel in 18 separate attacks with the intent of making it a party to war and with the intent of killing or injuring innocent civilians, killing 2 persons directly, killing 12 people indirectly (through heart attacks, improper

use of gas masks, choking), and injuring more than 200 persons;

Whereas Article 146 of the Fourth Geneva Convention states that persons committing "grave breaches" are to be apprehended and subjected to trial;

Whereas, on several occasions, the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians to be in violation of international humanitarian law;

Whereas, in Resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored "the loss of innocent life stemming from the Iraqi invasion of Kuwait";

Whereas, in Resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further "the treatment by Iraqi forces on Kuwait nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait";

Whereas, in Resolution 674, adopted by the United Nations Security Council on October 29, 1990, the Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas Iraq is a party to the Prisoners of War Convention and there is evidence and testimony that during the Persian Gulf War, Iraq violated articles of the Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

Whereas Iraq has committed deliberate and calculated crimes of environmental terrorism, inflicting grave risk to the health and well-being of innocent civilians in the region by its willful ignition of over 700 Kuwaiti oil wells in January and February, 1991;

Whereas President Clinton found "compelling evidence" that the Iraqi Intelligence Service directed and pursued an operation to assassinate former President George Bush in April 1993 when he visited Kuwait;

Whereas Saddam Hussein and other Iraqi officials have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, campaigns in 1987-88 which resulted in the disappearance of more than 150,000 persons and the destruction of more than 4,000 villages, the placement of more than 10 million landmines in Iraqi Kurdistan, and ethnic cleansing in the city of Kirkuk;

Whereas the Republic of Iraq is a signatory to international agreements including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and the POW Convention, and is obligated to comply with these international agreements;

Whereas paragraph 8 of Resolution 687 of the United Nations Security Council, adopted on April 8, 1991, requires Iraq to "unconditionally accept the destruction, removal, or rendering harmless, under international supervision of all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities;

Whereas Saddam Hussein and the Republic of Iraq have persistently and flagrantly violated the terms of Resolution 687 with respect to elimination of weapons of mass destruction and inspections by international supervisors;

Whereas there is good reason to believe that Iraq continues to have stockpiles of chemical and biological munitions, missiles capable of transporting such agents, and the

capacity to produce such weapons of mass destruction, putting the international community at risk;

Whereas, on February 22, 1993, the United Nations Security Council adopted Resolution 808 establishing an international tribunal to try individuals accused of violations of international humanitarian law in the former Yugoslavia;

Whereas, on November 8, 1994, the United Nations Security Council adopted Resolution 955 establishing an international tribunal to try individuals accused of the commission of violations of international humanitarian law in Rwanda;

Whereas more than 70 individuals have been indicted by the International Criminal Tribunal for the former Yugoslavia in the Hague for war crimes and crimes against humanity in the former Yugoslavia, leading in the first trial to the sentencing of a Serb jailer to 20 years in prison;

Whereas the International Criminal Tribunal for Rwanda has indicted 31 individuals, with three trials occurring at present and 27 individuals in custody;

Whereas the United States has to date spent more than \$24 million for the International Criminal Tribunal for the Former Yugoslavia and more than \$20 million for the International Criminal Tribunal for Rwanda;

Whereas officials such as former President George Bush, Vice President Al Gore, General Norman Schwarzkopf and others have labeled Saddam Hussein a war criminal and called for his indictment; and

Whereas a failure to try and punish leaders and other persons for crimes against international law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts: Now, therefore, be it

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

BAUCUS AMENDMENT NO. 1935

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to amendment No. 1772 submitted by Mr. MCCONNELL to amendment No. 1766 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 2, line 18, delete "and", insert the following, and redesignate the subsequent paragraph accordingly:

"(5) the persistence of discrimination against business enterprises owned and controlled by socially and economically disadvantaged individuals;

"(6) the extent of discrimination against construction companies owned and controlled by women and minorities in the financial, credit and bonding markets;

"(7) the impact on businesses owned and controlled by socially and economically disadvantaged individuals in instances in which States have repealed their State Disadvantaged Business Enterprise programs, or in which the operation of the federal Disadvantaged Business Enterprise program has been prevented by the order of a court;

"(8) the impact of the Disadvantaged Enterprise Program on the creation of jobs, especially the creation of jobs for women and minorities;

"(9) the participation rates of disadvantaged business enterprises as prime contractors in programs funded under this Act; and".

CHAFEE AMENDMENTS NOS. 1936–1937

(Ordered to lie on the table.)

Mr. CHAFEE submitted two amendments intended to be proposed by him to amendment No. 1771 submitted by Mr. MCCONNELL to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT No. 1936

At the end, insert the following new subsection:

"(f) REQUIRED ESTABLISHMENT OF A SMALL BUSINESS PROGRAM.—During any time period in which a recipient is prevented from administering the Disadvantaged Business Enterprise program as set forth in subsection (a) by reason of a final order of a Federal court finding the program to be unconstitutional, the recipient shall establish a Small Business Program to assist small businesses, as defined by the Secretary, which shall include at a minimum:

"(1) goals for the participation of small business;

"(2) outreach and recruitment efforts for small businesses, including disadvantaged business enterprises, to encourage the maximum practicable opportunity for small businesses to compete for prime and subcontracts funded under Federal transportation law;

"(3) assistance to small businesses, including disadvantaged businesses, in obtaining financing, credit, bonding, and other assistance; and

"(4) semi-annual reporting to the Department of Transportation on the impact of the small business program.".

AMENDMENT No. 1937

At the end, insert the following new subsection:

"(f) REQUIRED ESTABLISHMENT OF A SMALL BUSINESS PROGRAM.—During any time period in which a recipient is prevented from administering the Disadvantaged Business Enterprise program as set forth in subsection (a) by reason of a court order as described in subsection (e), the recipient shall establish a Small Business Program to assist small businesses, as defined by the Secretary, which shall include at a minimum:

"(1) goals for the participation of small businesses;

"(2) outreach and recruitment efforts for small businesses, including disadvantaged business enterprises, to encourage the maximum practicable opportunity for small businesses to compete for prime and subcontracts funded under Federal transportation law;

"(3) assistance to small businesses, including disadvantaged businesses, in obtaining financing, credit, bonding, and other assistance; and

"(4) semi-annual reporting to the Department of Transportation on the impact of the small business program.".

ROCKEFELLER AMENDMENT NO. 1938

(Ordered to lie on the table.)

Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place insert:

Section 102(a) of Title 23, United States Code, is amended by inserting after "required" the following:

"Unless, at the discretion of the State highway department, the vehicle is an alter-

native fuel vehicle (as defined in section 2023(c) of the Energy Policy Act of 1992 (42 U.S.C. 13433(c)))".

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Wednesday, March 11, 1998, at 9:30 a.m. in room 216 of the Hart Senate Office Building to conduct a mark-up on the Committee Budget Views & Estimates letter regarding the FY '99 budget request for Indian programs.

To be followed immediately by a hearing on Tribal Sovereign Immunity.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that an Executive Session of the Senate Committee on Labor and Human Resources will be held on Wednesday, March 11, 1998, 9:30 a.m., in SD-106 of the Senate Dirksen Building. The following is the committee's agenda.

1. S. 1648, Preventing Addiction to Smoking among Teens (PAST) Act.

2. Presidential Nominations.

For further information, please call the committee, 202/224-5375.

SUBCOMMITTEE ON PUBLIC HEALTH AND SAFETY

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Public Health and Safety, Senate Committee on Labor and Human Resources, will be held on Thursday, March 12, 1998, 9:30 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is Assessment of New Health Care Technologies Role of AHCPR. For further information, please call the committee, 202/224-5375.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on the following days:

Thursday, March 12, 1998 at 9:00 a.m. in SR-328A, Tuesday, March 17, 1998 at 9:00 a.m. in SR-328A.

The purpose of these meetings will be to examine reauthorization of expiring child nutrition programs.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Thursday, March 19, 1998 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 1488 and accompanying Senate amendment No. 1618,