

Now, Mr. President, let's look at who then nominee Federico Peña responded to my question regarding the responsibility of the DOE to begin removing spent nuclear fuel from my state. He said in testimony before the Energy and Natural Resources Committee:

... we will work with the Committee to address these issues within the context of the President's statement last year. So we've got a very difficult issue. I am prepared to address it. I will do that as best as I can, understanding the complexities involved. But they are all very legitimate questions and I look forward to working with you and others to try to find a solution.

Does that sound familiar? I suspect Secretary O'Leary had something equally vague to say about nuclear waste storage as well. Secretary Peña, I believe, said it best when he stated, "I will do that as best as I can, understanding the complexities involved." Those complexities, Mr. President, are not that complex at all. Quite simply, the President of the United States, despite the will of 307 Members of the House of Representatives and 65 Senators, does not want to keep the DOE's promise and does not want to address this important issue for our nation. His absence in this debate is all the complexity we need identify.

Mr. President, I want to be very clear that I am sincere in these complaints. My concern is for the ratepayers of my state and ratepayers across the country. They have poured billions of dollars into the Nuclear Waste Fund expecting the DOE to take this waste. They have paid countless more millions paying for on-site nuclear waste storage. Effective January 31, 1998, they are paying for both of these cost simultaneously even though no waste has been moved.

Mr. President, when the DOE is forced to pay damages to utilities across the nation, the ratepayers and taxpayers will again pay for the follies authorized by the DOE. Some estimate the costs of damages to be as high as \$80 to \$100 billion or more. The ratepayers will also have to pay the price of building new gas or coal fired plants when nuclear plants must shut down. And, if the Administration gets its way, my constituents will pay again when the Kyoto Protocol takes effect in 2008—exactly the same time Minnesota will be losing 20% of its electricity from clean nuclear power and replacing it with fossil fuels.

Six years of rudderless leadership in the White House with regard to nuclear energy holds grave consequences for the citizens of my state. I cannot merely sit by now and tell my constituents I tried. I must take whatever action I can to raise this issue with this Administration and with this Congress.

The Administration has admitted nuclear waste can be transported safely. They have admitted they neglected their responsibility. They have admitted nuclear power is a proven, safe means of generating electricity. And they have admitted there is a general consensus that centralized interim

storage is scientifically and technically possible and can be done safely. If you add all of these points together and hold them up against the Administration's lack of action, you can only come to one conclusion: politics has indeed won out over policy and science.

If the Senate would have voted on the Richardson nomination I would have voted no. I like Bill Richardson and I think he will do a fine job as Secretary of Energy—but my state and my constituents need someone to take substantive action at the DOE to begin removing nuclear fuel from my state. Regrettably, as long as Bill Clinton occupies 1600 Pennsylvania Avenue, I do not believe it will happen. I do not believe Bill Richardson will have the opportunity to do what is needed to resolve these problems. I know he will have to advocate the policies of President Clinton and Vice President GORE. And in my opinion, that is the problem. This Administration has made this a political issue at the expense of the electricity needs of the country. Until this Administration wants to deal with policy and not politics, I will not support its continued lack of action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

EMERGENCY FAMINE RELIEF FOR THE PEOPLE OF SUDAN

Mr. GORTON. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 267 submitted earlier by Senator FRIST.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 267) expressing the sense of the Senate that the President, acting through the United States Agency for International Development, should more effectively secure emergency famine relief for the people of Sudan, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I rise to speak on behalf of a Sense of the Senate which, with the help of Senators FEINGOLD, DEWINE, ASHCROFT, and GRAMS, I have brought before this body in an effort to more clearly define the role of the United States Agency for International Development in the ongoing multinational effort to address the needs of the people of southern Sudan. At least 1.2 million Sudanese are hovering on the brink of starvation, with an additional 1.4 million being targeted by the World Food Program in an effort to stave off the famine conditions which may soon threaten them.

This Sense of the Senate we offer both urges the President to go forward with a more aggressive approach to our

contribution to that effort, and it gives him explicit Senate backing for the efforts which the Administration is already undertaking to that end. The underlying premise of the legislation is simple: the United States' role in that relief effort and in other, proactive self-sufficiency programs has general recognized the constraints placed upon the members of Operation Lifeline Sudan—the United Nations' agreement with the government of Sudan in Khartoum, where the regime holds veto authority over the member's specific deliveries of humanitarian relief. This flawed arrangement has allowed Khartoum to use that very humanitarian relief as a weapon in their war on the South, and with devastating effect. Indeed, the current famine conditions now threatening the lives of over 2 million Sudanese is largely created by the massive disruptions to the fragile agrarian and pastoralist populations in the South these acts of war represent. While the United States should continue to provide relief through the established channels of Operation Lifeline Sudan, it must also seek to use other distribution channels to reach populations to which Khartoum has routinely and with devastating calculation denied relief agencies access. Additionally, the United States must also begin to plan how we can help in preventing future threats of famine.

To realize these goals and directives, the Sense of the Senate recommends that the President take three specific actions. First, through the Agency for International Development, he should begin to more aggressively utilize relief agencies which distribute famine relief outside the umbrella of Operation Lifeline Sudan, thus unimpaired by the restrictions of Khartoum. Second, the Agency for International Development should begin to incorporate areas of southern Sudan which are outside of Khartoum's control into its overall strategy for sub-Saharan Africa in an effort to prevent future famine conditions and assist in helping the region realize a greater level of self-sufficiency—both in food production and in rule of law. Finally, the President is urged to use the current tentative cease-fire in Sudan, and international attention the famine has created, to push for the United Nations and the State Department to revamp the terms under which Operation Lifeline Sudan operates. It is especially important to guarantee that food cannot be used as a weapon and thus end Khartoum's veto authority over shipments of humanitarian relief in southern Sudan.

Mr. President, I am grateful for the support this critical piece of legislation has received on both sides of the aisle, and I am especially thankful for the effort and support of the Senators who have cosponsored this Sense of the Senate. It is important that the Administration and the Congress work together to ensure that the United States relief effort is the most effective it can possibly be.

Mr. President, I also ask unanimous consent that an op-ed I wrote for The Washington Post's July 19, 1998 edition be printed in the RECORD.

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

[From the Washington Post, July 19, 1998]

SUDAN'S MERCILESS WAR ON ITS OWN PEOPLE
(By Senator Bill Frist)

When the United Nations World Food Program announced last week that up to 2.6 million people in Southern Sudan are in imminent danger of starvation, the news was received with surprising nonchalance. Such news is becoming almost routine from misery-plagues East Africa, but what is unfolding in southern Sudan is at least the fourth widespread, large-scale humanitarian disaster in the region in the past 15 years.

In all cases, the United States' record is not one of success. Ethiopia in 1984, a disastrous military involvement in Somalia in 1993 and shameful neglect in Rwanda in 1994 have left the public bitter toward the prospect of yet more involvement. But again, as famine hovers over the region, we face a disconcertingly similar quandary on the nature of our response.

In January I worked in southern Sudan as a medical missionary, and I have seen firsthand the terrible effects of the continuing civil war and how that war came to help create this situation. As a United States senator, however, I fear that by failing to make necessary changes in our response, American policy toward Sudan may be a contributing factor in the horrendous prospect of widespread starvation.

The radical Islamic regime in Khartoum is unmatched in its barbarity toward the sub-Saharan or "black African" Christians of the country's South. It is largely responsible for creating this impending disaster through a concerted and sustained war on its own people, in which calculated starvation, bombing of hospitals, slavery and the killing of innocent women and children are standard procedure.

Our policy toward Khartoum looks tough on paper, but it has yet to pose a serious challenge to the Islamic dictatorship. Neither has our wavering and inconsistent commitment to sanctions affected its behavior or its ability to finance the war.

Khartoum is set to gain billions of dollars in oil revenues from fields it is preparing to exploit in areas of rebel activity. The U.S. sanctions prohibit any American investment, but recent evidence indicates that enforcement is lax. Additionally, relief groups operating there report that new weapons are flowing in as part of a deal with one of the partners—a government-owned petroleum company in China.

It is our policy toward southern Sudan that is of more immediate importance to the potential humanitarian disaster. From my own experience operating in areas where U.S. government relief is rarely distributed, I fear that both unilaterally and as a member of the United Nations, the United States unnecessarily restricts our own policy in odd deference to the regime in Khartoum.

In southern Sudan our humanitarian relief contributions to the starving are largely funneled through nongovernmental relief organizations that participate in Operation Lifeline Sudan. All of our contributions to the United Nations efforts are distributed through this flawed deal.

In this political arrangement the Khartoum regime has veto power over all decisions as to where food can be sent. That which is needed in the areas outside their control is often used as an instrument of

war, with Khartoum routinely denying permission for a flight to land in an area of rebel activity, especially during times when international attention lacks its current focus. This practice starves combatants and noncombatants alike and compromises the integrity and effectiveness of relief groups desperately trying to fend off famine.

Despite associated risks, some relief groups operate successfully outside the arrangement's umbrella, getting food and medicine to areas that the regime in Khartoum would rather see starve. Out of concern that the Khartoum regime would be provoked into prohibiting all relief deliveries under the scheme, the U.S. Agency for International Development and its Office of Foreign Disaster Assistance do not regularly funnel famine relief through outside organizations, and thus our relief supplies are only selectively distributed—a decision that unnecessarily abets Khartoum's agenda.

The U.S. policy in Sudan does not seek an immediate rebel victory and the fragmenting of Sudan that could follow. Because the splintered rebel groups could not provide a functioning government or civil society at this time, that policy cannot be thrown out wholesale. Yet our failure to separate this policy from the action necessary to save these people from starvation results in absurdity.

Thus, even while generously increasing the amount of aid, for political reasons we seek the permission of the "host government" in Khartoum to distribute it and feed the very people they are attempting to kill through starvation and war. A second reason for this posture is, presumably, a fear that even modest, calculated food aid would allow the rebels to mobilize instead of foraging for their families—a factor that could turn the outcome on the battlefield in their favor.

The prospect of widespread starvation in southern Sudan does not necessitate that the United States seek a quick solution on the battlefield. Military victory and an end to hostilities are not a substitute for food. However, the administration should make an immediate and necessary distinction between the policy principle and the humanitarian challenge. It should articulate a response without political limitations, which, frankly, are trivial in comparison to the human lives at stake, and it should press the United Nations to do the same.

We can no longer afford to dance around the issues of sovereignty and political principles while restraining our response to a looming disaster that Khartoum helped create. Such academic debates and diplomatic concerns are for the well fed, but offer no solace to the starving.

Mr. GORTON. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear in the RECORD.

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

The resolution (S. Res. 267) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 267

Whereas the National Islamic Front regime in Khartoum, Sudan, continues to wage a brutal war against its own people in southern Sudan;

Whereas that war has already caused the death of more than 1,500,000 Sudanese since 1983;

Whereas famine conditions now threaten areas of southern Sudan as a direct con-

sequence of the concerted and sustained effort by the regime in Khartoum to subdue its southern regions by force and including violations of basic human rights;

Whereas famine conditions are exacerbated by diversions of humanitarian assistance by armed parties on all sides of the conflict;

Whereas the United Nations World Food Program has now targeted 2,600,000 Sudanese for famine relief aid, to be distributed through an umbrella arrangement called "Operation Lifeline Sudan";

Whereas the regime in Khartoum retains the ability to deny the relief agencies operating in Operation Lifeline Sudan the clearance to distribute food according to needs in Sudan;

Whereas the regime in Khartoum has used humanitarian assistance as a weapon by routinely denying the requests by Operation Lifeline Sudan and its members to distribute food and other crucial items in needy areas of Sudan both within the Khartoum regime's control and areas outside the Khartoum regime's control, including the Nuba Mountains;

Whereas the United States Agency for International Development provides famine relief to the people of Sudan primarily through groups operating within Operation Lifeline Sudan and, thus, subjects that relief to the arrangement's associated constraints imposed by the regime in Khartoum;

Whereas several relief groups already operate successfully in areas of southern Sudan where Operation Lifeline Sudan has been denied access in the past, thus providing crucial assistance to the distressed population;

Whereas it is in the interest of the people of Sudan and the people of the United States, to take proactive and preventative measures to avoid any future famine conditions in southern Sudan;

Whereas the United States Agency for International Development, when it pursues assistance programs most effectively, encourages economic self-sufficiency;

Whereas assistance activities should serve as integral elements in preventing famine conditions in southern Sudan in the future;

Whereas the current international and media attention to the starving populations in southern Sudan and to the causes of the famine conditions that affect them have pushed the regime in Khartoum and the rebel forces to announce a tentative but temporary cease-fire to allow famine relief aid to be more widely distributed; and

Whereas the current level of attention weakens the resolve of the regime in Khartoum to manipulate famine relief for its own agenda: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President, acting through the United States Agency for International Development, should—

(A) aggressively seek to secure emergency famine relief for the people of Sudan who now face widespread starvation;

(B) immediately take appropriate steps to distribute that famine relief to affected areas in Sudan, including the use of relief groups operating outside the umbrella of Operation Lifeline Sudan and without regard to a group's status with respect to Operation Lifeline Sudan; and

(C) encourage and assist Operation Lifeline Sudan and the ongoing efforts to develop relief distribution networks for affected areas of Sudan outside of the umbrella and associated constraints of Operation Lifeline Sudan;

(2) both bilaterally and within the United Nations, the President should aggressively seek to change the terms by which Operation Lifeline Sudan and other groups are prohibited from providing necessary relief according to the true needs of the people of Sudan;

(3) the President, acting through the United States Agency for International Development, should—

(A) begin providing development assistance in areas of Sudan not controlled by the regime in Khartoum with the goal of building self-sufficiency and avoiding the same conditions which have created the current crisis, and with the goal of longer-term economic, civil, and democratic development, including the development of rule of law, within the overall framework of United States strategy throughout sub-Saharan Africa; and

(B) undertake such efforts without regard to the constraints that now compromise the ability of Operation Lifeline Sudan to distribute famine relief or that could constrain future multilateral relief arrangements;

(4) the Administrator of the United States Agency for International Development should submit a report to the appropriate congressional committees on the Agency's progress toward meeting these goals; and

(5) the policy expressed in this resolution should be implemented without a return to the status quo ante policy after the immediate famine conditions are addressed and international attention has decreased.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President and the Administrator of the United States Agency for International Development.

EXECUTIVE SESSION

CONVENTION ON COMBATING BRIBERY OF FOREIGN PUBLIC OFFICIALS IN INTERNATIONAL BUSINESS TRANSACTIONS

Mr. GORTON. I ask unanimous consent that the Senate proceed to executive session to consider the following treaty on today's Executive Calendar, No. 21.

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

Mr. GORTON. I further ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification; that all committee provisos, reservations, understandings, declarations be considered agreed to; that any statements be inserted in the CONGRESSIONAL RECORD as if read; I further ask consent when the resolution of ratification is voted upon, the motion to reconsider be laid upon the table; the President be notified of the Senate's action, and following the disposition of the treaty, the Senate return to legislative session.

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

Mr. GORTON. I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division vote is requested. Senators in favor of the resolution of ratification please stand and be counted.

All those opposed, please stand and be counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification is as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, adopted at Paris on November 21, 1997, by a conference held under the auspices of the Organization for Economic Co-operation and Development (OECD), signed in Paris on December 17, 1997, by the United States and 32 other nations (Treaty Doc. 105-43), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The advice and consent of the Senate is subject to the following understanding, which shall be included in the instrument of ratification and shall be binding on the President:

EXTRADITION.—The United States shall not consider this Convention as the legal basis for extradition to any country with which the United States has no bilateral extradition treaty in force. In such cases where the United States does have a bilateral extradition treaty in force, that treaty shall serve as the legal basis for extradition for offenses covered under this Convention.

(b) DECLARATION.—The advice and consent of the Senate is subject to the following declaration:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The advice and consent of the Senate is subject to the following provisos:

(1) ENFORCEMENT AND MONITORING.—On July 1, 1999, and annually thereafter for five years, unless extended by an Act of Congress, the President shall submit to the Committee on Foreign Relations of the Senate, and the Speaker of the House of Representatives, a report that sets out:

(A) RATIFICATION.—A list of the countries that have ratified the Convention, the dates of ratification and entry into force for each country, and a detailed account of U.S. efforts to encourage other nations that are signatories to the Convention to ratify and implement it.

(B) DOMESTIC LEGISLATION IMPLEMENTING THE CONVENTION.—A description of the domestic laws enacted by each Party to the Convention that implement commitments under the Convention, and an assessment of the compatibility of the laws of each country with the requirements of the Convention.

(C) ENFORCEMENT.—An assessment of the measures taken by each Party to fulfill its obligations under this Convention, and to advance its object and purpose, during the previous year. This shall include:

(i) an assessment of the enforcement by each Party of its domestic laws implementing the obligations of the Convention, including its efforts to:

(i) investigate and prosecute cases of bribery of foreign public officials, including cases involving its own citizens;

(ii) provide sufficient resources to enforce its obligations under the Convention;

(iii) share information among the Parties to the Convention relating to natural and legal persons prosecuted or subjected to civil or administrative proceedings pursuant to enforcement of the Convention; and

(iv) respond to requests for mutual legal assistance or extradition relating to bribery of foreign public officials.

(2) an assessment of the efforts of each Party to—

(i) extradite its own nationals for bribery of foreign public officials;

(ii) make public the names of natural and legal persons that have been found to violate its domestic laws implementing this Convention; and

(iii) make public pronouncements, particularly to affected businesses, in support of obligations under this Convention.

(3) an assessment of the effectiveness, transparency, and viability of the OECD monitoring process, including its inclusion of input from the private sector and non-governmental organizations.

(D) LAWS PROHIBITING TAX DEDUCTION OF BRIBES.—An explanation of the domestic laws enacted by each signatory to the Convention that would prohibit the deduction of bribes in the computation of domestic taxes. This shall include:

(i) the jurisdictional reach of the country's judicial system;

(ii) the definition of "bribery" in the tax code;

(iii) the definition of "foreign public officials" in the tax code; and

(iv) the legal standard used to disallow such a deduction.

(E) FUTURE NEGOTIATIONS.—A description of the future work of the Parties to the Convention to expand the definition of "foreign public official" and to assess other areas where the Convention could be amended to decrease bribery and other corrupt activities. This shall include:

(1) a description of efforts by the United States to amend the Convention to require countries to expand the definition of "foreign public official," so as to make illegal the bribery of:

(i) foreign political parties or party officials,

(ii) candidates for foreign political office, and

(iii) immediate family members of foreign public officials.

(2) an assessment of the likelihood of successfully negotiating the amendments set out in paragraph (1), including progress made by the Parties during the most recent annual meeting of the OECD Ministers; and

(3) an assessment of the potential for expanding the Convention in the following areas:

(i) bribery of foreign public officials as a predicate offense for money laundering legislation;

(ii) the role of foreign subsidiaries and offshore centers in bribery transactions; and

(iii) private sector corruption and corruption of officials for purposes other than to obtain or retain business.

(F) EXPANDED MEMBERSHIP.—a description of U.S. efforts to encourage other non-OECD member to sign, ratify, implement, and enforce the Convention.

(G) CLASSIFIED ANNEX.—a classified annex to the report, listing those foreign corporations or entities the President has credible national security information indicating they are engaging in activities prohibited by the Convention.

(2) MUTUAL LEGAL ASSISTANCE.—When the United States receives a request for assistance under Article 9 from a country with which it has in force a bilateral treaty for mutual legal assistance in criminal matters, the bilateral treaty will provide the legal basis for responding to that request. In any case of assistance sought from the United States under Article 9, the United States shall, consistent with U.S. laws, relevant treaties and arrangements, deny assistance where granting the assistance sought would prejudice its essential public policy interest,