

this vital task to provide the full-time focused oversight and interagency coordination that is vital to achieving success. Efforts to date towards plutonium disposition in this country have not been marked by a suitable level of commitment and attention within the Administration. Progress on this vital area of national security will not occur short of this action.

Finally, in our discussions within Russia, each Senator emphasized that many Russian actions are viewed in Congress as adding fuel to the fires of global weapons proliferation. We expressed serious reservations about Russian export of nuclear technologies to nations like India and Iran. In addition to nuclear reactor sales to Iran, serious questions have been raised as to whether or not Russia is complying with its commitments with regard to uranium enrichment technology transfers. Also, reports persist that Russian companies are supplying equipment and materials for the design and manufacture of ballistic missiles. In addition, Russia has rejected our export control assistance. We explained to our Russian hosts that Congressional concerns over their activities jeopardize the entire range of U.S.-Russian cooperative programs.

Our visits within Russia served to indicate the interest and concern of the Legislative Branch on these critical proliferation issues. We have urged the Administration to structure future interactions with Russia that built upon our efforts.

Sincerely,

PETE V. DOMENICI.  
FRED THOMPSON.  
ROD GRAMS.

Mr. DOMENICI. Mr. President, I will follow this up next week, and perhaps my friend who occupies the Chair could join me that day, because the first part of our visit was a visit to France, ultimately to Germany, to talk about the nuclear power fuel cycle. I want, next week, to go into some detail as to how well the French people and the French Government are handling nuclear power, and how poorly we have handled that issue in America. Just to whet one's appetite about what we visited and what we will be talking about, let me just say the country of France gets 80 percent of its power from nuclear powerplants—80 percent. It is the cleanest country, in terms of emissions. It is the least contributor to atmospheric pollution, which many in our country and around the world are concerned is causing global warming, because they don't burn any coal, they don't burn any oil. They produce most of their electricity from nuclear power.

Isn't it interesting that they do not seem to be afraid? They have had no accidents of any consequence whatsoever. And we in America, who started this great technology, invented it, had the companies that were best at it—we sit idly by and claim we want to rid the atmosphere of the pollutants that might cause global warming and we essentially, through regulation and otherwise, have eliminated the prospect of nuclear power for some time in the United States. We will speak about that in more detail later.

Mr. President, with reference to completing the Senate's business and then letting my good friend Senator JEFFORDS proceed with his speech as in

morning business, I am going to proceed with the wrapup, which will include a privilege to the Senator to continue even after we have finished.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, July 16, 1998, the federal debt stood at \$5,531,079,562,651.15 (Five trillion, five hundred thirty-one billion, seventy-nine million, five hundred sixty-two thousand, six hundred fifty-one dollars and fifteen cents).

One year ago, July 16, 1997, the federal debt stood at \$5,357,954,000,000 (Five trillion, three hundred fifty-seven billion, nine hundred fifty-four million).

Five years ago, July 16, 1993, the federal debt stood at \$4,334,093,000,000 (Four trillion, three hundred thirty-four billion, ninety-three million).

Twenty-five years ago, July 16, 1973, the federal debt stood at \$455,344,000,000 (Four hundred fifty-five billion, three hundred forty-four million) which reflects a debt increase of more than \$5 trillion—\$5,075,735,562,651.15 (Five trillion, seventy-five billion, seven hundred thirty-five million, five hundred sixty-two thousand, six hundred fifty-one dollars and fifteen cents) during the past 25 years.

#### DELAY IN SENATE ACTION ON JUDGE SOTOMAYOR AND OTHER JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I welcome the recent statement of the distinguished Senior Senator from New York on the nomination of Judge Sonia Sotomayor last Friday, July 10. I have been concerned for several months that consideration of this nomination was being unnecessarily delayed. I am encouraged that Senator MOYNIHAN's evaluation of this judicial nomination for the longstanding vacancy in the Second Circuit is similar to mine.

I know that the Senator from New York support this nomination and recall his statement of support to the Judiciary Committee at her hearing back in September 1997, almost 10 months ago.

I appreciated his joining with me and all the Senators from States within the Second Circuit when we wrote to the Majority Leader on April 9, 1998 urging "prompt and favorable action on the nomination of Judge Sonia Sotomayor." We noted then the extraordinary action that had to be taken by the Chief Judge of our Circuit due to the vacancies crisis plaguing the Circuit. Since March 23, he has had to cancel hearings and proceed with 3-judge appellate panel that contain only one Second Circuit judge. Indeed, Chief Judge Winter has had to issue such orders in connection with matters heard this week.

Judge Sonia Sotomayor is a well-qualified nominee. She was reportedly being held up by someone on the Republican side of the aisle because of speculation that she might be nomi-

nated this month by President Clinton to the United States Supreme Court. Last month a column in The Wall Street Journal discussed this secret basis for the Republican hold against this fine judge. The Journal revealed that this delay was intended to ensure that Sonia Sotomayor was not nominated to the Supreme Court. That was confirmed by a report in The New York Times on June 13.

How disturbing and how shameful. I am offended by this anonymous effort to oppose her prompt confirmation by stealth tactics. Here is a highly-qualified Hispanic woman judge who should have been confirmed to help end the crisis in the Second Circuit more than four months ago.

Judge Sotomayor rose from a housing project in the Bronx to Princeton, Yale and a federal court appointment by President Bush. She is strongly supported by the Senator from New York and has had bipartisan support.

The excuse that had been used to delay consideration of her nomination has been removed. Perhaps now that the Supreme Court term has ended and Justice Stevens has not resigned, the Senate will proceed to consider Judge Sotomayor's nomination to the Second Circuit on its merits and confirm her without additional, unnecessary delay. There is no vacancy on the Supreme Court. The nominee has been held hostage over four months on the Senate calendar. It is past time to consider and confirm this nomination to fill a judicial emergency vacancy on the Second Circuit.

Unfortunately, this past weekend the Republican Leader of the United States Senate indicated on television that he has decided to move all nominations to the "back burner." A spokesperson for the Republican Leader indicated that the Senate will not be considering any more nominations this year. That is wrong. I hope that the Republican leadership of the Senate will reverse itself and proceed to consider the nomination of Judge Sotomayor and those of all 10 judicial nominations now stalled on the Senate calendar.

In his annual report on the judiciary this year on New Year's Day, the Chief Justice of the United States Supreme Court observed: "Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. The Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed in 1994." He went on to note: "The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down." I would add vote her up or vote her down.

Acting to fill judicial vacancies is a constitutional duty that the Senate—and all of its members—are obligated to fulfill. In its unprecedented slowdown in the handling of nominees in the 104th and 105th Congresses, the Senate is shirking its duty. This is wrong and should end.

Today is the anniversary of the Judiciary Act of 1789. Pursuant to its constitutional responsibilities, the Senate gave meaning to the provisions of article III of our Constitution and established the lower federal courts as a means to implement the exercise of the judicial power of the United States. That was an historic act and created the foundation for our federal court system. The Senate was led in that effort by a Senator from what is now the Second Circuit, Senator Oliver Ellsworth of Connecticut.

Likewise, when the Senate established the Judiciary Committee 27 years later, it was first chaired by a Senator from the Second Circuit, Senator Dudley Chase of Vermont.

It is sadly ironic that on this the 209th anniversary of the Judiciary Act of 1789, when the Second Circuit needs the Senate's help, the Senate majority is, instead, holding off taking action on a qualified nominee without explanation or justification.

The Senate should consider the nomination of Judge Sonia Sotomayor to the Second Circuit without further delay.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

##### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT OF THE EXECUTIVE ORDER BLOCKING GOVERNMENT PROPERTY AND PROHIBITING TRANSACTIONS WITH THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)—MESSAGES FROM THE PRESIDENT—PM 144

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

On May 30, 1992, by Executive Order 12808, President Bush declared a national emergency to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions and policies of the Governments of Serbia and Montenegro, blocking all property and interests in property of those Governments. President Bush took additional measures to prohibit trade and other trans-

actions with the Federal Republic of Yugoslavia (Serbia and Montenegro) (the "FRY (S&M)"), by Executive Orders 12810 and 12831, issued on June 5, 1992, and January 15, 1993, respectively.

On April 25, 1993, I issued Executive Order 12846, blocking the property and interests in property of all commercial, industrial, or public utility undertakings or entities organized or located in the FRY (S&M), and prohibiting trade-related transactions by United States persons involving those areas of the Republic of Bosnia and Herzegovina controlled by the Bosnian Serb forces and the United Nations Protected Areas in the Republic of Croatia. On October 25, 1994, because of the actions and policies of the Bosnian Serbs, I expanded the scope of the national emergency by issuance of Executive Order 12934 to block the property of the Bosnian Serb forces and the authorities in the territory that they controlled within the Republic of Bosnia and Herzegovina, as well as the property of any entity organized or located in, or controlled by any person in, or resident in, those areas.

On November 22, 1995, the United Nations Security Council passed Resolution 1022 ("Resolution 1022"), immediately and indefinitely suspending economic sanctions against the FRY (S&M). Sanctions were subsequently lifted by the United Nations Security Council pursuant to Resolution 1074 on October 1, 1996. Resolution 1022, however, continues to provide for the release of funds and assets previously blocked pursuant to sanctions against the FRY (S&M), provided that such funds and assets that are subject to claims and encumbrances, or that are the property of persons deemed insolvent, remain blocked until "released in accordance with applicable law." This provision was implemented in the United States on December 27, 1995, by Presidential Determination No. 96-7. The determination, in conformity with Resolution 1022, directed the Secretary of the Treasury, *inter alia*, to suspend the application of sanctions imposed on the FRY (S&M) pursuant to the above-referenced Executive Orders and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia. This sanctions relief was an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initiated by the parties in Dayton on November 21, 1995 (the "Peace Agreement") and signed in Paris on December 14, 1995. The sanctions imposed on the FRY (S&M) and on the United Nations Protected Areas in the Republic of Croatia were accordingly suspended prospectively, effective January 16, 1996. Sanctions imposed on the Bosnian Serb forces and authorities and on the territory that they controlled within the Republic of Bosnia and Herzegovina were subse-

quently suspended prospectively, effective May 10, 1996, in conformity with Resolution 1022. On October 1, 1996, the United Nations passed Resolution 1074, terminating U.N. sanctions against the FRY (S&M) and the Bosnian Serbs in light of the elections that took place in Bosnia and Herzegovina on September 14, 1996. Resolution 1074, however, reaffirms the provisions of Resolution 1022 with respect to the release of blocked assets, as set forth above.

The present report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c) and covers the period from November 30, 1997, through May 29, 1998. It discusses Administration actions and expenses directly related to the exercise of powers and authorities conferred by the declaration of a national emergency in Executive Order 12808 as expanded with respect to the Bosnian Serbs in Executive Order 12934, and against the FRY (S&M) contained in Executive Orders 12810, 12831, and 12846.

1. The declaration of the national emergency on May 30, 1992, was made pursuant to the authority vested in the President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3 of the United States Code. The emergency declaration was reported to the Congress on May 30, 1992, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) and the expansion of that national emergency under the same authorities was reported to the Congress on October 25, 1994. The additional sanctions set forth in related Executive orders were imposed pursuant to the authority vested in the President by the Constitution and laws of the United States, including the statutes cited above, section 1114 of the Federal Aviation Act (49 U.S.C. App. 1514), and section 5 of the United Nations Participation Act (22 U.S.C. 287c).

2. The Office of Foreign Assets Control (OFAC), acting under authority delegated by the Secretary of the Treasury, implemented the sanctions imposed under the foregoing statutes in the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnian Serb-Controlled Areas of the Republic of Bosnia and Herzegovina Sanctions Regulations, 31 C.F.R. Part 585 (the "Regulations").

To implement Presidential Determination No. 96-7, the Regulations were amended to authorize prospectively all transactions with respect to the FRY (S&M) otherwise prohibited (61 *FR* 1282, January 19, 1996). Property and interests in property of the FRY (S&M) previously blocked within the jurisdiction of the United States remain blocked, in conformity with the Peace Agreement and Resolution 1022, until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia.