

KYL) was added as a cosponsor of S. 2022, a bill to provide for the improvement of interstate criminal justice identification, information, communications, and forensics.

S. 2031

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2031, a bill to combat waste, fraud, and abuse in payments for home health services provided under the medicare program, and to improve the quality of those home health services.

S. 2040

At the request of Mr. BAUCUS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2040, a bill to amend title XIX of the Social Security Act to extend the authority of State medicaid fraud control units to investigate and prosecute fraud in connection with Federal health care programs and abuse of residents of board and care facilities.

S. 2082

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2082, a bill to amend chapter 36 of title 39, United States Code, to provide authority to fix rates and fees for domestic and international postal services, and for other purposes.

S. 2151

At the request of Mr. NICKLES, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2151, a bill to clarify Federal law to prohibit the dispensing or distribution of a controlled substance for the purpose of causing, or assisting in causing, the suicide, euthanasia, or mercy killing of any individual.

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. LIEBERMAN, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of Senate Concurrent Resolution 94, a concurrent resolution supporting the religious tolerance toward Muslims.

SENATE RESOLUTION 235

At the request of Mr. AKAKA, the names of the Senator from Connecticut (Mr. DODD), the Senator from Ohio (Mr. GLENN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. MCCAIN), the Senator from Nevada (Mr. REID), the Senator from Maryland (Mr. SARBANES), the Senator from Oregon (Mr. SMITH), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Resolution 235, a resolution commemorating 100 years of relations between the people of the United States and the people of the Philippines.

SENATE RESOLUTION 237

At the request of Mr. FEINGOLD, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of Senate Resolution 237,

a resolution expressing the sense of the Senate regarding the situation in Indonesia and East Timor.

SENATE CONCURRENT RESOLUTION 103—EXPRESSING THE SENSE OF THE CONGRESS IN SUPPORT OF THE INTERNATIONAL COMMISSION OF JURISTS ON TIBET AND ON UNITED STATES POLICY WITH REGARD TO TIBET

Mr. MOYNIHAN (for himself, Mr. HELMS, Mr. LEAHY, Mr. MACK, Mr. WELLSTONE, and Mr. FEINGOLD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 103

Whereas the International Commission of Jurists is a non-governmental organization founded in 1952 to defend the Rule of Law throughout the world and to work towards the full observance of the provisions in the Universal Declaration of Human Rights;

Whereas in 1959, 1960, and 1964 the International Commission of Jurists examined Chinese policy in Tibet, violations of human rights in Tibet, and the position of Tibet in international law;

Whereas in 1960, the International Commission of Jurists found "that acts of genocide had been committed in Tibet in an attempt to destroy the Tibetans as a religious group,..." and concluded that Tibet was at least "a de facto independent State" prior to 1951 and that Tibet was a "legitimate concern of the United Nations even on the restrictive interpretation of matters 'essentially within the domestic jurisdiction' of a State."

Whereas these findings were presented to the United Nations General Assembly, which adopted three resolutions (1959, 1961, and 1965) calling on the People's Republic of China to ensure respect for the fundamental human rights of the Tibetan people and for their distinctive cultural and religious life, and to cease practices which deprive the Tibetan people of their fundamental human rights and freedoms including their right to self-determination;

Whereas in December 1997, the International Commission of Jurists issued a fourth report on Tibet, examining human rights and the rule of law, including self-determination;

Whereas the President has repeatedly indicated his support for substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives;

Whereas on October 31, 1997, the Secretary of State appointed a Special Coordinator for Tibetan Issues to oversee United States policy regarding Tibet: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses grave concern regarding the findings of the December 1997 International Commission of Jurists report on Tibet that—

(a) repression in Tibet has increased steadily since 1994, resulting in heightened control on religious activity; a denunciation campaign against the Dalai Lama unprecedented since the Cultural Revolution; an increase in political arrests; suppression of peaceful protests; and an accelerated movement of Chinese to Tibet; and

(b) in 1997, the People's Republic of China labeled the Tibetan Buddhist culture, which has flourished in Tibet since the seventh century, as a "foreign culture" in order to fa-

cilitate indoctrination of Tibetans in Chinese socialist ideology and the process of national and cultural extermination;

(2) support the recommendations contained in the report referred to in paragraph (1) that—

