

I remind my colleagues the President's original request for farmer relief—the original request—was \$2.3 billion. The current package contains more than \$4 billion. Now, however, he wants to veto legislation providing more money than his request. He has changed his mind and now wants \$3 billion more.

This is simply a half-hearted attempt by the President to back a Democrat effort to revisit the Freedom to Farm bill. This is legislation that only 2 years ago, the Congress and President Clinton himself agreed it was needed to move the business of agriculture out of the grip of Government control.

It is disturbing to me that when the White House does not get its way, it vetoes legislation or takes it to the courts, and if rejected there, appeals to the higher courts. The bottom line is that it continues to try and go around Congress, rejecting decisions made by a majority of Congress.

Minnesota farmers should not be used as pawns in an election-year drama. The President should help farmers by signing this significant, emergency legislation, rather than joining those here who seek to undo the progress that has been made on agriculture policy.

The solution is here before us, and delays will be laid right at the President's feet. For the sake of our nation's farmers, let's end the bidding war. Let's end it now. I strongly urge the President to reconsider his decision as he reviews this crucial legislation again in the Omnibus Appropriations bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my colleague, Senator GRAMS from Minnesota, for his speech, but also for the homework and dedication that he had on this piece of legislation. He had some concerns about it. He raised those concerns. He was an effective Senator. We worked to alleviate some of those concerns and we wanted to make sure that no person who is in a foreign field—that these actions would cause them greater pain or greater discrimination. So I thank him for his efforts on the Religious Freedom Act, and I also thank him for his statement that he just made on the ag bill. I happen to agree with his statements wholeheartedly.

#### FREEDOM FROM RELIGIOUS PERSECUTION ACT OF 1998

The Senate continued with the consideration of the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that Senator FEINSTEIN be included as a cosponsor.

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

Mrs. FEINSTEIN. Mr. President, I rise to express my support for the International Religious Freedom Act of 1998, which is the substitute amend-

ment to H.R. 2431 being offered by the Senator from Oklahoma.

At the outset, I would like to express my appreciation and respect for the distinguished Assistant Majority Leader, Senator NICKLES, and the distinguished Senator from Connecticut, Senator LIEBERMAN. I want to salute their deeply held commitment to religious freedom for all people. I am aware that they and their staffs have been negotiating this bill for many months. They have been through draft after draft, talking with the Administration, a large number of Senators with different interests, and a wide range of concerned outside organizations.

Their mission has been to produce a bill that would make a meaningful contribution to combating the problem of religious persecution in foreign countries, one that would pass with broad support in the Senate, and a bill that the President would sign. I know how long and hard they have been working on this effort.

Earlier this week, they had hoped to move the bill forward. There were still a number of provisions which I was concerned about, and I felt that since the bill had not come through the Foreign Relations Committee, on which I sit, and would not be open to amendment on the floor, I wanted a chance to address those concerns.

Despite the marathon talks the Assistant Majority Leader and the Senator from Connecticut had already engaged in on this bill with so many others, and despite my late entry into the fray, they graciously and without hesitation agreed to sit down with me to see if we could come to common agreement. We were also joined by Undersecretary of State Stuart Eizenstat.

I am happy to report that, as a result of these discussions, with good will by all sides, we were able to reach agreement on each of the provisions that was of concern to me, and I think the bill is better for it. Let me explain what we agreed upon.

First, I have come to the conclusion that when the Congress legislates sanctions, we need to provide the President with a reasonable amount of flexibility in the implementation, both to respond to changing conditions, and to protect other American interests.

Normally, we provide the President with a waiver authority for sanctions, but the standard of that waiver is critical. The State Department believes, and I agree, that the "national security" waiver standard in the most recent draft was too high—it would be difficult for the President to waive the sanctions required under this act except in extraordinary circumstances. A waiver of "national interest" was deemed by the sponsors to be too low. So we compromised: the President can now waive the sanctions in this bill if the "important national interest" requires it.

Second, the definition of what constitutes a "particularly severe viola-

tion" of religious freedom was originally drafted in such a way that it could have inadvertently triggered other sanctions—those required for gross violations of human rights—under sections 116 and 502B of the Foreign Assistance Act. There was no intent on the part of the sponsors to trigger two sets of sanctions, so it was simply a matter of ensuring that a different standard was required for each trigger.

The standard we agreed upon was proposed by Senator LIEBERMAN. Particularly severe violations of religious freedom are now defined as "systematic, ongoing, egregious violations of religious freedom." To my mind, this is neither a higher nor lower standard than the "consistent pattern of gross violations of human rights" that requires a separate set of sanctions under the Foreign Assistance Act, but it is a sufficiently different standard that it a finding under one act should not automatically trigger sanctions under both acts. I think this is an important improvement in the bill.

Third, we were concerned that there could be situations in which the President has already taken significant action against a country, in large part to respond to human rights abuses, and then a finding of particularly severe violations of religious freedom would require additional actions under this act. In the case of a country like Sudan, where we have already imposed extensive sanctions, it makes sense for the President to be able to cite an existing sanction as fulfilling the requirements of the International Religious Freedom Act.

Again, to the best of my knowledge, the sponsors of the bill had no desire to force the President to impose redundant sanctions on a country. So, in section 402(C)(4) we have developed language that allows the President to cite an existing sanction as fulfilling the requirements of this act. I think this change also makes the bill better.

We are all aware that there are people of faith who are suffering for their beliefs in many parts of the world. As a nation founded on the precious principle of religious freedom, a principle which is enshrined in the Bill of Rights, we cannot and must not turn a deaf ear to the cries of the oppressed. Making the protection of religious freedom a high priority in our foreign policy is the right thing to do.

The challenge is to create mechanisms to promote religious freedom and protect persecuted believers that: provide enough flexibility to respond to different conditions at different times and places; avoid unintentionally making life harder for those we seek to help; and, make a meaningful contribution to the cause of religious freedom without unduly jeopardizing other important national interests.

That is why I have so much respect for what the distinguished Assistant Majority Leader and the distinguished Senator from Connecticut have been

trying to do these many months. They have worked hard to listen to the concerns of the Administration, other Senators, religious organizations of every denomination, the business community, and other interested parties. They have tried to develop a bill that will help the United States protect those in danger of persecution for their faith, while taking into account the broad and deep requirements of U.S. foreign policy interests. I think they have succeeded.

Evidence of their success is in the broad and diverse coalition of religious organizations and human rights groups who have worked tirelessly to support the bill. Further evidence of this success, I believe, will be evident by the overwhelming support I expect the Senate will demonstrate when it votes shortly. And perhaps the most impressive evidence of their success is that earlier today, National Security Adviser Sandy Berger informed the Minority Leader that the Administration now supports the bill as drafted. After so many months, we know that the President will sign this bill, and it will become law.

I yield the floor.

Mr. NICKLES. Mr. President, I know the Senator from Connecticut will be here shortly. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Senator from Indiana.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COATS. Mr. President, I know our colleague, Senator LIEBERMAN, is on his way over to speak on this bill. I want to take this opportunity to say how much his presence and his involvement on this issue was necessary to our forging a bipartisan consensus on this.

I think it is important that we speak with one voice as a nation on an issue as critical as religious persecution. It was the work of Senator LIEBERMAN, primarily on the other side of the aisle, that allowed us to address some of the concerns of some of our colleagues—many of them legitimate concerns—and to work through the process, convince his colleagues that what we were attempting to do was done in a way that addressed their concerns. Really, without his help we could not have forged this bipartisan consensus. So while he is not here for me to praise him personally, I just want to let the Record show that the combination of Republicans and Democrats, liberals and conservatives, and everybody in between, resulted in a consensus bill that I think sends a very, very important message and, really, a beacon of hope and light.

I am hoping the vote tomorrow will be unanimous, and I think it may be. A lot of that credit goes to Senator LIEBERMAN and also, as I said earlier, a lot of that credit goes to the bill's chief

sponsor here in the Senate, Senator NICKLES, who patiently worked through trials and tribulations, weeping and wailing and gnashing of teeth, in order to pull this together and get everybody on board. That appears to be what we have, and we are looking forward to a solid vote tomorrow. Again, my compliments to all of those who played such an important role in that.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my colleague from Indiana for his compliments. I want to reiterate my statement that Senator COATS was there from the beginning, and he was there at almost every meeting saying, "Let's get this done," and, "Let's forge the consensus," "Let's make the compromise," and he helped make it happen.

He is also very correct in complimenting Senator LIEBERMAN for making it happen. I mentioned that earlier. Senator LIEBERMAN has been with us on this bill for a long time. He has worked with us. He has helped us craft the bill and helped make compromises to make sure it is enacted.

I also thank our colleague from California, Senator FEINSTEIN, whom we met with last night at length to be sure, again, that this bill would be acceptable and we could get it through. We did. We made a change. We changed the waiver provision from "national security" to "important national interests," which, again, is something the administration wanted.

I think it is still compatible with our goals and objectives of passing a good bill that will help move countries, that have been persecuting people because of their religious beliefs, away from that behavior.

I thank my colleague from California for her work, and also the Senator from Delaware, Senator BIDEN, who worked with us, as well, in negotiating with us, and helped us craft a package that I am confident we will pass tomorrow with an overwhelming vote.

I am confident the House, likewise, will pass the bill, as we will pass it in the Senate, and this bill will be on the President's desk and will become law. As a result, I think it will save lives and it will help alleviate persecution of individuals because they are practicing their faith.

Again, I thank all of our colleagues on both sides of the aisle for making this happen.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEVIN. Mr. President, as I indicated before to the majority leader, I

have about a 30-minute speech for morning business. He indicated that I could do this at the end of the proceedings tonight. But since the floor is now not occupied—I understand Senator LIEBERMAN may be on his way—I thought I would proceed now, and it is my intention to do so. If Senator LIEBERMAN comes, then we will try to make whatever accommodation we can.

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

#### INDEPENDENT COUNSEL LAW AND KENNETH STARR'S INVESTIGATION

Mr. LEVIN. Mr. President, as one who three times in the last 15 years helped to reauthorize the independent counsel law, I have been giving a great deal of thought to the way in which the independent counsel statute has functioned in Kenneth Starr's investigation of President Clinton.

The important purpose behind the statute was to have an objective person investigate credible allegations of violations of criminal law against top Administration officials in order to give confidence to the public that the Attorney General, an appointee of the President, was not put in the position of investigating those allegations.

But what if the person selected to investigate those allegations by the special court, the three-judge court that appoints independent counsels, violates the restrictions in the very act creating him? What could be done to rein in such an independent counsel?

Some will dismiss these questions and more specific ones related to Mr. Starr's investigation of the President as defending the President's actions, actions which were irresponsible and immoral, and which by the President's own acknowledgment, hurt those closest to him and which damaged the body politic of the nation. But dismissing such questions would be wrong, because the actions of the independent counsel in this case, and the implications his actions have on the future of the independent counsel law and, indeed, upon the rule of law, demand our attention as well.

The authors of the law in 1978 attempted to put limits on the independent counsel in the law itself and provided, for instance, that the independent counsel must follow the policies of the Justice Department and that the Attorney General could fire an independent counsel for cause.

The Supreme Court in *Morrison v. Olson* upheld the constitutionality of the independent counsel law in large part because of those provisions, stating that:

... the Act does give the Attorney General several means of supervising or controlling the prosecutorial powers that may be wielded by an independent counsel. Most importantly, the Attorney General retains the power to remove the counsel for "good cause," a power that we have already concluded provides the Executive with substantial ability to ensure that the laws are