

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 Depart-

ments 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 bot-

tom 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 ac-

cused 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 investigators' 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 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."

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 country of activities which destabilize the region, including the missile firing referred to in paragraph (1), continued submarine incursions into South Korea territorial waters, and violations of the demilitarized zone separating North Korea and South Korea;

(4) the recommendations of the Commission to Assess the Ballistic Missile Threat to the United States should be incorporated into the analytical 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. INOUE) 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, it 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)

	De- fense	Non- defense	Crime	Manda- tory	Total
<b>Senate-reported bill:</b>					
Budget authority .....		12,554		45	12,599
Outlays .....		12,595		45	12,640
<b>Senate 302(b) allocation:</b>					
Budget authority .....		12,600		45	12,645
Outlays .....		12,600		45	12,645
<b>1998 level:</b>					
Budget authority .....		13,215		44	13,259
Outlays .....		12,829		44	12,873
<b>President's request:</b>					
Budget authority .....		14,079		45	14,124
Outlays .....		13,002		45	13,047
<b>House-passed bill:</b>					
Budget authority .....				45	
Outlays .....		7,695		45	
<b>SENATE-REPORTED BILL COMPARED TO:</b>					
<b>Senate 302(b) allocation:</b>					
Budget authority .....		-46			-46
Outlays .....		-5			-5
<b>1998 level:</b>					
Budget authority .....		-661		1	-660
Outlays .....		-234		1	-233
<b>President's request:</b>					
Budget authority .....		-1,525			-1,525
Outlays .....		-407			-407
<b>House-passed bill:</b>					
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 coun-

tries. 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 oppor-

tunity 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 Lamien 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 downsiding 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 re-

mains 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 non-competitive 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 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. INOUE) 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.