(a) call on the People's Republic of China—

(i) to enter into discussions with the Dalai Lama or his representatives on a solution to the question of Tibet based on the will of the Tibetan people;

(ii) to ensure respect for the fundamental human rights of the Tibetan people; and

(iii) to end those practices which threaten to erode the distinct cultural, religious and national identity of the Tibetan people and, in particular, to cease policies which result in the movement of Chinese people to Tibetan territory;

(b) call on the United Nations General Assembly to resume its debate on the question of Tibet based on its resolutions of 1959, 1961, and 1965, and to hold a referendum in Tibet; and

(c) calls on the Dalai Lama or his representatives to enter into discussions with the Government of the People's Republic of China on a solution to the question of Tibet based on the will of the Tibetan people;

(3) commends the appointment by the Secretary of State of a United States Special Coordinator for Tibetan Issues—

(a) to promote substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives;

(b) to coordinate United States Government policies, programs, and projects concerning Tibet;

(c) to consult with the Congress on policies relevant to Tibet and the future and welfare of all Tibetan people, and to report to Congress in partial fulfillment of the requirements of Sec. 536(a) of Public Law 103-236; and

(d) to advance United States policy which seeks to protect the unique religious, cultural, and linguistic heritage of Tibet, and to encourage improved respect for Tibetan human rights;

(4) calls on the People's Republic of China to release from detention the 9-year old Pan-chen Lama, Gedhun Choekyi Nyima, to his home in Tibet from which he was taken on May 17, 1995, and to allow him to pursue his religious studies without interference and according to tradition; and

(5) call on the President, as a central objective of the 1998 presidential submit meeting with Jiang Zemin in Beijing, to secure an agreement to begin substantive negotiations between the Government of the People's Republic of China and the Dalai Lama or his representatives.

Mr. MOYNIHAN. Mr. President, I offer a resolution which speaks to many of the issues now facing the Tibetan people in their long struggle. This has been threatened for a half-century now, but there are efforts underway to resolve these issues. This resolution puts the Congress on record in support of these goals.

Begin with the International Commission of Jurists (ICJ), which has closely followed the situation in Tibet since the Dalai Lama was forced to flee into exile. In 1959, 1960, and 1964, the ICJ examined Chinese policies in Tibet and reported its findings to the Secretary-General of the United Nations. The 1960 report made the important international legal determination that "acts of genocide had been committed

in Tibet in an attempt to destroy the Tibetans as a religious group . . ." and concluded that Tibet was at least "a de facto independent State" prior to 1951.

Now the ICJ has returned to the issue of Tibet and produced another important report. It finds that repression in Tibet has increased since 1994. This is an assessment which my daughter Maura shares after having visited Tibet and having worked closely for many years with Tibetan refugees who continue to make the dangerous journey over the Himalayan mountains to flee persecution in their homeland.

In 1996 she returned from Tibet to report,

. . . in recent months Beijing's leaders have renewed their assault on Tibetan culture, especially Buddhism, with and alarming vehemence. The rhetoric and the methods of the Cultural Revolution of the 1960s have been resurrected—reincarnated, what you will—to shape an aggressive campaign to vilify the Dalai Lama.

The Dalai Lama, of course, remains unstained, but it is time for the Chinese to consider a policy of "constructive engagement" of their own—with the Tibetans. The recent ICJ report calls on the People's Republic of China to enter into discussions with the Dalai Lama or his representatives on a solution to the question of Tibet. Mr. President, for many years now, the United States Congress has been calling for exactly this. I hope that while the President is in China, he will be able to convey the importance of this issue to secure a commitment from the Government of the People's Republic of China to begin such discussions with the Tibetans.

In 1979, Deng Xiaoping stated that "except for the independence of Tibet, all other questions can be negotiated." The Dalai Lama has repeatedly stated his unambiguous willingness to begin substantive negotiations with the Chinese without preconditions, and that the issue of independence need not be on the agenda. This is not a concession easily made by the leader of the Tibetan people who, as the ICJ concluded in 1960, enjoyed de facto independence before the Chinese take-over. Nonetheless, he has made the offer sincerely, and repeatedly, and deserves a sincere response.

The United States can help elicit such a response. In addition to the opportunity posed by the upcoming visit by the President, we now have a Special Coordinator for Tibetan Issues, Gregory B. Craig, whom Secretary Albright appointed to achieve just such a result. A special coordinator is something that our beloved Claiborne Pell proposed in the 103d Congress and I am glad we have been able to achieve another one of his aspirations. Having a Special Coordinator for Tibetan Issues will better enable the Administration to facilitate a dialogue between the Dalai Lama and the Chinese Government.

Finally, Mr. President, atheists are rarely involved in choosing divine lead-

ers, but the Chinese Communist Party has not only involved itself in the selection of the eleventh Panchen Lama, but Chinese officials have asserted that it is the party's sole right to make the selection, and they have detained the boy the Dalai Lama recognized as the next Panchen Lama. This resolution calls attention to this odious infringement on religious freedom.

The Tibetans—I think I am correct in saying—above all value their ability to practice religion. Religion infuse every aspect of Tibetan culture. We cannot begin to comprehend the affront to Tibetans of having an important religious figure detained and declared illegitimate by the Communist Party. Add to that affront that another boy is produced by the Party and proclaimed as the religious leader.

This resolution calls for the release of 9-year old Gedhun Choekyi Nyima, the boy selected by the Dalai Lama as the next Panchen Lama, who has been under detention for 3 years.

The Senate has always maintained strong support for the Tibetan cause. This resolution continues that tradition. I especially wish to thank my colleague, the Chairman of the Foreign Relations Committee, Senator HELMS, for his outstanding leadership on this issue. We are also joined in this effort by Senators LEAHY, MACK, WELLSTONE, and FEINGOLD. I thank them for their support.

SENATE RESOLUTION 246—AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE CHAMBER OF THE UNITED STATES SENATE

(Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 246

Resolved, That paragraph 1 of Rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting an official photograph to be taken of the United States Senate in actual session on a date and time to be announced by the Majority Leader after consultation with the Democratic Leader.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

AMENDMENTS SUBMITTED

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

KOHL AMENDMENT NO. 2635

(Ordered to lie on the table.)

Mr. KOHL submitted an amendment intended to be proposed by him to the bill (S. 1415) to reform and restructure the processes by which tobacco prod-

ucts are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes; as follows:

At the appropriate place insert the following new section:

SEC. __. PROTECTIVE ORDERS AND SEALING OF CASES AND SETTLEMENTS RELATING TO PUBLIC HEALTH OR SAFETY.

(a) SHORT TITLE.—This section may be cited as the "Sunshine in Litigation Act of 1998".

(b) PROTECTIVE ORDERS AND SEALING OF CASES.—Chapter 111 of title 28, United States Code, is amended by adding at the end the following new section:

"§1660. Protective orders and sealing of cases and settlements relating to public health or safety

"(a)(1) A court shall enter an order under rule 26(c) of the Federal Rules of Civil Procedure restricting the disclosure of information obtained through discovery, an order approving a settlement agreement that would restrict the disclosure of such information, or an order restricting access to court records in a civil case only after making particularized findings of fact that—

"(A) such order would not restrict the disclosure of information which is relevant to the protection of public health or safety; or

"(B)(i) the public interest in disclosure of potential health or safety hazards is clearly outweighed by a specific and substantial interest in maintaining the confidentiality of the information or records in question; and

"(ii) the requested protective order is no broader than necessary to protect the privacy interest asserted.

"(2) No order entered in accordance with paragraph (1) (other than an order approving a settlement agreement) shall continue in effect after the entry of final judgment, unless at or after such entry the court makes a separate particularized finding of fact that the requirements of paragraph (1) (A) or (B) have been met.

"(b) The party who is the proponent for the entry of an order, as provided under this section, shall have the burden of proof in obtaining such an order.

"(c)(1) No court of the United States may approve or enforce any provision of an agreement between or among parties to a civil action, or approve or enforce an order subject to subsection (a)(1), that prohibits or otherwise restricts a party from disclosing any information relevant to such civil action to any Federal or State agency with authority to enforce laws regulating an activity relating to such information.

"(2) Any such information disclosed to a Federal or State agency shall be confidential to the extent provided by law."

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 28, United States Code, is amended by adding after the item relating to section 1659 the following:

"1660. Protective orders and sealing of cases and settlements relating to public health or safety."

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act and shall apply only to orders entered in civil actions or agreements entered into on or after such date.

DURBIN AMENDMENT NO. 2636

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment intended to be proposed by him to the bill, S. 1415, supra; as follows: