

the status of Karabakh. This is the longest-running ethnic conflict in the former Soviet Union. So far, the human cost has been 35,000 lives and 1.4 million refugees. Outside of the conflict, the brutality of the Azeri blockade has been equally devastating for Armenia. As a land-locked country where only 17 percent of the land is arable, its ties to the outside world are its lifeline. Humanitarian assistance cannot get to Armenia, which is still trying to rebuild from the devastating earthquake of a decade ago. In Karabakh, the blockade has produced a critical shortage of medical equipment.

True regional cooperation is unrealistic as long as this conflict continues. By passing the underlying amendment in its current form, we are virtually guaranteeing that the OSCE peace process will fail. Armenia will have little incentive to participate in the future, and Azerbaijan will receive the message that its rejection of any future peace proposals is acceptable. I support Senator BROWNBACK's attempts to promote an East-West axis in the region, and I believe it is critical that we encourage these former republics to look westward. By allowing the blockade to endure, however, we are leaving Armenia with only North-South options. If our intent is to truly improve the quality of life in the Caucasus and the Caspian Sea, we must make a positive impact on the Caucasus without undermining our commitment to the Armenian people. I urge my colleagues to support the McConnell-Abraham amendment and allow Section 907 to remain in place.

VISIT TO THE SENATE BY THE  
PRESIDENT OF THE ARAB RE-  
PUBLIC OF EGYPT, MOHAMMED  
HOSNI MUBARAK

The PRESIDING OFFICER. The distinguished chairman of the Foreign Relations Committee, Senator HELMS, is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, I have the honor and privilege of presenting to Members of the Senate and to the Pages the distinguished and very popular President of the Republic of Egypt, Mohammed Hosni Mubarak.

RECESS

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate stand in recess for six minutes so we can greet President Mubarak.

I thank the Chair.

There being no objection, the Senate, at 4:13 p.m., recessed until 4:19 p.m.; whereupon, the Senate was called to order by the Presiding Officer (Mr. SESSIONS).

Mr. MCCONNELL. Mr. President, which amendment is pending?

The PRESIDING OFFICER. The pending amendment is No. 1165, offered by Senator BINGAMAN of New Mexico.

Mr. MCCONNELL. I ask the Bingaman amendment be set aside.

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

AMENDMENTS NOS. 1125, 1146, 1150, 1151, 1158, 1162, 1163, 1167, 1168, AND 1173 THROUGH 1177, EN BLOC

Mr. MCCONNELL. There are a number of amendments that have been cleared by both sides that I send to the desk:

Amendment No. 1125 by Senator SMITH of Oregon related to CDC; amendment No. 1146 by Senator LAUTENBERG related to war crimes; amendment No. 1150 by Senator HELMS related to Serbia; amendment No. 1151 by Senator BURNS dealing with narcotics; amendment No. 1158 by Senator DODD dealing with IMET; amendment No. 1162 by Senator BOXER, dealing with tuberculosis; amendment No. 1167, by Senator KERRY of Massachusetts relating to arms transfer; amendment No. 1168 by Senator KERRY of Massachusetts relating to Cambodia; amendment No. 1173 by Senator BIDEN relating to threat reduction; amendment No. 1174 by Senator LEVIN relating to KEDO; amendment No. 1175 by Senator DOMENICI relating to Habitat for Humanity; amendment No. 1177 by Senator SCHUMER relating to ETRI; amendment No. 1176 by Senator COCHRAN relating to IMET; amendment No. 1163 by Senator CLELAND relating to the Balkans conference.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McConnell] proposes amendment Nos. 1125, 1146, 1150, 1151, 1158, 1162, 1163, 1167, 1168, and 1173 through 1177, en bloc.

The amendments are as follows:

AMENDMENT NO. 1125

At the appropriate place in the bill, insert the following new section and renumber any remaining sections accordingly:

**SEC. SENSE OF THE SENATE ON THE CITIZENS DEMOCRACY CORPS.**

It is the sense of the Senate that—

(1) with regard to promoting economic development and open, democratic countries in the former Soviet Union and Central Eastern Europe, the Committee commends the work of the Citizens Democracy Corps (CDC), which utilizes senior-level U.S. business volunteers to assist enterprises, institutions, and local governments abroad. Their work demonstrates the significant impact that USAID support of a U.S. non-governmental organization (NGO) program can have on the key U.S. foreign policy priorities of promoting broad-based, stable economic growth and open, market-oriented economies in transitioning economies. By drawing upon the skills and voluntary spirit of U.S. businessmen and women to introduce companies, CDC furthers the goals of the Freedom of Support Act (NIS) and Support for Eastern European Democracy (SEED), forging positive, lasting connections between the U.S. and these countries. The Committee endorses CDC's very cost-effective programs and believes they should be supported and expanded not only in the former Soviet Union and Eastern Europe, but in transitioning and developing economies throughout the world.

AMENDMENT NO. 1146

(Purpose: To provide substitute language relating to restrictions on assistance to countries providing sanctuary to indicted war criminals)

Beginning on page 100, strike line 11 and all that follows through line 13 on page 107 and insert the following:

RESTRICTIONS ON ASSISTANCE TO COUNTRIES, ENTITIES, AND COMMUNITIES IN THE FORMER YUGOSLAVIA PROVIDING SANCTUARY TO PUBLICLY INDICTED WAR CRIMINALS

SEC. 567. (a) POLICY.—It shall be the policy of the United States to use bilateral and multilateral assistance to promote peace and respect for internationally recognized human rights by encouraging countries, entities, and communities in the territory of the former Yugoslavia to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia—

(1) by apprehending publicly indicted war criminals and transferring custody of those individuals to the Tribunal to stand trial; and

(2) by assisting the Tribunal in the investigation and prosecution of crimes subject to its jurisdiction.

(b) SANCTIONED COUNTRY, ENTITY, OR COMMUNITY.—

(1) IN GENERAL.—A sanctioned country, entity, or community described in this section is one in which there is present a publicly indicted war criminal or in which the Tribunal has been hindered in efforts to investigate crimes subject to its jurisdiction.

(2) SPECIAL RULE.—Subject to subsection (f), subsections (c) and (d) shall not apply to the provision of assistance to an entity that is not a sanctioned entity within a sanctioned country, or to a community that is not a sanctioned community within a sanctioned country or sanctioned entity, if the Secretary of State determines and so reports to the appropriate congressional committees that providing such assistance would further the policy of subsection (a).

(c) BILATERAL ASSISTANCE.—

(1) PROHIBITION.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs may be provided for any country, entity, or community described in subsection (b).

(2) NOTIFICATION.—Not less than 15 days before any assistance described in this subsection is disbursed to any country, entity, or community described in subsection (b), the Secretary of State, in consultation with the Administrator of the Agency for International Development, shall publish in the Federal Register a written justification for the proposed assistance, including a description of the location of the proposed assistance program or project by municipality, its purpose, and the intended recipient of the assistance, including the names of individuals, companies and their boards of directors, and shareholders with controlling or substantial financial interest in the program or project.

(d) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (b).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any

country or community described in subsection (b), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the appropriate Congressional committees a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries, including the names of individuals with a controlling or substantial financial interest in the project.

(e) EXCEPTIONS.—Subject to subsection (f), subsections (c) and (d) shall not apply to the provision of—

(1) humanitarian assistance;

(2) assistance to nongovernmental organizations that promote democracy and respect for human rights; and

(3) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or community and a nonsanctioned contiguous country, entity, or community, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or community and if the portion of the project located in the sanctioned country, entity, or community is necessary only to complete the project.

(f) FURTHER LIMITATIONS.—

(1) PROHIBITION ON DIRECT ASSISTANCE TO PUBLICLY INDICTED WAR CRIMINALS AND OTHER PERSONS.—Notwithstanding subsection (e) or subsection (g), no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or community described in subsection (b), for any financial or technical assistance, grant, or loan that would directly benefit a publicly indicted war criminal, any person who aids or abets a publicly indicted war criminal to evade apprehension, or any person who otherwise obstructs the work of the Tribunal.

(2) CERTIFICATION.—At the end of each fiscal year, the President shall certify to the appropriate congressional committees that no assistance described in paragraph (1) directly benefited any person described in that paragraph during the preceding 12-month period.

(g) WAIVER.—The Secretary of State may waive the application of subsection (c) with respect to specified United States projects, or subsection (d) with respect to specified international financial institution programs or projects, in a sanctioned country or entity upon providing a written determination to the appropriate congressional committees that the government of the country or entity is doing everything within its power and authority to apprehend or aid in the apprehension of publicly indicted war criminals and is fully cooperating in the investigation and prosecution of war crimes.

(h) CURRENT RECORD OF WAR CRIMINALS AND SANCTIONED COUNTRIES, ENTITIES, AND COMMUNITIES.—

(1) IN GENERAL.—The Secretary of State, acting through the Ambassador at Large for War Crimes Issues, and after consultation with the Director of Central Intelligence and the Secretary of Defense, shall establish and maintain a current record of the location, including the community, if known, of publicly indicted war criminals and of sanctioned countries, entities, and communities.

(2) REPORT.—Beginning 30 days after the date of enactment of this Act, and not later than September 1 each year thereafter, the Secretary of State shall submit a report in

classified and unclassified form to the appropriate congressional committees on the location, including the community, if known, of publicly indicted war criminals and the identity of countries, entities, and communities that are failing to cooperate fully with the Tribunal.

(3) INFORMATION TO CONGRESS.—Upon the request of the chairman or ranking minority member of any of the appropriate congressional committees, the Secretary of State shall make available to that committee the information recorded under paragraph (1) in a report submitted to the committee in classified and unclassified form.

(j) DEFINITIONS.—As used in this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(2) CANTON.—The term “canton” means the administrative units in Bosnia and Herzegovina.

(3) COMMUNITY.—The term “community” means any canton, district, opstina, city, town, or village.

(4) COUNTRY.—The term “country” means Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia (Serbia-Montenegro), the Former Yugoslav Republic of Macedonia, and Slovenia.

(5) DAYTON AGREEMENT.—The term “Dayton Agreement” means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(6) ENTITY.—The term “entity” refers to the Federation of Bosnia and Herzegovina, the Republika Srpska, Brcko in Bosnia, Serbia, Montenegro, and Kosovo.

(7) INTERNATIONAL FINANCIAL INSTITUTION.—The term “international financial institution” includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(8) PUBLICLY INDICTED WAR CRIMINALS.—The term “publicly indicted war criminals” means persons indicted by the Tribunal for crimes subject to the jurisdiction of the Tribunal.

(9) TRIBUNAL OR INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA.—The term “Tribunal” or the term “International Criminal Tribunal for the Former Yugoslavia” means the International Tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the Territory of the Former Yugoslavia since 1991, as established by United Nations Security Council Resolution 827 of May 25, 1993.

Mr. LAUTENBERG. Mr. President, I would like to thank Senator MCCONNELL and Senator LEAHY for including my amendment No. 1146 in the managers' package.

Mr. President, I rise today to offer an amendment to ensure U.S. aid does not go to countries or regions or communities in the former Yugoslavia which continue to harbor indicted war criminals.

This amendment would improve language we adopted last year with a clearer provision covering all of the former Yugoslavia.

Mr. President, we have seen terrible atrocities committed in Croatia, in Bosnia, and most recently in Kosovo.

The International Criminal Tribunal for former Yugoslavia has publicly indicted 89 persons for war crimes, crimes against humanity, and genocide. There are almost certainly more indictments which remain sealed. Ongoing investigations in Bosnia and now in Kosovo will surely lead to more indictments.

However, the justice of the War Crimes Tribunal relies on the governments of countries in the region to apprehend indicted war criminals and transfer them to The Hague to stand trial.

Because the Republika Srpska authorities failed to fulfill their responsibilities, United States and other NATO armed forces in the United Nations-authorized peacekeeping force in Bosnia have arrested 7 war criminals. However, 36 publicly indicted war criminals remain at large.

Mr. President, our aid programs provide important leverage to motivate governments in the former Yugoslavia to stop harboring war criminals and start arresting them.

United States policy linking aid to cooperation with the war crimes tribunal is clear.

Indeed, a few years ago, Secretary Albright said the following in her remarks at the Tribunal:

... The United States has made full cooperation with the War Crimes Tribunal, especially the transfer of indictees to The Hague, a prerequisite for U.S. assistance, our support for assistance by others, and our backing for membership in international institutions.

Unfortunately, the administration has resisted putting this policy into practice. Indeed, Secretary Albright has issued broad waivers of the provision included in the fiscal year 1998 and 1999 appropriations bills. The United States now provides aid to the city of Prijedor which hosts no fewer than 8 indicted war criminals.

Just this month Secretary Albright signed another waiver to provide \$10 million in budget support to the Republika Srpska Government—the very Government which includes the Bosnian Serb police force which should be carrying out arrest warrants and is not.

Mr. President, ever more atrocities committed by Serbian police and paramilitary forces in Kosovo are coming to light: executions, torture, rape, burning of homes, expulsions on a massive scale.

We must now send a strong signal that we are determined to see the perpetrators of these crimes face justice. We must end our support for so-called

moderates in Republika Srpska until and unless they fulfill their obligations to arrest war criminals and cooperate with the War Crimes Tribunal.

The Amendment I am offering today clearly states the policy of the United States "to use bilateral and multilateral assistance to promote peace and respect for internationally recognized human rights by encouraging countries, entities, and communities in the territory of the former Yugoslavia," among other things "by apprehending publicly indicted war criminals and transferring custody of those individuals to the Tribunal to stand trial."

The amendment sets out mechanisms to ensure that U.S. and multilateral aid will go to areas like the Bosnian Federation, where no war criminals remain at large, while prohibiting aid to authorities and areas that harbor war criminals.

Mr. President, I would urge my colleagues to join me in this effort to ensure that the perpetrators of horrible crimes in Croatia, Bosnia, and Kosovo will ultimately face justice.

I thank the Chair and yield the floor.

AMENDMENT NO. 1151

(Purpose: Providing assistance to promote democracy in Serbia)

At the appropriate place in the bill, insert the following:

SEC. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL SOCIETY IN YUGOSLAVIA.

(a) ASSISTANCE.—

(1) PURPOSE OF ASSISTANCE.—The purpose of assistance under this subsection is to promote and strengthen institutions of democratic government and the growth of an independent civil society in Yugoslavia, including ethnic tolerance and respect for internationally recognized human rights.

(2) AUTHORIZATION FOR ASSISTANCE.—The President is authorized to furnish assistance and other support for individuals and independent nongovernmental organizations to carry out the purpose of paragraph (1) through support for the activities described in paragraph (3).

(3) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under paragraph (2) include the following:

(A) Democracy building.

(B) The development of nongovernmental organizations.

(C) The development of independent media.

(D) The development of the rule of law, a strong, independent judiciary, and transparency in political practices.

(E) International exchanges and advanced professional training programs in skill areas central to the development of civil society and a market economy.

(F) The development of all elements of the democratic process, including political parties and the ability to administer free and fair elections.

(G) The development of local governance.

(H) The development of a free-market economy.

(4) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to the President \$100,000,000 for the period beginning October 1, 1999, and ending September 30, 2001, to carry out this subsection.

(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subparagraph (A) are

authorized to remain available until expended.

(b) PROHIBITION ON ASSISTANCE TO GOVERNMENT OF SERBIA.—In carrying out subsection (a), the President shall take all necessary steps to ensure that no funds or other assistance is provided to the Government of Yugoslavia or to the Government of Serbia.

(c) ASSISTANCE TO GOVERNMENT OF MONTENEGRO.—In carrying out subsection (a), the President is authorized to provide assistance to the Government of Montenegro, if the President determines, and so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, that the Government of Montenegro is committed to, and is taking steps to promote, democratic principles, the rule of law, and respect for internationally recognized human rights.

AMENDMENT TO 1151

(Purpose: To allocate funds to continue mycoherbicide counter drug research and development)

On page 26, line 15, before the period insert the following: "Provided further, That of the funds made available under this heading, not less than \$10,000,000 shall be made available to continue mycoherbicide counter drug research and development".

Mr. COVERDELL. Mr. President, I rise today to join my colleagues, Senator BURNS and Senator DEWINE, to offer an amendment to the Foreign Operations Appropriations bill. This amendment would provide \$10 million to the State Department Bureau of International Law Enforcement Affairs for mycoherbicide research and development to be used for narcotic crop eradication. The appropriations bill, as it currently stands, provides no funding for this important tool in our war against illegal drugs.

Many of my colleagues and I view this mycoherbicide technology as a promising new tool that will reduce the cultivation and supply of narcotic crops, and thereby increasing our capacity to combat illegal drugs. I have been briefed on the mycoherbicide technology and understand that it is a naturally occurring plant pathogen that can be introduced into an area to control a target plant species. The program is also environmentally friendly—it poses no threat to humans or animals, other crops, or water supply and replaces the use of harmful chemicals. In addition, the program is a cost effective tool in our war on drugs. The mycoherbicides will remain in the soil for an extended period of time, for up to 40 years, and costs a fraction of the \$2.65 billion we spend on other supply reduction methods.

I remind my colleagues that Congress has recognized the importance of this technology and its ability to eradicate deadly crops when it endorsed the program last year in the Western Hemisphere Drug Elimination Act. The program was funded in the amount of \$23 million for fiscal year 1999. I strongly urge my colleagues to continue their support for this program by passing this amendment and supporting the

continued development of the mycoherbicide program.

Mr. President, as illegal drugs continue to cross our borders and threaten the welfare of American citizens, this program is a top priority that can significantly reduce the production of narcotics crops. We know that elimination of illicit crops is the best way of preventing deadly drugs from reaching our streets and destroying untold lives and communities. I urge my colleagues to join with Senator BURNS, Senator DEWINE and me in support of this amendment and in support of this important program.

Mr. DEWINE. Mr. President, I rise today to discuss yet again one of the key problems I have been addressing, as a U.S. Senator, over the last four years. The problem is the inflow of illegal drugs into America. I have heard it said that if we eliminate demand, if we address the domestic side of drug abuse, we really don't have to worry about illegal narcotics producers and importers, because they would then have no market for their drugs.

Mr. President, this argument makes sense on a superficial level, but it does not reflect reality. I have been, throughout my career as a local, state and Federal elected official, a strong supporter of domestic efforts to reduce drug demand. But I have always believed—and continue to believe—that we need a balanced program to attack the drug problem on all fronts. We need to invest not only in domestic demand reduction and law enforcement programs, but also in international programs to increase interdiction and reduce production of illegal narcotics. We need to do our best to stop drugs from ever reaching our borders.

Mr. President, for nearly a year, I have expressed my belief that this Administration is not doing its best to address this problem. Little seems to have changed in one year.

Before this Administration took office, almost one-third of our counter narcotics resources were committed to stopping drugs outside our borders. Today, that figure is less than 14 percent. Although overall funding for counter narcotics programs has increased dramatically in the last decade, from \$4.5 billion to \$17.8 billion, statistics show an increase in drug use among our youngest citizens. I am disturbed by how easily and how cheaply illegal drugs can be purchased. I am disturbed that the Administration is not taking seriously the initiatives Congress passed last year as part of the bipartisan Western Hemisphere Drug Elimination Act.

Mr. President, President's Budget Request for Fiscal Year 2000 provided ZERO funding for any of the initiatives in that Act. In fact, the President's overall anti-drug budget for next year is \$100 million less than what Congress provided in 1999. The Coast Guard received no funding to acquire additional

ships and planes to stop drug trafficking in the Caribbean; the Drug Enforcement Administration received ZERO funding for new agents; the US Customs Service received ZERO funding to acquire maritime/air assets, and ZERO increases for inspectors.

In addition, the Administration has also ignored other key initiatives sought by Congress, including mycoherbicide research and development, and eradication and alternative crop development assistance to our Latin American neighbors, particularly, Colombia and Bolivia. I very much appreciate the efforts of the Appropriations Subcommittee on Foreign Operations in working with me on these issues. They have done a remarkable job to incorporate a key anti-drug initiative that was not sought by the President.

Specifically, Mr. President, I commend the managers of the bill for accepting the amendment offered by the Senator from Montana, Senator BURNS, to fund the mycoherbicide program which we began funding last year under the Western Hemisphere Drug Elimination Act. Mycoherbicide technology is a new and promising eradication technique for coca, poppy, and marijuana. The concept is to employ a natural disease that only attacks a specific narcotics plant without harming neighboring vegetation. Mycoherbicides can be applied through aerial spraying and will remain in the soil to prevent future growth of the narcotics crops in that area. Mr. President, this has the potential to be a very cost-effective and low-risk way to drastically reduce drug production at its source. We must pursue this technology and fund the additional research and testing necessary to bring about a deployable product as soon as possible.

Mr. President, let me now turn to the subject of eradication and alternative crop development assistance to Colombia and Bolivia. I am particularly concerned about the lack of resources made available by this Administration for what I consider to be our most urgent foreign assistance project—counter narcotics funding. I fear that we are sending a signal abroad that the United States is not entirely serious about the fight against drugs.

The report language accompanying this bill makes special mention of the progress made in the drug fight by the Government of Bolivia, and I want to add my voice to the committee report as well. Since coming to power in August of 1997, the Government of President Hugo Banzer and Vice President Jorge Quiroga has undertaken an ambitious plan to remove Bolivia from the illegal narcotics trade by the time they leave office in 2002.

Mr. President, many, myself included, were skeptical that this goal could be reached in the time allotted.

Now, nearly two years into their "Dignity Plan," the Bolivian Government has shown that this goal can be reached. Since taking office, the Banzer Government has successfully reduced Bolivia's cocaine production potential by a remarkable 40 percent. This has been accomplished by an effective eradication program and an aggressive and successful program of interdiction and control of the chemical precursors which go into cocaine production.

The Foreign Operations Appropriations Bill makes mention of Bolivia's success, and its financial needs. I am deeply concerned that we are not providing sufficient support to the historic effort of the Bolivian Government. They have moved tens of thousands of farmers out of the illegal coca fields and it is absolutely imperative that we help to provide viable commercial alternatives for these farmers and their families. It would be a great tragedy to be within sight of a major victory in the drug war and to lose it for want of resources. The anticipated level of funding in this Bill falls far short of what is required to finish the job in Bolivia in the next two years.

Mr. President, I look forward to working with the Senator from Alaska, Senator STEVENS, the Senator from Georgia, Senator COVERDELL, and the Senator from Iowa, Senator GRASSLEY, to help Bolivia and other countries in their fight against drugs. We will work with the appropriators during conference to provide the highest possible level of funding for this effort. This is a key investment in the future safety of our own streets—and it will bring us closer to the drug-free America our children deserve.

#### AMENDMENT NO. 1158

At the appropriate place in the bill at the following new section:

#### SEC. . FOREIGN MILITARY TRAINING REPORT.

(a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by January 31, 2000 a report on all military training provided to foreign military personnel (excluding sales) administered by the Department of Defense and the Department of State during fiscal years 1999 and 2000, including those proposed for fiscal year 2000. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

#### AMENDMENT NO. 1162

(Purpose: To increase the commitment to control and eliminate the growing international problem of tuberculosis)

At the end, add the following:

SEC. 5 . (a) FINDINGS.—The Congress finds that—

(1) Since the development of antibiotics in the 1950s, tuberculosis has been largely controlled in the United States and the Western World.

(2) Due to societal factors, including growing urban decay, inadequate health care systems, persistent poverty, overcrowding, and malnutrition, as well as medical factors, including the HIV/AIDS epidemic and the emergence of multi-drug resistant strains of tuberculosis, tuberculosis has again become a leading and growing cause of adult deaths in the developing world.

(3) According to the World Health Organization—

(A) in 1998, about 1,860,000 people worldwide died of tuberculosis-related illnesses;

(B) one-third of the world's total population is infected with tuberculosis; and

(C) tuberculosis is the world's leading killer of women between 15 and 44 years old and is a leading cause of children becoming orphans.

(4) Because of the ease of transmission of tuberculosis, its international persistence and growth pose a direct public health threat to those nations that had previously largely controlled the disease. This is complicated in the United States by the growth of the homeless population, the rate of incarceration, international travel, immigration, and HIV/AIDS.

(5) With nearly 40 percent of the tuberculosis cases in the United States attributable to foreign-born persons, tuberculosis will never be eliminated in the United States until it is controlled abroad.

(6) The means exist to control tuberculosis through screening, diagnosis, treatment, patient compliance, monitoring, and ongoing review of outcomes.

(7) Efforts to control tuberculosis are complicated by several barriers, including—

(A) the labor intensive and lengthy process involved in screening, detecting, and treating the disease;

(B) a lack of funding, trainer personnel, and medicine in virtually every nation with a high rate of the disease; and

(C) the unique circumstances in each country, which requires the development and implementation of country-specific programs.

(8) Eliminating the barriers to the international control of tuberculosis through a well-structured, comprehensive, and coordinated worldwide effort would be a significant step in dealing with the increasing public health problem posed by the disease.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that if the total allocation for this Act is higher than the level passed by the Senate, a top priority for the additional funds should be to increase the funding to combat infectious diseases, especially tuberculosis.

#### AMENDMENT NO. 1163

(Purpose: Supporting an international conference to achieve a durable political settlement in the Balkans)

At the appropriate place in the bill, insert the following:

#### SEC. . SENSE OF THE SENATE REGARDING AN INTERNATIONAL CONFERENCE ON THE BALKANS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States and its allies in the North Atlantic Treaty Organization (NATO) conducted large-scale military operations against the Federal Republic of Yugoslavia.

(2) At the conclusion of 78 days of these hostilities, the United States and its NATO allies suspended military operations against the Federal Republic of Yugoslavia based upon credible assurances by the latter that it would fulfill the following conditions as laid down by the so called Group of Eight (G-8):

(A) An immediate and verifiable end of violence and repression in Kosovo.

(B) Staged withdrawal of all Yugoslav military, police, and paramilitary forces from Kosovo.

(C) Deployment in Kosovo of effective international and security presences, endorsed and adopted by the United Nations Security Council, and capable of guaranteeing the achievement of the agreed objectives.

(D) Establishment of an interim administration for Kosovo, to be decided by the United Nations Security Council which will seek to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo.

(E) Provision for the safe and free return of all refugees and displaced persons from Kosovo and an unimpeded access to Kosovo by humanitarian aid organizations.

(3) These objectives appear to have been fulfilled, or to be in the process of being fulfilled, which has led the United States and its NATO allies to terminate military operations against the Federal Republic of Yugoslavia.

(4) The G-8 also called for a comprehensive approach to the economic development and stabilization of the crisis region, and the European Union has announced plans for \$1,500,000,000 over the next 3 years for the reconstruction of Kosovo, for the convening in July of an international donors' conference for Kosovo aid, and for subsequent provision of reconstruction aid to the other countries in the region affected by the recent hostilities followed by reconstruction aid directed at the Balkans region as a whole.

(5) The United States and some of its NATO allies oppose the provision of any aid, other than limited humanitarian assistance, to Serbia until Yugoslav President Slobodan Milosevic is out of office.

(6) The policy of providing reconstruction aid to Kosovo and other countries in the region affected by the recent hostilities while withholding such aid for Serbia presents a number of practical problems, including the absence in Kosovo of financial and other institutions independent of Yugoslavia, the difficulty in drawing clear and enforceable distinctions between humanitarian and reconstruction assistance, and the difficulty in reconstructing Montenegro in the absence of similar efforts in Serbia.

(7) In any case, the achievement of effective and durable economic reconstruction and revitalization in the countries of the Balkans is unlikely until a political settlement is reached as to the final status of Kosovo and Yugoslavia.

(8) The G-8 proposed a political process towards the establishment of an interim political framework agreement for a substantial self-government for Kosovo, taking into full account the final Interim Agreement for Peace and Self-Government in Kosovo, also known as the Rambouillet Accords, and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the UCK (Kosovo Liberation Army).

(9) The G-8 proposal contains no guidance as to a final political settlement for Kosovo and Yugoslavia, while the original position of the United States and the other participants in the so-called Contact Group on this matter, as reflected in the Rambouillet Accords, called for the convening of an international conference, after 3 years, to determine a mechanism for a final settlement of Kosovo status based on the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of the agreement and the provisions of the Helsinki Final Act.

(10) The current position of the United States and its NATO allies as to the final status of Kosovo and Yugoslavia calls for an autonomous, multiethnic, democratic Kosovo which would remain as part of Serbia, and such an outcome is not supported by any of the Parties directly involved, including the governments of Yugoslavia and Serbia, representatives of the Kosovar Albanians, and the people of Yugoslavia, Serbia and Kosovo.

(11) There has been no final political settlement in Bosnia-Herzegovina, where the Armed Forces of the United States, its NATO allies, and other non-Balkan nations have been enforcing an uneasy peace since 1996, at a cost to the United States alone of over \$10,000,000,000, with no clear end in sight to such enforcement.

(12) The trend throughout the Balkans since 1990 has been in the direction of ethnically based particularism, as exemplified by the 1991 declarations of independence from Yugoslavia by Slovenia and Croatia, and the country in the Balkans which currently comes the closest to the goal of a democratic government which respects the human rights of its citizens is the nation of Slovenia, which was the first portion of the former Federal Republic of Yugoslavia to secede and is also the nation in the region with the greatest ethnic homogeneity, with a population which is 91 percent Slovene.

(13) The boundaries of the various national and sub-national divisions in the Balkans have been altered repeatedly throughout history, and international conferences have frequently played the decisive role in fixing such boundaries in the modern era, including the Berlin Congress of 1878, the London Conference of 1913, and the Paris Peace Conference of 1919.

(14) The development of an effective exit strategy for the withdrawal from the Balkans of foreign military forces, including the armed forces of the United States, its NATO allies, Russia, and any other nation from outside the Balkans which has such forces in the Balkans is in the best interests of all such nations.

(15) The ultimate withdrawal of foreign military forces, accompanied by the establishment of durable and peaceful relations among all of the nations and peoples of the Balkans is in the best interests of those nations and peoples.

(16) An effective exit strategy for the withdrawal from the Balkans of foreign military forces is contingent upon the achievement of a lasting political settlement for the region, and that only such a settlement, acceptable to all parties involved, can ensure the fundamental goals of the United States of peace, stability, and human rights in the Balkans;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should call immediately for the convening of an international conference on the Balkans, under the auspices of the United Nations, and based upon

the principles of the Rambouillet Accords for a final settlement of Kosovo status, namely that such a settlement should be based on the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of the agreement and the provisions of the Helsinki Final Act;

(2) the international conference on the Balkans should also be empowered to seek a final settlement for Bosnia-Herzegovina based on the same principles as specified for Kosovo in the Rambouillet Accords; and

(3) in order to produce a lasting political settlement in the Balkans acceptable to all parties, which can lead to the departure from the Balkans in timely fashion of all foreign military forces, including those of the United States, the international conference should have the authority to consider any and all of the following: political boundaries; humanitarian and reconstruction assistance for all nations in the Balkans; stationing of United Nations peacekeeping forces along international boundaries; security arrangements and guarantees for all of the nations of the Balkans; and tangible, enforceable and verifiable human rights guarantees for the individuals and peoples of the Balkans.

#### AMENDMENT NO. 1167

At the appropriate place in the bill, insert the following:

SEC. . (a) The President shall continue and expand efforts through the United Nations and other international fora, including the Wassenaar Arrangement, to limit arms transfers worldwide. The President shall take the necessary steps to begin multilateral negotiations within 180 days after the date of the enactment of this Act, for the purpose of establishing a permanent multilateral regime to govern the transfer of conventional arms, particularly transfers to countries:

(1) that engage in persistent violations of human rights, engage in acts of armed aggression in violation of international law, and do not fully participate in the United Nations Register of Conventional Arms; and

(2) in regions in which arms transfers would exacerbate regional arms races or international tensions that present a danger to international peace and stability.

(b) REPORT TO CONGRESS.—(1) Not later than 6 months after the commencement of the negotiations under subsection (a), and not later than the end of every 6-month period thereafter until an agreement described in subsection (a) is concluded, the President shall report to the appropriate committees of the Congress on the progress made during these negotiations.

Mr. KERRY. Mr. President, the amendment I am offering today calls on the President to begin multilateral negotiations for the purpose of establishing a permanent multilateral regime to govern the transfer of conventional arms to countries that engage in persistent violations of human rights, engage in acts of armed aggression, do not fully participate in the United Nations Register of Conventional, and countries in regions in which arms transfers would exacerbate regional arms races or international tensions.

As the United States and its allies work to expand the community of democratic nations and prevent the spread of violence and ethnic conflict, we must give higher priority to consideration of how conventional arms

transfers may work to undermine these important objectives. It is simply not in our interest to allow weapons to flow freely into countries who abuse the rights of their citizens or who are engaged in conflict or destabilizing arms races.

International restraint in arms exports is important to U.S. national security interests, as well as for the furtherance of democracy and human rights. The June 1996 "Report of the Presidential Advisory Board on Arms Proliferation Policy" concluded that U.S. and international security are threatened by the proliferation of advanced conventional weapons. According to the Report, "The world struggles today with the implications of advanced conventional weapons. It will in the future be confronted with yet another generation of weapons, whose destructive power, size, cost, and availability can raise many more problems even than their predecessors today. These challenges will require a new culture among nations, one that accepts increased responsibility for control and restraint, despite short-term economic and political factors pulling in other directions." An international Code of Conduct is a step toward that new culture.

The United States is far-and-away the world's biggest arms merchant, and we must lead the way for the rest of the world in addressing this issue. But we cannot do it alone. A unilateral decision by the United States to limit conventional arms transfers would be an important signal of our commitment to this issue, but it would not stop the flow of weapons into the countries about whom we are most concerned. We should be under no illusion about the ability or willingness of other arms-producing nations to rush in and fill any gap we might create. This amendment will require the President to expand international efforts to curb worldwide arms sales through the United Nations and other fora, such as the Wassenaar Agreement, and to report to the Congress on progress made during these negotiations.

The United States should lead the way to establishing a multilateral regime to prevent nations that ignore the rights of their citizens or bully their neighbors from obtaining the weapons that support these nefarious activities. This legislation can be the vehicle to accomplish this important objective. I thank the managers of this bill for accepting my amendment.

AMENDMENT NO. 1168

Purpose: To restrict U.S. aid to Cambodia

On page 13, strike lines 2 through the colon on line 14, and insert in lieu the following:

"None of the funds appropriated by this Act may be made available for activities or programs for the Central Government of Cambodia until the Secretary of State determines and reports to the Committee on Appropria-

tions and the Committee on Foreign Relations that the Government of Cambodia has established a tribunal consistent with the requirements of international law and justice including the participation of international jurists and prosecutors for the trial of those who committed genocide or crimes against humanity and that the Government of Cambodia is making significant progress in establishing an independent and accountable judicial system, a professional military subordinate to civilian control, and a neutral and accountable police force."

Mr. KERRY. Mr. President, the pending bill prohibits the Administration from providing aid to the central government of Cambodia pending certification by the Secretary of State that Cambodia has held free and fair elections, that the Central Election Commission was comprised of representatives from all parties, and that the Cambodian government has established an international panel of jurists to try individuals who have committed genocide against the Cambodian people.

I share the Committee's view that aid can be a source of leverage in dealing with the new Cambodian government, and I agree that we should use our aid to encourage the Cambodian government to establish a credible, internationally acceptable genocide tribunal. However, I do not believe that the conditions in the bill provide us with effective leverage because they are outdated and irrelevant to the realities on the ground in Cambodia today.

All of us who are involved with Cambodia recognize full well that the elections held last July in Cambodia were a mixed bag at best. The process leading up to the elections had flaws. The elections themselves were quite successful in terms of large voter turnout, lack of intimidation, international monitoring, and lack of violence. But they were less than perfect.

Cambodians know this, but they have moved on. They have formed a new coalition government with what appears to be a workable power sharing arrangement between the two major parties. They have an effective opposition party. The Khmer Rouge is no longer a military or political player, looming as a threat to the new government. The climate of political intimidation and violence that has so often characterized Cambodia is no longer prevalent. The new Cambodian government has put forth a policy platform which, if implemented, would enable Cambodia to make real strides toward the establishment of democratic institutions and processes.

In light of these realities, it makes no sense to put restrictions on our aid that simply cut off the aid and prevent us from using US aid as an incentive to move the Cambodian government to deal with the serious problems that are

on the table now—building an independent judiciary, reforming the military and the policy so that they are professional, neutral and accountable, providing health care and schooling, and tackling the overwhelming problem of poverty.

The amendment that I am offering with Senator MCCAIN replaces the conditions in the bill with new conditions designed to promote the building of democratic institutions and to encourage the Cambodian government to establish a tribunal consistent with the requirements of international law and justice to try those guilty of genocide and crimes against humanity.

Specifically, this amendment prohibits aid to the central government pending a certification by the Secretary of State that Cambodia is making significant progress in establishing an independent and accountable judicial system, a professional military subordinate to civilian control, and a neutral and accountable police force. The amendment also requires the Secretary to certify that the Cambodian government has established a tribunal consistent with the requirements of international law and justice and including the participation of international jurists and prosecutors for the trial of those who committed genocide or crimes against humanity.

Let me say a word about the condition related to the tribunal. When I was in Cambodia in April, I had extensive discussions with Prime Minister Hun Sen, National Assembly Chairman Prince Ranariddh, King Sihanouk, and others about the issues related to the constitution of a genocide tribunal. While the Prime Minister insisted that the tribunal be in Cambodia, he agreed with my proposal that international judges, prosecutors and investigators actively participate in the process. He also indicated that he would support changes in Cambodian law to allow these individuals to actively operate within the Cambodian judicial system. Prince Ranariddh and King Sihanouk also were supportive of this concept.

I believe that this kind of tribunal, with meaningful international participation, could provide a credible and accountable process, consistent with international law and standards, for trying those who committed genocide and crimes against humanity. The carrot of US aid can serve as an important incentive for the Cambodian government to follow through on this process.

Mr. President, I believe this is a good amendment and I thank the managers for accepting it.

Mr. MCCAIN. Mr. President, I rise to join with Senator KERRY in offering an amendment to the foreign operations appropriations bill that would replace language currently in the bill pertaining to Cambodia with language that I firmly believe will prove far more productive in accomplishing our

goals in that strife-torn nation. The amendment would replace the current prohibition on assistance pending unrealistic and counterproductive certifications with attainable goals consistent with the positive developments that have occurred in Cambodia since its elections last July.

Few countries in the entire world have experienced the scale of suffering since the Second World War that was inflicted upon the people of Cambodia between 1975 and 1979. A phrase that has become a part of our normal lexicon in discussions of tragedies of great proportion in foreign countries originated in descriptions of the killing fields of Cambodia. What transpired in that country during the rule of the Khmer Rouge defies comprehension. It is a history, however, that must not be forgotten.

After decades of struggling with political events in Cambodia, we have an opportunity to finally help it move in a positive direction. We have an opportunity to help the people of that beautiful nation to begin to put their painful past behind them, and to join the community of nations in good standing. We cannot accomplish that objective, however, with the language currently in the bill before us today. That language prohibits all direct U.S. assistance to the central government of Cambodia until the Secretary of State certifies that the July 1998 elections were free and fair, with emphasis on the period leading up to election day.

Few would argue that numerous irregularities occurred in the months leading up to the election of July 26, 1998. I wish that had not been the case. But those irregularities took place, and we cannot change the past. The question, however, becomes where we go from here. The election itself was, by and large, a free and fair election, and it is unlikely that the pre-election irregularities fundamentally altered its outcome. Since the election, the main competing factions have agreed at an amicable arrangement, and Cambodia today stands its best chance of making significant political and economic progress. A U.S. role, which is currently limited to support of non-governmental organizations anyway, can be instrumental in facilitating greater levels of liberalization. The Central Government of Cambodia shows every sign of wanting to move in that direction. That is why the language in this bill is so troubling. It fails to account for a far more positive political atmosphere in Cambodia than has existed in decades.

We can help Cambodia to move forward, or we can stand aside and see an opportunity to act productively in Southeast Asia squandered. I am under no illusions about the scale of problems that continue to plague that troubled nation. The government of Phnom Penh must move forward on the issue

of establishing an international tribunal for the prosecution of Khmer Rouge officials, it must continue to address pressing issues like deforestation, and it must carry out needed political and economic reforms. But we must not let an important opportunity to help such reforms move forward by restricting aid unless the State Department certifies to something all parties know cannot be certified. We can predicate our policy toward Cambodia on the past, or we can remember the past but look to the future. The Kerry-McCain amendment provides an opportunity to do the latter. I urge its support.

#### AMENDMENT 1173

At the appropriate place, insert the following section:

#### SEC. . EXPANDED THREAT REDUCTION INITIATIVE.

It is the sense of the Senate that the programs contained in the Expanded Threat Reduction Initiative are vital to the national security of the United States and that funding for those programs should be restored in conference to the levels requested in the President's budget.

#### AMENDMENT 1174

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING U.S. COMMITMENTS UNDER THE U.S.-NORTH KOREAN AGREED FRAMEWORK.—It is the Sense of the Senate that, as long as North Korea meets its obligations under the U.S.-North Korean nuclear Agreed Framework of 1994, the U.S. should meet its commitments under the Agreed Framework, including required deliveries of heavy fuel oil to North Korea and support of the Korean Peninsula Energy Development Organization (KEDO).

Mr. LEVIN. Mr. President, I wish to comment on the foreign operations appropriations bill being considered by the Senate. There is one area of this bill that I believe deserves particular attention, and that is the series of provisions relating to U.S. funding for the Korean Peninsula Energy Development Organization, or KEDO. This is the organization that is implementing certain provisions of the U.S.-North Korean nuclear Agreed Framework of 1994. U.S. funds for KEDO pay for the heavy fuel oil that the U.S. is committed to provide to North Korea in exchange for its agreement to freeze and eventually dismantle its plutonium production program that could be used for nuclear weapons.

Mr. President, that Agreed Framework is working in our national security interests now. Under that agreement, North Korea has frozen its plutonium production facilities and canned almost all of the spent nuclear reactor fuel from its graphite-moderated reactor in Yongbyon, all under the watchful eye of International Atomic Energy Agency (IAEA) personnel and monitoring instruments.

As recent Secretaries of Defense and Chairmen of the Joint Chiefs of Staff have repeatedly and consistently testi-

fied to Congress, it is clearly in our security interest that North Korea not produced any more plutonium and that its spent reactor fuel be canned and removed from North Korea. In addition, it is important for North Korea to account for all its past plutonium production to the satisfaction of the IAEA. If, and only if, North Korea satisfies all those requirements of the Agreed Framework, then KEDO, will provide two lightwater nuclear power production reactors to North Korea, with South Korea and Japan paying the overwhelming majority of the cost of those reactors.

The U.S. is required to provide heavy fuel oil to North Korea on an agreed schedule, and we have had a spotty record so far, largely because of Congressional funding reductions and restrictions. But we have managed to deliver the required oil, albeit sometimes late.

This bill would reduce the Administration's funding request for heavy fuel oil from \$55 million to \$40 million dollars, a decrease of \$15 million. This reduction would prevent the U.S. from purchasing and delivering the required heavy fuel oil to North Korea. In my view, what would be a serious mistake.

If we do not provide the required heavy fuel oil under the Agreed Framework, we would be failing to meet our commitments under the Agreed Framework. This would provide North Korea with a ready-made excuse to withdraw from or violate the Agreed Framework, something we should all recognize would be contrary to our national interests and bad for U.S. security.

As long as North Korea meets its obligations under the Agreed Framework, we should meet our commitments and obligations under the Agreed Framework, including providing the funds necessary to deliver all the required heavy fuel oil to North Korea.

Mr. President, this bill also places unnecessary and unworkable restrictions on the obligation of the \$40 million that is provided for KEDO. These are contained in certifications required before the funds can be obligated. Two of these certifications go beyond the terms of the Agreed Framework and would make it very hard for the U.S. to provide funds to KEDO, unless the President uses a waiver.

I believe it is important that we work in good faith to keep North Korea in compliance with its obligations under the Agreed Framework, and that includes our obligation to provide the necessary funds to deliver the required heavy fuel oil to North Korea.

When the Armed Services Committee and the Foreign Relations Committee members met recently with Former Defense Secretary William Perry, the President's Special Advisor on North Korea, one of my colleagues asked Dr. Perry what Congress could do to help move North Korea in a more peaceful

and cooperative direction. Dr. Perry indicated that the most important Congressional action would be to provide full funding for KEDO. I believe Dr. Perry is correct.

Mr. President, for these reasons I offer an amendment to the bill that states the sense of the Senate that, "as long as North Korea meets its obligations under the U.S.-North Korean nuclear Agreed Framework of 1994, the U.S. should meet its commitments under the Agreed Framework, including required deliveries of heavy fuel oil to North Korea and support of the Korean Peninsula Energy Development Organization (KEDO)."

This amendment puts the Senate on record as stating its view that the United States should meet its commitments under the Agreed Framework, including the heavy fuel oil and KEDO commitments.

Mr. President, I believe this amendment improves the bill and makes it clear that the Senate wants the U.S. to uphold its end of the Agreed Framework, and I hope that the bill's provisions relating to KEDO can be modified in conference and that the Administration's requested funding will be restored in conference, to reflect the view of the Senate as expressed in my amendment.

AMENDMENT NO. 1175

(Purpose: To provide Tibetan refugee relief)

On page 17, line 10, before the period insert the following:

"That of the amounts appropriated under this heading, \$1.5 million shall be made available to Habitat for Humanity International for the purchase of 14 acres of land on behalf of Tibetan refugees living in northern India, and the construction of multi-unit development."

Mr. DOMENICI. Mr. President, I rise today to offer an amendment that would provide Habitat for Humanity \$1.5 million for construction of a multi-unit development for Tibetan refugees living in Northern India.

These refugees were forcibly driven from their homes by the Chinese communists. They are living in the Dehradun area and are among the poorest people on earth. They are without citizenship rights and cannot own land. As such, they exist as squatters in burned out homes and shacks remaining after the Hindu-Moslem conflicts of a few years ago. The conditions are deplorable; soaking wet in the monsoon season and freezing in the winter.

Many Americans are aware of the plight of these Tibetan refugees and have started taking actions to help them. The Dalai Lama is a full partner in this project and has put the full weight of his friends and government behind this.

This money will fund a plan to purchase 14 acres of land on behalf of the Tibetans and provide for the construction of a multi-unit development for 160 of the poorest families. An Amer-

ican architect has volunteered his time to visit the site, direct the preliminary clearing, and draw the plans for the village.

General Mick Kicklighter, U.S. Army, Ret., serves as President of Habitat for Humanity International and will oversee the direction of resources for this project. The President of the Arundel County, Maryland, Habitat for Humanity affiliate is working to lay out detailed building time and cost management for the village. The property has been obtained, building permits secured and the land has been cleared by the hand effort of the refugees.

I ask my colleagues to join me and the cosponsors to this amendment to support funding in the amount of \$1.5 million to directed to Habitat for Humanity International for completion of this project. The creation of this village with U.S. assistance will serve as a model for the international aid community. I firmly believe that the impact of this modest sum will be felt globally.

AMENDMENT NO. 1176

On page 33, line 6, before the colon, insert the following: " , of which no less than \$1,000,000 shall be available for the Defense Institute of International Studies to enhance its mission, functioning and performance by providing for its fixed costs of operation".

AMENDMENT NO. 1177

At the appropriate place, insert:

It is the sense of the Senate that:

The Senate finds, that: The proposed programs under the Expanded Threat Reduction Initiative (ETRI) are critical and essential to preserving U.S. national security.

The Department of State programs under the ETRI be funded at or near the full request of \$250 million in the Foreign Operations Appropriations Bill for Fiscal Year 2000 prior to final passage.

Mr. MCCONNELL. These amendments have been cleared on both sides, and I ask they be considered and agreed to en bloc.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 1125, 1146, 1150, 1151, 1158, 1162, 1163, 1167, 1168, and 1173 through 1177) were agreed to.

Mr. MCCONNELL. 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.

AMENDMENTS NOS. 1159 AND 1170 THROUGH 1172,  
EN BLOC, AS MODIFIED

Mr. MCCONNELL. I send the following modifications to amendments that are at the desk:

No. 1159, Senator LANDRIEU onorphans; No. 1170, Senator BROWNBACK, the Sudan; No. 1171, Senator DEWINE on Colombia; and No. 1172, Senator REID on Iraq.

The amendment (No. 1170), as modified, is as follows:

At the appropriate place in the bill, insert the following:

SEC. \_\_\_\_ INTERNATIONAL DISASTER ASSISTANCE FOR OPPOSITION-CONTROLLED AREAS OF SUDAN.

Notwithstanding any other provision of law, of the funds made available under chapter 9 of part I of the Foreign Assistance Act of 1961 (relating to international disaster assistance) for fiscal year 2000, up to \$4,000,000 should be made available for rehabilitation and economic recovery in opposition-controlled areas of Sudan. Such funds are to be used to improve economic governance, primary education, agriculture, and other locally-determined priorities. Such funds are to be programmed and implemented jointly by the United States Agency for International Development and the Department of Agriculture, and may be utilized for activities which can be implemented for a period of up to two years.

SEC. \_\_\_\_ HUMANITARIAN ASSISTANCE FOR SUDANESE INDIGENOUS GROUPS.

The President, acting through the appropriate Federal agencies, is authorized to provide humanitarian assistance, including food, directly to the National Democratic Alliance participants and the Sudanese People's Liberation Movement operating outside of the Operation Lifeline Sudan structure.

SEC. \_\_\_\_ DEVELOPMENT ASSISTANCE FOR OPPOSITION-CONTROLLED AREAS OF SUDAN.

(a) INCREASE IN DEVELOPMENT ASSISTANCE.—The President, acting through the United States Agency for International Development, is authorized to increase substantially the amount of development assistance for capacity building, democracy promotion, civil administration, judiciary, and infrastructure support in opposition-controlled areas of Sudan.

(b) QUARTERLY REPORT.—The President shall submit a report on a quarterly basis to the Congress on progress made in carrying out subsection (a).

Mr. BROWNBACK. Mr. President, I rise in support of the amendment that has been cleared, I understand, by both sides. I would like to submit into the RECORD a clarification regarding the distribution of humanitarian assistance, including food, directly to the National Democratic Alliance participants operating outside of the Operation Lifeline Sudan structure. Namely, the intent and expectation of the Senate through this language is for the Sudanese People's Liberation Movement to be a recipient as a leading member participant in the National Democratic Alliance.

Mr. FRIST. Mr. President, it is important to view this amendment in the greater context of the current humanitarian situation in southern Sudan.

The situation is dire, to say the least: the famine of last year took the lives of hundreds of thousands as flights of relief were banned by Khartoum from large areas outside their control, an act which triggered famine and starvation. The regime in Khartoum is allowed to halt U.N. relief flights at will because of the terms of the 1989 agreement which establish Operation Lifeline Sudan—the U.N. relief organization. As I noted in an op-ed in The Washington Post on July 19, 1998,

the "practice starves combatants and noncombatants alike and compromises the integrity and effectiveness of relief groups desperately trying to fend off famine."

I ask unanimous consent that op-ed be printed in the RECORD.

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

[From the Washington Post, July 19, 1998]

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

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

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

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

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

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

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

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

In southern Sudan our humanitarian relief contributions to the starving are largely funneled through nongovernmental relief organizations that participate in Operation Lifeline Sudan. All of our contributions to the

United Nations efforts are distributed through this flawed deal.

In this political arrangement the Khartoum regime has veto power over all decisions as to where food can be sent. That which is needed in the areas outside their control is often used as an instrument of war, with Khartoum routinely denying permission for a flight to land in an area of rebel activity, especially during times when international attention lacks its current focus. This practice starves combatants and noncombatants alike and compromises the integrity and effectiveness of relief groups desperately trying to fend off famine.

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

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

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

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

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

Mr. FRIST. The Government of Sudan continues to prosecute the war against the south, including the bombing of hospitals and churches, and a campaign of terror, including slavery. Nearly 2 million have died since 1983, with over 4 million displaced from their homes.

In January of last year, I worked in southern Sudan as a medical missionary, in areas outside of government control, and in "hospitals" and clinics where I treated people who had never

seen a doctor. What I saw was the product of an indiscriminate and savage war.

Since that time I have worked with other Senators, relief organizations, and the administration in trying to make our humanitarian policy as effective as it possibly can be. It must be a policy which does more than meet the immediate food needs of those who hover on the brink of starvation. It must be a policy which seeks to eliminate the root causes. The inability of the populations in areas outside of the control of the Government of Sudan to protect themselves is at the root of their vulnerability to starvation and famine.

That is not a politically or logistically easy task. It does not have a single solution which can simply be enacted. It requires that we constantly push the policy to adapt and become more effective, rather than simply become an amount for which we simply write a check each fiscal year. This amendment does not represent the solution to the root causes of the human tragedy in Sudan, but it is one critical piece which we must consider.

The authorization in this amendment will open this issue and place it at the top of the list of issues which we continue to work through with the administration. That process of Congress and the administration jointly working on a more effective Sudan policy has had its moments of disagreement, but it has been largely productive and one where our shared goals have never been compromised.

Additionally, it is worth noting that, beyond the traditional chiefdoms, the groups designated in this amendment are really the only organizations functioning in areas outside of the control of the government of Sudan. As a consequence, these are the only organizations which are defending these populations against the heinous attacks by the Government of Sudan and, increasingly, by irregular or paramilitary organizations sponsored by Khartoum—including slaving parties.

The more than 1 million dollars' worth of relief distributed in Sudan on a daily basis is done so in such a way that it is purposefully steered away from combatants. From the relief organizations' view point, that is essential to maintain some level of insulation from the political aspects of the war. They see themselves as strictly humanitarian organizations.

However, from a practical standpoint, that practice has an unintended, but not surprising consequence. Because the members of the resistance groups have to eat too—for they suffer from starvation as much as women and children—they regularly divert food donations to their own use.

Possibly more important than that is the effect on these organizations themselves and their ability to provide protection for the populations they defend. Because their food supply is erratic and dependent on diversions of other aid, they are often forced to demobilize to either collect food on their own, to steal food, or to leave to plant their crops. The practical effect of that is that they cannot stay mobilized and cannot provide any reliable or cohesive defense.

It is important to remember then that this amendment should not be seen as a reward to the resistance groups. Yet I remind my colleagues that they are the only line of defense between those people and the regime in Khartoum which seeks to subdue or exterminate them in a sustained effort of low-level ethnic cleansing.

The timing of presenting this authority to the President is critically important. The government of Sudan is poised to begin receiving billions of dollars in hard currency from the sale of newly exploited oil in contested areas. The regime in Khartoum has repeatedly and publically said their intention is to convert that hard currency straight into an renewed effort to subdue or eradicate the people in areas outside their control. The ability of the resistance groups to stay mobilized and coherent is arguably more important now than since the beginning of the war. A predictable supply of food is the key to realizing that defense. Again, more so than the weapons Khartoum is purchasing or receiving from the outside world, it is food which most devastating.

Besides the obvious human cost of an ineffective defense against Khartoum and their proxies, is the potential cost to the renewed effort to bring the combatants into an effective peace process. As I noted in a further piece in *The Washington Post*, we must use all available tools to bring the combatants to the table.

I ask unanimous consent that be printed in the RECORD.

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

[From the *Washington Post*, June 9, 1999]

AN END TO THE SUDAN TRAGEDY

(By Bill Frist)

The *Post's* May 7 editorial "Sudan: The Unending War" brought to light two critical points about that barbaric war of "ethnic cleansing." One is that our actions in Kosovo emphasize our failure to act in the much larger war in Sudan. Without Kosovo, the war in Sudan would continue in obscurity. The other is that it is time for the United States to redouble its efforts toward bringing the war to a conclusion. As bad as the situation has become and intractable as the conflict may seem, we may have a small chance for peace.

But the United States must redouble its efforts strategically with a realistic understanding of our strengths and limitations.

What may seem like minor differences among our options actually can represent fundamental differences between success and failure. The appointment of a special envoy may bring needed attention and diplomatic weight to that effort, but it would represent neither a clear understanding of our limitations nor a strategy that can maximize our effectiveness.

A strategy that does so requires three basic steps in the coming months:

We must recognize the conflict for what it is: a calculated and sustained effort by the regime in Khartoum to subdue, eradicate or forcibly convert to Islam large segments of their own population. The fact that it is not exclusively a Muslim against Christian or Arab against black African war must not distract us from its barbarity. Even without a clear "good guy," the war is indiscriminate and patently evil. As the editorial pointed out, it already has claimed more lives than the wars in Bosnia, Kosovo, Chechnya and Somalia combined.

We must conduct our relief operations so they address the roots of the humanitarian disaster, not just the symptoms. We must continue to change our operations so they do not inadvertently abet the agenda of Khartoum by allowing the government to use our food donations as a weapon—as it does with its calculated denial of access to relief flights that carry out contributions through the United Nations.

We also must change the nature of our generous contributions, moving away from simply food, literally falling from the sky into starving villages, to one where we seek to help establish the most basic civil and economic institutions in the areas outside the government's control. It is the near absence of those institutions in some areas that prevents the Sudanese from sustaining themselves. I plan to introduce legislation that will address those shortcomings, both in our own programs and in the United Nations. Congress can urge the president to continue implementing those changes, but we also must be prepared to support him fully as he does.

We must work harder to reinvigorate the existing multilateral peace process and bring significant pressure to bear on the warring parties and supporters to come to the peace table. Khartoum uses seductive diversions—"confessions" of war-weariness and other hints that a "breakthrough" is at hand—to avoid a process in which it would actually have to produce results.

The rebels continue to be fractious on their endgame. A strong peace process based on an airtight list of principles and measures of success can encourage both to deliver tangible results. A special envoy alone, secret "diplomatic missions" or any other effort that does not bring the combatants and their supporters to the table cannot provide three essential elements: the elimination of a scapegoat for a failed process, sustained pressure on all parties to show progress and a healthy dose of embarrassment for the world regarding the situation.

The tragedy of Sudan has been perpetuated by shameful, worldwide neglect and a stunning lack of resolve. Until Khartoum succeeds in its goal of ethnic cleansing, the war will never go away on its own. Short of military intervention or comprehensive U.N. sanctions, for which there is no political will, a coherent, cooperative and realistic strategy offers the best chance for progress—albeit 16 years late.

Mr. FRIST. The most important tool to bring them to the table is to con-

tinue to highlight the fact that neither side will win this war outright on the battlefield. If Khartoum believes they can not win the war on the battlefield because of their new found source of hard currency, they have absolutely no reason to come to the table and work for real peace. Short of military intervention on our own, the best way we can disabuse them of that notion and continue to press them to commit to a peace process is to clearly eliminate the greatest weaknesses which they will exploit. The greatest weakness is not so much the southern Sudanese's vulnerability to attack, but their inability to defend. That inability is not caused by a lack of weaponry, but a lack of calories.

The PRESIDING OFFICER. The Clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments Nos. 1159, 1171 and 1172, as modified, en bloc.

The amendments are as follows:

AMENDMENT NO. 1159, AS MODIFIED

On page 21, line 22, before the period insert the following: "Provided further; That of the amount appropriated under this heading, not to exceed \$2,000,000 shall be available for grants to nongovernmental organization that work with orphans who are transitioning out of institutions to teach life skills and job skills".

AMENDMENT NO. 1171, AS MODIFIED

At the appropriate place in the bill, insert the following new section:

**SEC. . SENSE OF THE SENATE REGARDING COLOMBIA.**

(a) FINDINGS.—Congress makes the following findings:

(1) Colombia is a democratic country fighting multiple wars:

(A) a war against the Colombian Revolutionary Armed Forces (FARC);

(B) a war against the National Liberation Army (ELN);

(C) a war against paramilitary organizations; and

(C) a war against drug lords who traffic in deadly cocaine and heroin.

(3) Colombia is the world's third most dangerous country in terms of political violence with 34 percent of world terrorist acts committed there.

(4) Colombia is the world's kidnaping capital of the world with 2,609 kidnapings reported in 1998 and 513 reported in the first three months of 1999.

(5) In 1998 alone, 308,000 Colombians were internally displaced in Colombia. Over the last decade, 35,000 Colombians have been killed.

(6) The FARC and ELN are the two main guerrilla groups which have waged the longest-running anti-government insurgency in Latin America.

(7) The Colombian rebels have a combined strength of 10,000 to 20,000 full-time guerrillas; they have initiated armed action in nearly 700 of the country's 1073 municipalities, and control or influence roughly 60 percent of rural Colombia including a demilitarized zone using their armed stranglehold to abuse Colombian citizens.

(8) Although the Colombian Army has 122,000 soldiers, there are roughly only 20,000 soldiers available for offensive combat operations.

(9) Colombia faces the threat of the armed paramilitaries, 5,000 strong, who are constantly driving a wedge in the peace process by their insistence in participating in the peace talks.

(10) More than 75 percent of the world's cocaine HCL and 75 percent of the heroin seized in the northeast United States is of Colombian origin.

(11) The conflicts in Colombia are creating spillovers to the border countries of Venezuela, Panama and Ecuador: Venezuela has sent 30,000 troops to its border the Ecuador is sending 10,000 troops to its border.

(12) Venezuela is our number one supplier of oil.

(13) By the end of 1999, all U.S. military troops will have departed from Panama, leaving the Panama Canal unprotected.

(14) In 1998, two-way trade between the United States and Colombia was more than \$11 billion, making the United States Colombia's number one trading partner and Colombia the fifth largest market for U.S. exports in the region.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should recognize the crisis in Colombia and play a more pro-active role in its resolution;

(2) the United States should mobilize the international community to pro-actively engaged in resolving Colombian wars; and

(3) pledge or political support to help Colombia with the peace process.

#### AMENDMENT NO. 1172, AS MODIFIED

At the appropriate place, add the following:

It is the sense of the Senate that the President and the Secretary of State should—

(1) raise the need for accountability of Saddam Hussein and several key members of his regime at the International Criminal Court Preparatory Commission, which will meet in New York on July 26, 1999, through August 13, 1999;

(2) continue to push for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(3) continue to push for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and any other Iraqi officials who may be found responsible for crimes against humanity, genocide, and other violations of international humanitarian law; and

(4) upon the creation of a commission and international criminal tribunal, take steps necessary, including the reprogramming of funds, to ensure United States support for efforts to bring Saddam Hussein and other Iraqi officials to justice.

Mr. McCONNELL. I ask unanimous consent that these amendments, as modified, be agreed to en bloc.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc, as modified.

The amendments (Nos. 1159, and 1171 and 1172) as modified, were agreed to.

Mr. McCONNELL. 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. There are six amendments at the desk that will not

be proposed. I ask unanimous consent the following amendments not be proposed:

No. 1120, Senator BROWNBACK on the Sudan; No. 1147, Senator BROWNBACK on the Sudan; No. 1149, Senator GRASSLEY on narcotics; No. 1156, Senator BIDEN on Iraq; No. 1169, Senator KERRY of Massachusetts, code of conduct; No. 1155, Senator BIDEN on Iraq.

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

Mr. McCONNELL. We approved earlier in the day 19 amendments in the managers' package. We just approved 18 more from a list compiled at 1 p.m., the deadline for getting amendments to the desk.

There are 5 more amendments we withdrew that will not be offered. That leaves 12 amendments, I say to my friend from Vermont, that remain to be addressed.

We are working on paring that list down further.

Mr. DODD. I ask unanimous consent to set aside the pending amendment.

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

Mr. DODD. Mr. President, I call up an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator has two amendments?

Mr. DODD. One amendment.

The PRESIDING OFFICER. One amendment.

#### AMENDMENT NO. 1157

Mr. DODD. 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 Connecticut [Mr. DODD], for himself and Mr. LEAHY, proposes an amendment numbered 1157.

Mr. DODD. 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 at the following new section:

#### SEC. . TERMINATION OF PROHIBITIONS AND RESTRICTIONS ON TRAVEL TO CUBA.

(a) TRAVEL TO CUBA.—

(1) FREEDOM OF TRAVEL FOR UNITED STATES CITIZENS AND LEGAL RESIDENTS.—Subject to subsection (b), the President shall not regulate or prohibit, directly or indirectly, travel to or from Cuba by United States citizens or legal residents, or any of the transactions incident to such travel that are set forth in paragraph (2).

(2) TRANSACTIONS INCIDENT TO TRAVEL.—The transactions referred paragraph (1) are—

(A) any transaction ordinarily incident to travel to or from Cuba, including the importation into Cuba or the United States of accompanied baggage for personal use only;

(B) any transaction ordinarily incident to travel or maintenance within Cuba, including the payment of living expenses and the acquisition of goods or services for personal use;

(C) any transaction ordinarily incident to the arrangement, promotion, or facilitation of travel to, from, or within Cuba;

(D) any transaction incident to non-scheduled air, sea, or land voyages, except that this subparagraph does not authorize the carriage of articles into Cuba or the United States except accompanied baggage; and

(E) any normal banking transaction incident to any activity described in any of the preceding subparagraphs, including the issuance, clearing, processing, or payment of checks, drafts, travelers checks, credit or debit card instruments, or similar instruments; except that this paragraph does not authorize the importation into the United States of any goods for personal consumption acquired in Cuba.

(b) EXCEPTIONS.—The restrictions on authority contained in subsection (a)(1) do not apply in a case in which—

(1) the United States is at war with Cuba; or

(2) armed hostilities between the two countries are in progress.

(c) APPLICABILITY.—This section applies to actions taken by the President before the date of the enactment of this Act which are in effect on such date, and to action taken on or after such date.

(d) SUPERSEDES OTHER PROVISIONS.—This section supersedes any other provision of law, including section 102(h) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996.

#### AMENDMENT NO. 1182 TO AMENDMENT NO. 1157

(Purpose: To terminate prohibitions and restrictions on travel to Cuba)

Mr. LEAHY. Mr. President, I send to the desk an amendment in the second degree 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] proposes an amendment numbered 1182 to amendment No. 1157.

Mr. LEAHY. 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:

Strike everything after "SEC \_\_\_\_\_" and insert in lieu thereof the following:

#### RELAXATION OF RESTRICTIONS ON TRAVEL BY AMERICAN CITIZENS TO CUBA.

(a) TRAVEL TO CUBA.—

(1) FREEDOM OF TRAVEL FOR UNITED STATES CITIZENS AND LEGAL RESIDENTS.—Subject to subsection (b), the President shall not regulate or prohibit, directly or indirectly, travel to or from Cuba by United States citizens or legal residents, or any of the transactions incident to such travel that are set forth in paragraph (2).

(2) TRANSACTIONS INCIDENT TO TRAVEL.—The transactions referred to in paragraph (1) are—

(A) any transaction ordinarily incident to travel to or from Cuba, including the importation into Cuba or the United States of accompanied baggage for personal use only;

(B) any transaction ordinarily incident to travel or maintenance within Cuba, including the payment of living expenses and the acquisition of goods or services for personal use;

(C) any transaction ordinarily incident to the arrangement, promotion, or facilitation of travel to, from, or within Cuba;

(D) any transaction incident to non-scheduled air, sea, or land voyages, except that this subparagraph does not authorize the carriage of articles into Cuba or the United States except accompanied baggage; and

(E) any normal banking transaction incident to any activity described in any of the preceding subparagraphs, including the issuance, clearing, processing, or payment of checks, drafts, travelers checks, credit or debit card instruments, or similar instruments;

except that this paragraph does not authorize the importation into the United States of any goods for personal consumption acquired in Cuba.

(b) EXCEPTIONS.—The restrictions on authority contained in subsection (a)(1) do not apply in a case in which—

(1) the United States is at war with Cuba;

(2) armed hostilities between the two countries are in progress; or

(3) there is imminent danger to the public health or the physical safety of United States travelers.

(c) APPLICABILITY.—This section applies to actions taken by the President before the date of the enactment of this Act which are in effect on such date, and to actions taken on or after such date.

(d) SUPERSEDES OTHER PROVISIONS.—This section supersedes any other provision of law, including section 102(h) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996.

Mr. DODD. Mr. President, I ask for the yeas and nays on the Dodd amendment.

The PRESIDING OFFICER. Is there objection to it being in order to request the yeas and nays on the first-degree amendment?

Mr. DODD. On the Dodd amendment.

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

Is there a sufficient second?

There is not a sufficient second.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, as I understand it, the second-degree amendment is what is pending before the Senate.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on that.

The PRESIDING OFFICER. Is there a sufficient second on the second-degree amendment? There is not.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LOTT. 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. LOTT. I believe the Senator would like to renew his request for the yeas and nays.

Mr. LEAHY. I renew the request on the second-degree 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. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Vermont for his second-degree proposal. We will take a very short amount of time. It is not our intention to spend a great deal of time on this particular proposal. We have proposed the pending amendments because we believe the time has come to lift the very archaic, counterproductive, and ill-conceived ban on Americans traveling to Cuba. Not only does this ban hinder rather than help our effort to spread democracy, it unnecessarily abridges the rights of ordinary Americans.

The United States was founded on the principles of liberty and freedom. Yet when it comes to Cuba, our Government abridges these rights with no greater rationale than political and rhetorical gain.

Cuba lies just 90 miles from America's shore. Yet those 90 miles of water might as well be an entire ocean. We have made a land ripe for American influence forbidden territory. In doing so, we have enabled Fidel Castro's regime to hold onto power longer and contributed to the continued oppression of the Cuban people.

Surely we do not ban travel to Cuba out of concern for the safety of Americans who might visit that island nation. Today Americans are free to travel to Iran, Sudan, Burma, Yugoslavia, North Korea—but not to Cuba. You can fly to North Korea; you can fly to Iran; you can travel freely. Yet it seems to me if you can go to those countries, you ought not be denied the right to go to Cuba. If the Cubans want to stop Americans from visiting that country, that ought to be their business. But to say to an American citizen that you can travel to Iran, where they held hostages for months on end, to North Korea, which has declared us to be an enemy of theirs completely, but not to travel 90 miles off our shore to Cuba I think is a mistake.

To this day, some Iranian politicians believe the United States to be "the Great Satan." We hear it all the time. Just two decades ago, Iran occupied our Embassy and took innocent American diplomats hostage. To this day, protesters in Tehran burn the American flag with the encouragement of the members of their Government. Those few Americans who venture into such inhospitable surroundings often

find themselves pelted by rocks and accosted by the public.

Similarly, we do not ban travel to Sudan, a nation we attacked with cruise missiles last summer for its support of terrorism; to Burma, a nation with one of the most oppressive regimes in the world today; to North Korea, whose soldiers have peered at American servicemen through gun sights for decades; or Syria, which has one of the most egregious human rights records and is one of the foremost sponsors of terrorism.

I can go to Iran, but I cannot go to Cuba. There is an inconsistency here that I think we ought to undo. We ban travel to Cuba, a nation which is neither at war with the United States nor a sponsor of terrorism. I fail to see how isolating the Cuban people from democratic values and ideals will foster the transition to democracy in that country.

I fail to see how isolating the Cuban people from democratic values and from the influence of Americans when they go to that country to help bring about the change we all seek serves our own interests.

Before I go on, let me be perfectly clear: I strongly support effective measures to bring democratic values and rule to all people, including Cuba. No one, certainly not Cubans, should have to live under a dictator's fist. Cubans cannot travel freely to the United States. That is because Fidel Castro does not allow them to do so. Those of us who watched our television screens last night and saw those Cubans trying to escape the dictatorial regime in Cuba, picked up by Cuban boats were horrified by that kind of activity.

Because Fidel Castro does not permit Cubans to leave Cuba and come to this country is not justification for adopting a similar principle in this country that says Americans cannot travel freely. We have a Bill of Rights. We have fundamental rights that we embrace as American citizens. Travel is one of them. If other countries want to prohibit us from going there, then that is their business. But for us to say that citizens of Connecticut or Alabama cannot go where they like is not the kind of restraint we ought to put on people.

If I can travel to North Korea, if I can travel to the Sudan, if I can travel to Iran, I do not understand the justification for saying I cannot travel to Cuba. I happen to believe that by allowing Americans to travel there, we can begin to have the influence in Cuba that can begin to change the demographics politically to make a difference in bringing about the change we all seek in that country.

Today, every single country in the Western Hemisphere is a democracy, with one exception: Cuba. American influence through person-to-person and cultural exchanges was a prime factor

in this evolution from a hemisphere ruled predominantly by authoritarian or military regimes to one where democracy is the rule, with one exception: Cuba.

Our policy toward Cuba blocks these exchanges and prevents the United States from using our most potent weapon in our effort to combat totalitarian regimes, and that is our own people. They are the best ambassadors we have.

Most totalitarian regimes bar Americans from coming into their countries for the very reasons I just mentioned. They are afraid the gospel of freedom will motivate their citizens to overthrow dictators, as they have done in dozens of nations over the last half century. Isn't it ironic that when it comes to Cuba we do the dictator's bidding for him in a sense? Cuba does not have to worry about spreading democracy. Our own Government stops us from doing so.

The current state of regulations governing who can and cannot travel to Cuba is a complex and subjective morass. My colleague, Senator LEAHY, has first-hand experience in attempting to navigate the sea of bureaucracy.

When he attempted to travel to Cuba earlier this year with his wife Marcelle, he discovered that while his travel was exempt from certain licensing requirements, his wife's travel was not. Ultimately, she was able to accompany her husband after applying for a license based on her work as a registered nurse.

The fact is, the entire process is a farce and everyone knows it. Other couples, not a U.S. Senator and his wife, would probably not fare as well in gaining a license to travel to Cuba.

Let me review for my colleagues who may travel to Cuba under current Government regulations and under what circumstances. The following categories of people may travel to Cuba without applying to the Treasury Department for a specific license to travel. They are deemed to be authorized to travel under so-called general license: Government officials, regularly employed journalists, professional researchers who are "full time professionals who travel to Cuba to conduct professional research in their professional areas," Cuban Americans who have relatives in Cuba who are ill but only once a year they can go back.

There are other categories of individuals who theoretically are eligible to travel to Cuba as well, but they must apply for a license from the Department of the Treasury and prove they fit a category in which travel to Cuba is permissible.

What are these categories?

One, freelance journalists, provided they can prove they are journalists; they must also submit their itinerary for the proposed research.

Two, Cuban Americans who are unfortunate enough to have more than

one humanitarian emergency in a 12-month period and therefore cannot travel under a general license.

Three, students and faculty from U.S. academic institutions that are accredited by an appropriate national or regional educational accrediting association who are participating in a "structural education program."

Four, members of U.S. religious organizations.

Five, individuals participating in public performances, clinics, workshops, athletic and other competitions and exhibitions.

Just because you think you may fall into one of the above enumerated categories does not necessarily mean you will actually be licensed by the U.S. Government to travel to Cuba.

Who decides whether a researcher's work is legitimate? Who decides whether a freelance journalist is really conducting journalistic activities? Who decides whether or not a professor or student is participating in a "structured educational program"? Who decides whether a religious person is really going to conduct religious activities?

I will tell you who does. Some Government bureaucrats are making those decisions about those personal rights of American citizens.

It is truly unsettling, to put it mildly, when you think about it, and probably unconstitutional at its core. It is a real intrusion on the fundamental rights of American citizens.

It also says something about what we as a Government think about our own people. Do we really believe that a journalist, a Government official, a Senator, a Congressman, a baseball player, a ballerina, a college professor or minister are somehow superior to other citizens who do not fall into those categories; that only these categories of people are "good examples" for the Cuban people to observe in order to understand American values?

I do not think so. I find such a notion insulting. There is no better way to communicate America's values and ideals than by unleashing average American men and women to demonstrate by daily living what our great country stands for and the contrasts between what we stand for and what exists in Cuba today.

I do not believe there was ever a sensible rationale for restricting Americans' right to travel to Cuba. With the collapse of the Soviet Union and an end to the cold war, I do not think an excuse remains today to ban this kind of travel.

This argument that dollars and tourism will be used to prop up the regime is specious. The regime seems to have survived 38 years despite the Draconian U.S. embargo during that entire period. The notion that allowing Americans to spend a few dollars in Cuba is somehow going to give major aid and comfort to

the Cuban regime is without basis, in my view.

This spring, we got a taste of what people-to-people exchanges between the United States and Cuba might mean when the Baltimore Orioles and the Cuban National Team played a home-and-home series. The game brought players from two nations with the greatest love of baseball together for the first time in generations. It is time to bring the fans together. It is time to let Americans and Cubans meet in the baseball stands and on the streets of Havana.

Political rhetoric is not sufficient reason to abridge the freedoms of American citizens. Nor is it sufficient reason to stand by a law which counteracts one of the basic premises of American foreign policy; namely, the spread of democracy. The time has come to allow Americans—average Americans—to travel freely to Cuba. I urge my colleagues to support this amendment.

Again, I make this point to my colleagues: There are no restrictions on you if you want to travel to the Communist Government of North Korea, to the Communist Government of the People's Republic of China, to the Communist Government of Vietnam, to the terrorist-supported Government of Iran, or to travel to the Sudan. This is a completely uneven standard we are applying in order to satisfy some political rhetoric.

If you really want to create some change in Cuba, then unleash the flood of U.S. citizens going down there and talking to average Cubans on the streets of Havana and Santiago and the small communities. Give the 11 million people in Cuba a chance to interface and interact with American citizens. If Fidel Castro wants to say, "No, you can't come here," let him say that, but let not us do his bidding by saying to average citizens: You cannot go there. That is a denial, in my view, of a fundamental right and freedom, unless there is an overriding national interest which would preclude and prohibit American citizens from traveling to a given country. That case has not been made. It cannot be made when it comes to Cuba.

Senator LEAHY and I urge the adoption of this amendment to begin to create the change we all want to see on this island nation 90 miles off our shore.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Vermont.

Mr. LEAHY. Mr. President, the distinguished senior Senator from Connecticut has stated the arguments so very well. Like he, I have traveled to Cuba. I visited Cuba 3 months ago with the distinguished senior Senator from Rhode Island, Mr. REED.

We were able to go there because we are U.S. Government officials. If we

had been private citizens, as the distinguished Senator from Connecticut has said, we would have had some problems.

My friend from Connecticut mentioned the problems that my wife Marcelle faced when she went to Cuba. He and I have discussed that because of the absurdity of it.

My wife Marcelle has accompanied me on many foreign trips. We have gone abroad representing our country, at the request of the Senate, at the request of the President; and sometimes we have traveled on our own just to visit friends abroad.

So we did not think there was much of a difference that time. Our passports were in order. We were going to a Caribbean country, having traveled in that area often, so we didn't need any special shots or anything.

We were about to go. But a few days before we were to leave—this is what the Senator from Connecticut referenced—we received a call from the State Department saying they were not sure they could approve my wife's travel to Cuba.

I cannot speak for other Senators, but I suspect that most Senators would react the same way I did if they were told that a State Department bureaucrat had the authority to prevent their spouse or their children from traveling with them to a country with which we are not at war and which, according to the Defense Department, and practically every other American, poses no threat to our national security.

At first I thought it was a joke. They said no. My wife is not a Government official. She is not a journalist. They did not think she could go. She is, and has been, a practicing, registered nurse throughout her professional life. In the end, she was able to join me because an American nurses association asked her to report on an aspect of current health in Cuba, and she agreed to report back to them.

Actually she has visited, with me, other parts of the world where we have used the Leahy War Victims Fund or where we have gone to visit landmine victims or looked at health care. I have always relied on her knowledge and expertise and did on this trip.

But I thought, how many Senators realize that if they wanted to take their spouse or their children with them to Cuba, they could be prevented from doing so by U.S. authorities. They can take them anywhere else in the world, any other country that would allow them in, but here it is not that the other country would not allow them in. Our country is saying: We're not going to allow you to leave if that is where you're going.

The authors who put that law together knew the blanket prohibition on travel by American citizens would be unconstitutional, so they came up with a nifty way to avoid that problem

while still having the same result. They said: Well, Americans could travel to Cuba; they just cannot spend any money there.

Think of it. You can go to Cuba but you can't stay anywhere if it is going to cost you money to stay; you can't eat anything if it is going to cost you money for the food; you can't take a cab, or anything, from the airport if it is going to cost you money.

Well, come on. Almost a decade has passed since the collapse of the former Soviet Union. But even before that Americans went there. Now they freely travel to Russia by the thousands every year, as they did before the collapse of the Soviet Union.

Eight years have passed since the Russians cut their \$3 billion subsidy a year to Cuba, and we now give hundreds of millions of dollars in aid to Russia, even though that was our great enemy during the cold war.

Americans, as the Senator from Connecticut has said, can travel to North Korea. There are no restrictions on the right of Americans to travel there or to spend money there.

I ask a question of my colleagues: Which country poses a greater threat to the United States or world stability? North Korea or Cuba? I think the answer, especially if you watch the news at all, is North Korea, for it is in South Korea where we have tens of thousands of U.S. troops poised to defend it.

Americans can travel to Iran, a country that is in total, gross violation of all international law. They took over our embassy, held our diplomats hostage, broke every single possible international law there was—they still hold our property that they confiscated from us—but we can travel freely there; we can spend money there.

The same goes for Sudan. These are countries that are on our own terrorist list, but we can travel there.

Americans travel to China and Vietnam, countries that have had abysmal human rights records. We not only travel there, we actively promote American investment there.

So our Cuban policy is hypocritical, inconsistent, self-defeating, and contrary to our values—to give it the benefit of the doubt. We are a nation that prides itself on our tradition of encouraging the free flow of people and ideas. It is simply impossible to make a rational argument that Americans should be able to travel freely to North Korea or Iran but not to Cuba. You cannot make that argument.

I cannot believe that Members of Congress want the State Department or the Treasury Department deciding where their family members or constituents can travel, unless we are at war or there is a national emergency to justify it. But that is what is happening.

So because it is happening, it should not be surprising to anybody in this

Chamber that the law is being violated by tens of thousands of Americans who are traveling to Cuba every year, and almost none of them are prosecuted. I kept running into people on the streets of Havana from the United States. I said: Do you have licenses or anything? No. We just came down.

I know people from my own State who drive an hour's drive away to Montreal and then fly to Cuba; people who go to the Hemingway Marina in their boats and then spend time in Cuba.

Mr. DODD. Will my colleague yield on that point?

Mr. LEAHY. Certainly.

Mr. DODD. I think it is an important point you are making. But I think in almost every single case, what these citizens are doing is flying through Canada or Cancun and in a sense violating the law; they are acting illegally.

Mr. LEAHY. That is right.

Mr. DODD. So in a sense we are promoting, by this particular provision in our existing law, illegal travel.

Mr. LEAHY. And also promoting a complete disrespect for our laws because everybody knows they are not going to be prosecuted. It is a ridiculous thing. Why have this significant law on the books and then not prosecute it? Yet if it was being prosecuted, maybe we would hear more of a hue and cry to change it.

It is demeaning to the American people. It is damaging to the rule of law. We have been stuck with this absurd policy for years, even though almost everybody knows—and most say privately—that it makes absolutely no sense. It is beneath the dignity of a great country.

But I also say it not only helps strengthen Fidel Castro's grip on America, it has a huge advantage for our European competitors who are building relationships and establishing a base for future investment in a post-Castro Cuba.

When the Castro era ends is anybody's guess. I was a student in law school here in Washington shortly after the Bay of Pigs. I remember people talking: It will be any minute now—any minute now—Castro is out.

Well, I graduated in 1964, 35 years ago, and he is still there. President Castro is not a democratic leader; he is not going to become one. But maybe it is time we start pursuing a policy that is in our interest, not in a lobbyist's interest or somebody else's interest. I should be clear about this amendment. It does not—I repeat and underscore that—lift the U.S. embargo. It is narrowly worded so it does not do that. It permits travelers to go there but to carry only their personal belongings. We are not opening up a floodgate for imports to Cuba.

It limits the value of what Americans can bring home from Cuba to the current amount that we Government officials could bring back. That is \$100.

You are not going to start a huge trade in Cuban goods of whatever sort for \$100, especially some of the more popular Cuban goods.

It reaffirms the President's authority to prohibit travel in times of war, armed hostilities, or if there is imminent danger to the health or safety of Americans.

Those who oppose this amendment, who want to prevent Americans from traveling to Cuba, will argue that spending dollars there helps prop up the Castro government. To some extent that is true, because the Cuban Government does run the economy. It also runs the schools, the hospitals, maintains roads. As is the U.S. Government, it is responsible for a full range of social services. Any money that goes into the Cuban economy supports the programs that support ordinary Cubans.

There is a black market in Cuba because no one can survive on their meager Government salary. So the income from tourism also fuels that informal sector and goes in the pockets of ordinary Cubans.

It is also worth mentioning that while the average Cuban cannot survive on his or her Government salary, you do not see the kind of abject poverty in Cuba that is so common elsewhere in Latin America. In Brazil, Panama, Mexico, or Peru, all countries we support openly, there are children searching through garbage in the street for scraps of food next to gleaming highrise hotels with limousines lined up outside.

In Cuba, with the exception of a tiny elite consisting of the President and his friends, everyone is poor. They do have access to some basics: A literacy rate of 95 percent; their life expectancy is about the same as that of Americans, even though the health system is focused on preventive care.

The point is that while there are obviously parts of the Cuban economy we would prefer not to support, as there is in North Korea, where we are sending aid, or China or Sudan or any country the government of which we disagree, much of the Cuban Government's budget benefits ordinary Cubans. So when opponents of this amendment argue that we cannot let Americans travel to Cuba because the money they spend there will prop up Castro, remember that they are not saying: The same dollars also help the Cuban people.

We are not going to weaken President Castro's grip on power by keeping Americans from traveling to Cuba. History has proven that. He is as firmly in control now as he was 40 years ago. So let us put a little sense into our relationship with Cuba. Let's have a little more faith in the power of ideas.

I would rather have U.S. citizens down there speaking about democracy than to have the only voice being the Government's voice speaking about our embargo. Let's have the courage to

admit the cold war is over, but let's also get the State Department out of the business of telling our spouses and our children and our constituents where they can travel and spend their own money, especially in a tiny country where most people are too poor to own an extra pair of shoes or clothes, a country that poses no security threat to us.

This amendment will do far more to win the hearts and minds of the Cuban people than the shortsighted approach of those who continue to pretend that nothing has changed since 1959.

I am not one who supports the non-democratic actions of the Castro government. I have spoken very critically both here and in Cuba, of the trials and arrests of those who dared to speak out for a different government. But I was struck over and over again by Cubans of all walks of life basically saying, what are we afraid of? Do we deny our people, U.S. citizens, the ability to travel in other countries around the world? When I say no, we don't stop them from going to Iran, North Korea, China, Russia, Sudan, elsewhere, countries that are even on our terrorist list, but we do here, they shake their heads in disbelief—this in a country where, during the baseball game down there, when the United States flag was carried out on to the baseball field, the Cubans stood and cheered. We ought to think about that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I understand the remarks the Senators have made. It has been suggested earlier that we have had an absurd policy for years and that Cuba is not a real threat to us, certainly not as much of a threat as North Korea. I suggest if that is so—and it certainly has not been so for very long; I suggest Cuba could in the future be a threat to the United States—it is because we stood up to them. We contained them. We basically defeated them and stopped them when they had a systematic determination to subvert the Western Hemisphere and even sent troops into Africa on behalf of Russia, when there was a Soviet Union to subvert Africa for totalitarian communism.

That is what it was about. We have done some things that I think were necessary and have preserved democracy for this hemisphere. It is something we ought to be proud of.

As for Castro, it is time for him to retire. It is time for him to give it up. It is time for him to put his people above his own personal aggrandizement and lust for power. If he cares about his people, he ought to give it up. He can go to North Korea, if he wants to go to a Communist nation.

I don't have any sympathy for the man. I do not know why people want to go to Cuba. All the time: I want to go

to Cuba, go to Cuba. Well, I would suggest maybe Honduras. Those people have suffered terrifically. There are people in Haiti we could help. I do not know why everybody wants to help a nation that is oppressing its people so much.

Be that as it may, there are provisions now for people to gain exemptions, if they have a just cause to do so, to go to Cuba. Those who have a legitimate reason can find a way to go there, as the Senator noted. I think we have an appropriate policy. I will oppose changing it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, a case has been made that Americans cannot travel to Cuba. Indeed, the facts reveal that Americans travel to Cuba by the thousands. The policy that this Congress has endorsed, President Reagan, President Bush, and President Clinton have supported.

There has been a calculated policy of American contacts in travel to Cuba. Today American students, journalists, people with archeological interests, cultural interests, travel to Cuba by the thousands. Cuban Americans travel to visit family members who have problems, medical emergencies, by the thousands. The restriction of the U.S. Government is not about travel.

We are using travel as a weapon to help convince the Cuban people to put pressure on the Cuban Government, support for democracy, free markets, that their contact with Americans is helpful in changing the politics of the repression of Cuba. Restrictions in travel is not about denying Americans the right to go to Cuba. It is about denying Fidel Castro the economic benefits of American tourism. Travel that enhances knowledge, causes political difficulties, we not only allow but we have encouraged.

Travel that simply provides Fidel Castro with millions of dollars to support his regime, his military, his security forces, we are denying, and appropriately so. Nor is it a static policy.

On January 9 of this year, President Clinton revised the policy again, for the second time in 2 years, to add new remittances by American citizens to Cuba, so that people can send money and support their families at appropriate levels that are humanitarian, to help with medical or food emergencies but not so much that it would allow Fidel Castro to profit by it. President Clinton has allowed charter passenger flights to cities other than Havana for the first time, and the measure permits direct mail service to Cuba. The measure also authorizes the sale of food and agricultural inputs to independent non-government entities.

New regulations for all of this were issued on May 10—flights, new authority for travel, food and medicine—as

part of a calculated policy to always test Castro: When you are ready to talk about democracy, to respect human rights, American policy will begin to change. Several days after President Clinton announced these new initiatives, the Cuban Government responded and Castro announced that it constituted a policy of "aggression." Once again, as President Carter found, as did Presidents Reagan, Bush, and Clinton, every time you make an act of concession—in this case, a legitimate concession—to test Fidel Castro to see whether he is interested in a bilateral relationship, we are denounced for redressing the Cuban nation by disallowing travel.

My colleagues offer an amendment now to remove these restrictions and open travel and allow Fidel Castro to get the full economic benefit of millions, potentially hundreds of millions of dollars worth of travel.

What kind of regime is it that they will be visiting? If Castro is to receive the benefit of our tourist dollars, what is it he would be doing with this money? It is worth taking a look at Cuba, not of 1961 when the cold war brought us to sanctions, but the Cuba of 1999. It is suggested by my friend and colleague from Vermont that the cold war is over, implying that perhaps we have no argument with this regime.

Our argument with Cuba is about more than the cold war. It is about all the things that have always motivated the United States: human rights, human decency, the nature of the regime itself. Our argument with Fidel Castro is not over. The causes of that argument still endure.

While the United States has been seeking to ease sanctions, look at the record in the last 24 months in response to our review and change of policy. In February, Fidel Castro criminalized all forms of cooperation or participation in any prodemocracy efforts—not a fine, not an arrest, but 20 years in jail if you participate in a prodemocracy effort. This is the Cuba you will be visiting. He imposes a 30-year jail term on anybody who cooperates with an agency of the U.S. Government. That includes Radio Marti, distribution of food or medicine by a government agency, or anyone acting on behalf of anyone associating with this Government.

On March 1, the law was tested. Four prominent human rights dissidents were tried in secrecy for their criticism of the Communist Party of Cuba. International diplomats who traveled to Cuba to witness the trial were barred from attending any of the proceedings. After being held without charges for 1 year—no foreign press, no foreign visitors, no diplomats, held in secrecy for 1 year—they were found guilty and sentenced for up to 5 years in jail. This is the Cuba of 1999.

Amnesty International, in its recent report, concludes that there are now

350 political prisoners in Cuba. Ten unarmed civilians, in the meantime, have been shot by Cuban security officials on the streets of Havana.

I do not ask the Senate to do anything it has not done before. Just on March 25, the Senate voted 98-0, stating that the United States should make all efforts to criticize Cuba and condemn its human rights record. What is the price of this conduct? They hold hundreds of political prisoners, people are shot in the streets, people are held in secret trials, and our response is: Let's go for a visit. Let's go see how they are doing and have a good meal in Havana. No. My colleague is right. There is no cold war, but there is a great deal at issue that this country cares a great deal about.

Mr. LEAHY. Will the Senator yield for a question?

Mr. TORRICELLI. Yes.

Mr. LEAHY. People have been shot in the streets in China, and held in prisons in China, and tortured and executed in China; are we allowed to go and visit there without having to get a license from our country to do so?

Mr. TORRICELLI. Let me, in my time, answer the Senator's question with a question. Do you believe that travel restrictions on China would change Chinese policy?

Mr. LEAHY. I don't think it would change the policy any more than it would change the policy with Cuba.

Mr. TORRICELLI. That is where we agree.

Mr. LEAHY. I have a further question.

Mr. TORRICELLI. I will answer the question first and continue my remarks. I don't think travel restrictions on China would change Chinese policy. I oppose those restrictions. I do believe travel restrictions on Cuba will change Cuban policy. That is why I support them. I do believe that continued international resolve—for the first time, the Senator's amendment would weaken America's policy. We have gotten Europeans and Latins so outraged by the jailing of these dissidents and these secret trials that European and Latin nations that have voted against us for 20 years have joined with us this year in Europe in voting to condemn the Cuban Government. Just as they are joining the fight for human rights, the United States would abandon it.

There is one other thing that is important. I will finish making my case and I will be glad to yield. There is one other change. This isn't just about what Cuba does internally anymore. This is also about what they are doing to our country. The government that you would have us now visit, in lifting these restrictions, is a Cuba that has crossed a very important threshold.

Just this last year, indicted by the government of Cuba on May 7, were 14 Cubans captured in Miami. Let me suggest to you the nature of that indict-

ment to see whether it makes an impression on the Senator and see whether or not he thinks this is an appropriate time to ease restrictions on travel to Cuba. The indictment of Cuban agents in Miami last fall was for attempting to penetrate the U.S. Southern Command and planning "terrorist acts against U.S. military installations." The indictment was further revised to include 2 of the 14 with conspiracy to murder 4 American citizens by shooting down their aircraft over the Straits of Florida.

Let me suggest that I, as all of my colleagues, am prepared to respond to initiatives from Havana. The day there are elections, the day there are open trials, the day there is a free press, the day they respond to a request for extradition of people who murder American citizens, I will join you with my colleagues on that day on this floor matching the Cuban Government 2-to-1, 3-to-1, 1 of their initiatives to 3 of ours, 10 of ours, or 20 of ours. We will meet them 95 percent of the way down the field.

But, my friends, to ask this Senate to respond to the record of the last year of jailing dissidents, secret trials, shooting people on the streets, the indictment of 14 Cuban agents penetrating the United States military installations to commit terrorist acts against the United States, and the indictment of Cubans for murdering American citizens—this, my colleagues, would not appear to me to be the best time to suggest that it is time to forgive and forget, and have thousands—maybe tens of thousands—of Americans visit Cuba to rescue the Cuban economy from its current position of collapse, and provide Fidel Castro with the revenue to strengthen his regime.

These sanctions are having an effect. Fidel Castro has had to reduce his military by one-half. He cannot afford to keep them in uniform. The secret police have been reduced by nearly a third in their size. We are causing the collapse of the Communist Party of Cuba—not in a timely way, not as I would like it to be, but it is having an impact.

Why, given this record of indictments and terrorism and murder against American citizens, would we choose this moment?

Those in the world who have been the most critical of our policy—the Holy Father in the Vatican, who led an initiative himself to ease restrictions on Cuba, has now joined the chorus of those. Fidel Castro broke his promise about priests. The Holy Father appealed to him not to proceed with these jail terms, and he did it anyway. The Vatican is now joining the criticism.

The states of Latin America for the first time are voting against his human rights record. And we in the United States who led this effort for all of these years are about to change sides.

This Senate has been resolute on this issue in the past.

I will join with my friend from Kentucky, Senator McCONNELL, I hope in a motion to table this amendment.

I think the debate has been worthwhile.

My friend from Connecticut and my friend from Vermont have made it very clear to the Cuban Government that we are ready, willing, and able to change our policy if they change theirs. But I believe the motion to table is the right way to proceed in the Senate at the moment.

I would be glad to yield to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, let's be clear where we are. My friend from New Jersey speaks of the trial of the dissidents. Many who have spoken on the floor were critical of that.

I sat 10 feet across the table from Fidel Castro and strongly and harshly criticized the trial of the dissidents. I went to visit each of their families and strongly and harshly criticized that trial and spoke also on the floor. With my reputation on free speech issues, I would be the last person to yield to anybody on the question of criticism of those who try cases against dissidents and those who spoke out against the Government.

I was very pleased to see our European allies speak out about it. But I note for the RECORD that while they spoke out on that, not one of those European allies that the Senator from New Jersey says now come over to our side—not one of those countries—has put limits on the travel of their people to Cuba as we have—not one.

The United States, the most powerful, wealthiest nation on Earth, limits its population in traveling only to this country.

The distinguished Senator from New Jersey said quite correctly that we limited travel of our people to China. It might not make much difference in what they did. I suspect it made some, but probably not much. I say that it probably wouldn't make any more difference in that Government than it does in the Government of Cuba. But we see a huge market there, so we are not going to do that anyway.

I suggest that during the cold war the fact was that we encouraged travel to places like the Soviet Union and China, and we got a diversity of views. Our thoughts and our views were heard more and more, not as much as we would like but more and more.

The Holy Father spoke out, as did most of us in this body, about the trial of the dissidents. But I point out that the Holy Father has never withdrawn his very strong criticism of the United States.

Mr. TORRICELLI. May I reclaim my time for the moment? I yielded to the Senator—

Mr. LEAHY. I thought the Senator had yielded the floor.

Mr. TORRICELLI. Please conclude.

Mr. LEAHY. That is my mistake. I assumed the Senator had yielded the floor.

One last thing: We indicted, and we are using our criminal justice system to try, Cuban spies, just as we have Russian spies, Chinese spies, Japanese spies, Israeli spies, and spies from even our NATO allies. We have done that. We have not broken our relationships with any one of those countries when we have done that, and some of the things some of those countries have done to us have been very serious crimes, indeed.

Mr. TORRICELLI. I recognize that. I thank the Senator from Vermont.

Let me further present the case, in case the Senator misunderstood me, that this is not a case that Cuba spied against the United States. That we expect. This is a case where the President of the United States, in my judgment, rightfully sought to ease restrictions on travel to Cuba and did so in allowing charter flights, the expansion of flights throughout Cuba, the easing of restrictions on travel to Cuba, and the response that he received is that we now have 14 Cubans under indictment, not for responding but for attempting to infiltrate an American military installation and committing a terrorist act.

What I want the Senator from Vermont to do is put himself in the position of Fidel Castro. The United States makes concessions to allow greater travel, which we have now done twice in 24 months. The Cuban Government attacks those concessions with acts of aggression and attempts to commit terrorist acts against the United States. The human rights situation further deteriorates. People are jailed. Contact with the U.S. Government is criminalized. And now this Senate returns not in outrage but says, Mr. President, we don't think you went far enough; let's go further and further and liberalize trade.

That is my concern, recognizing how this will be seen in Havana.

I agree with the Senator's analysis. The United States allows travel to many places. But the Senator has to concede to me that travel has often been an effective tool in altering international conduct.

This country participated in prohibiting flights to Libya after it shot down the Pan Am flight over Lockerbie, Scotland. We prohibited flights. After a period of 10 years, the Libyan Government relented and allowed extradition to an international court those who are responsible for the act. I don't ask anything with regard to the victims of Lockerbie that we are not asking now of those in the Cuban Government.

What is the difference? How do you look at the families of the young men

shot down over the Straits of Florida and murdered by the Cuban Government, and tell them, well, we will overlook this, though we will resolve it with Libya?

When Americans have been in jeopardy, whether it was in Iran, or in Libya, or years ago in Vietnam, when they were arresting people and putting them in concentration camps, we prohibited travel. I suggest to the Senator that that prohibition is still an effective mechanism of policy.

In any case, I yield the floor to allow my friend from Connecticut to speak.

I urge my colleagues to join with Senator McCONNELL on a motion to table. This is the wrong judgment with the wrong signal at the wrong moment—not undermining the historic American policy, but it is undermining the policy of the Clinton administration which has been well calibrated and very well defined.

This is not a partisan matter. It is bipartisan against the leadership of the Foreign Relations Committee in the Senate led by Senator HELMS and by President Clinton. It counters both policies.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, very briefly, if I may, I will not take much time, because my colleague from Florida wants to be heard, as well as others.

Let me say to my friend and colleague from New Jersey, I admire his rhetorical skills immensely. He made a valiant effort to shift the argument and debate implying we are doing a favor, this is somehow a great act of generosity and kindness, that those who are proposing lifting a restraint on travel to Cuba are trying to help out Fidel Castro.

It is a good, clever argument. I hope it is not a persuasive argument.

We are talking here not about what we are trying to do to help Fidel Castro but a right that American citizens ought to have to travel freely.

My colleague from New Jersey and others have pointed out the dastardly deeds that go on in Cuba. I don't disagree at all. I am outraged by it and condemn it.

I point out, if that is the basis upon which we restrict Americans to travel freely, we would have bans on travel all over the world. It goes on every day. We don't say to a single American citizen: You can't travel to the People's Republic of China. Every day, that government abuses its own people far more egregiously than occurs in Cuba. We see it in Vietnam, Sudan, Yugoslavia, Iran, North Korea. Is there any more oppressive government on the face of this Earth than the Republic of North Korea? Yet any citizen in this country tomorrow or tonight can get on a plane and fly there without having to get permission from the State Department or the Treasury.

My point is, we are applying a standard that is not being applied equally or fairly. I subscribe to the notion that by opening up access you begin to create change. I argue that in Poland, Hungary, and Czechoslovakia it was the access and the interchange between citizens of the free world and those countries which helped create the kind of change that caused communism in those nations to fall. It wasn't isolation that did it; it was contact that did it.

I have watched for 40 years a policy in Cuba that has not produced the change that the Senator from North Carolina and I both want. We disagree how to get there, but I agree with the conclusion he seeks. I believe he agrees with the conclusion I seek.

Why don't we try a different tactic? What is the point of further isolation after 40 years if there is no change? If I can say to a citizen of my State: You can fly to the North Korea, you can fly to the People's Republic of China, you can fly to Iran—countries that have done far worse than the incidents that have occurred in Cuba, far more egregious—we have understood we don't deny citizens of our own country the right to travel.

Let Fidel Castro shut the door and say to my constituents: You can't come to my country. I don't want to sit in the Senate and do his bidding. I don't think I ought to be saying to the citizens of New Jersey, North Carolina, or Florida that you can't travel there. Let them say that.

To tell Cuban Americans: You can go back to your country once a year, and if someone is sick, apply for an application, a license, and maybe we will let you go see your family, maybe we will let you go, that is not my view of the way we ought to be conducting our foreign policy.

This is about American rights. We provide in the Leahy amendment that unless we are involved in a state of war, hostilities, or public health reasons or good reasons why the Government may restrain the travel of its citizens—we are not in that condition here.

If you want to create change in Cuba, let good, honest, average American citizens interface with these people. They are the best ambassadors in the world. They do more good on an hourly basis on behalf of our country than all the diplomats combined. Give them a chance to make that difference and go to the country 90 miles off our shore.

I yield to my colleague from Massachusetts 1 minute for a question.

The PRESIDING OFFICER. The Senator may yield for a question.

Mr. KERRY. I congratulate my colleague on his leadership with respect to this. In the years that the Senator served on the Foreign Affairs Committee, in all those years with the visits of Lech Walesa, the visits of Vaclav

Havel, and we have all shared wonderful moments with leaders of countries where the curtain fell—I think I recall each of those leaders saying it was the ability of people to come in during the time things were shut, to share with them the sense of what was happening elsewhere, the possibilities, bringing information, to bring them hope; that, indeed, was one of the great sustaining values and empowerments that brought them ultimately to the point of sharing the freedom that we have.

I wonder if the Senator wouldn't agree that it is almost totally contradictory with a Stalinist, tight police structure. In fact, by not having intercourse with other people elsewhere—the discussion, the movement of people, the discourse, the exchange of ideas that comes with it—you are, in fact, empowering the capacity of that secrecy and of that closed society to keep the hammer down on people, and that flies directly contrary to all of the experience we have learned from those wonderful visits we have had.

Mr. DODD. I say in response to my colleague from Massachusetts, he makes an excellent point. I think the observation he has drawn is correct. No one can grant with any certainty whether or not we will create change overnight.

I look down the list of the people who can get licenses to go to Cuba. Members of Congress can; journalists can; people who are involved in some cultural exchanges. Ballerinas can go through a licensing process to get there.

I like the idea that an average citizen in my State, in Massachusetts, in Florida, can go into Cuba and walk those streets, talk to people in the marketplaces, and share with them what we stand for as a nation. Every time we have allowed that to occur, we have created change—maybe not in the People's Republic of China. We did in Poland. We did in Czechoslovakia. We did in Hungary. We did throughout the Soviet bloc when we had a constant flow of people; that opening up, that engagement, that creates change.

It seems to me after 38 years of saying no one can go there, this might be worth trying. Then Fidel Castro can say: I'm not going to allow these people in.

Let him be the one who shuts the door to U.S. citizens traveling there. Let us not deny our own citizens the right to try and make a difference, if that is what they want to do, without going through some bureaucratic licensing process. Even the wife of a distinguished colleague had to go through this process, as a registered nurse, to qualify under the regulations. The spouse of a Senator. She can go to North Korea, China, abusive governments, but she cannot go 90 miles off the shore with her husband, a Senator. If that woman were not the wife of a

Senator, she would have been denied that license. We all know that.

I bet there are nurses all across this country who might go to Cuba and make a difference through their engagement in conversation, interfacing with the people of that country, and to begin to create the kind of change we seek.

It is absurd. As my colleague from Massachusetts has suggested by his question, it is absurd. We are 185 days away from the millennium and we sit in this Chamber and tell American citizens that because we disagree, strongly disagree, with the Government of Cuba, we are going to deny them the right to travel there and put it in the same basket as Iraq and Libya.

That doesn't make sense.

I yield.

Mr. KERRY. I ask my colleague if, in fact, by denying that exchange, those people the right to travel and connect with relatives and others within the country, if we don't provide Fidel Castro with the selectivity and greater capacity to restrict what information they get, when they get it, how they get it, and if, in fact, we aren't playing right into his capacity to keep a stranglehold—which is the very thing we are trying to undo.

Mr. DODD. Mr. President, again, my colleague from Massachusetts makes an excellent point. When you restrict the ability of average citizens to travel, you then restrict the ability of information exchanges about what is going on around the world to actually reach the average citizen in the streets. It can make a difference. So in a sense you empower Mr. Castro and those who support him by giving them the ability to restrain the amount of information people in the streets ought to be able to get about what is going on in the rest of the world. As a matter of fact, we become a coconspirator, if you will, in sustaining this man in power, in my view. But by opening up this process, given the examples we can cite—there are concrete examples all over the world where, when we allowed that travel and that contact to occur, we have made a difference; we created change. The only place there has been no change that I know of is in Cuba, and it is the only place where we have not changed our policy.

There seems to be some logic in that argument. If you want to follow other examples, and those who argue against this resolution who simultaneously argue they want Castro to go, it seems to me our best formulation is to give this a chance to see if we cannot create the kind of change the Senator from Massachusetts and I strongly support. I thank him for his questions. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I know this is spirited debate but we need to wrap up a couple of items. Let me notify the Senate, before returning to the debate on this amendment, we are just about to completion. So let me ask unanimous consent the Dodd-Leahy amendments be temporarily laid aside. We will come back to them in just a moment.

Mr. KERRY. Reserving the right to object, could I ask a question? I inquire, I ask the Senator, where we are with respect to the Brownback amendment?

Mr. MCCONNELL. The Brownback amendment is yet to be disposed of. There are a couple of amendments upon which we are going to have to have rollcall votes. I would like to proceed, if I may.

Mr. KERRY. If I can ask, will there be time to speak to that amendment?

Mr. MCCONNELL. We are trying to wrap the bill up. I would very much like the Senator from Massachusetts to say a few words on that amendment, knowing full well where he stands. But if he will just suspend for a minute and let us wrap up a few housekeeping items here?

Mr. KERRY. Fine.

AMENDMENT NO. 1165

Mr. MCCONNELL. I understand there is a Bingaman amendment still at the desk that has now been cleared on both sides. I ask unanimous consent we return to the Bingaman amendment.

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

The question is on agreeing to the amendment. The amendment is agreed to.

The amendment (No. 1165) 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.

Mr. MCCONNELL. Mr. President, I have an amendment by the Senate majority leader that has been cleared on both sides.

AMENDMENT NO. 1183

(Purpose: To require annual reports on arms sales to Taiwan)

Mr. MCCONNELL. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. LOTT, proposes an amendment numbered 1183.

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. . CONSULTATIONS ON ARMS SALES TO TAIWAN.

Consistent with the intent of Congress expressed in the enactment of section (3)(b) of the Taiwan Relations Act the Secretary of State shall consult with the appropriate committees and leadership of Congress to devise a mechanism to provide for congressional input prior to making any determination on the nature of quantity of defense articles and services to be made available to Taiwan.

Mr. LOTT. Mr. President, I am pleased to offer this amendment that would require that the Congress be notified in a timely fashion of any report or list submitted by the Taiwanese Government for the potential purchase or other acquisition of any defense article or defense service.

This amendment would remedy a long-festering situation whereby the Congress has ceded virtually all decisionmaking authority to the executive branch with respect to arms sales to Taiwan. This situation is contrary to the letter and spirit of the Taiwan Relations Act of 1979, which established that arms sales decisions regarding Taiwan must be made jointly between the legislative and executive branches of government.

Specifically, the relevant sections of Public Law 96-8, the "Taiwan Relations Act" of April 10, 1979, are as follows: Section 3(a) states, "... the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability." And Section 3(b) states, "The President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan, in accordance with procedures established by law. Such determination of Taiwan's defense needs shall include review by United States military authorities in connection with recommendations to the President and the Congress."

When Congress passed the Taiwan Relations Act in 1979, it was in response to the Carter administration's abrupt efforts to curtail long-standing defense ties between Washington and Taipei. At the time of the adoption of the Taiwan Relations Act, Congress wanted to make clear that the enduring ties between the American people and the people of Taiwan included a clear and sustained commitment to ensuring that the people of Taiwan had the means to defend themselves. Taiwan's ability to maintain a credible deterrent, qualitatively superior to that of the mainland's forces across the narrow Taiwan Strait, has been crucial in keeping peace in East Asia.

The central tenet of the Taiwan Relations Act was stated very clearly in section 3, namely, that the President and Congress together would determine what Taiwan required for its legiti-

mate self defense without regard to pressures imposed by any third party nation. This provision was written in the law to ensure that executive branch officials would not become excessively concerned with the protestations of the PRC whenever the United States proposed to provide Taiwan defense articles and services needed for Taiwan's self-defense. Unique among laws governing United States defense ties with other nations, the Taiwan Relations Act explicitly requires in law that Congress and President together decide what Taiwan's military defenses require.

The first year after the TRA's enactment, this provision was sorely tested when the executive branch failed to inform Congress fully and currently on what Taiwan needed for its defense. The Foreign Relations Committee under the leadership of Senator Frank Church lambasted executive branch officials. Together with Senator Glenn, Senator Javits, and others, Chairman Church insisted that the administration provide full details on those weapon systems Taiwan had requested.

This practice of involving Congress in reviewing procurement decisions—as required by law—lapsed since that time. In recent years, the executive branch has met with representatives of Taiwan in secret and has refused to share with Congress the complete list of those defense articles and services requested formally or informally by Taiwan.

In this regard, on May 11 of this year I wrote to Secretary of State Madeleine Albright requesting a copy of the list of defense articles and services sought by Taiwan in the most recent round of annual arms procurement talks. Those talks ended on April 21. I received a reply to my letter on May 21, signed by Assistant Secretary of State for Legislative Affairs Barbara Larkin. Mrs. Larkin's reply asserted that the Department would only provide information on "the systems for which we [the Administration] have given Taiwan a positive response."

In other words, the State Department refused my legitimate request to be informed in writing of Taiwan's request for potential purchase or other acquisition of defense articles and services. Frankly, I was shocked and dismayed by this response, especially given the fact the most recent round of talks had already been concluded and given the clear intent of Section 3 of the Taiwan Relations Act. Instead, Mrs. Larkin's letter provided information only on those portions of Taiwan's request that the administration unilaterally had decided to approve.

I understand that a similar, written request by the chairman of the House International Relations Committee Representative BENJAMIN GILMAN, and others, have received the same unsatisfactory response from the administration.

Mr. President, the current situation is intolerable and must be changed. The law of the land requires that Congress be involved in decisions regarding Taiwan's legitimate defense needs. The President and future administrations should know that the American people's representatives in Congress will meet our obligations under the law to be involved in this decisionmaking process.

Toward this end, my amendment requires that Taiwan's procurement request be furnished, on an appropriate basis and in a timely fashion, to the appropriate committees of Congress. I believe this is a necessary step in ensuring that there is a meaningful dialogue between the legislative and executive branches of government and that the decisionmaking process regarding what Taiwan legitimately needs for its self defense, proceeds on a basis that is fully consistent with the letter and spirit of the Taiwan Relations Act.

THE PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1183) 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.

Mr. MCCONNELL. Mr. President, I ask Senator MACK be added as a cosponsor to amendment No. 1136.

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

Mr. MCCONNELL. Mr. President, the following amendments will not be offered. They are at the desk. They will not be offered: amendment No. 1121 by Senator THOMAS; amendment No. 1122, amendment No. 1152, and amendment No. 1153, all three by Senator ASHCROFT; amendment No. 1154 by Senator CRAIG; amendment No. 1148 by Senator GRASSLEY; amendment No. 1164 by Senator CLELAND.

I ask unanimous consent those amendments no longer be in order.

THE PRESIDING OFFICER. Without objection, it is so ordered. Those amendments will not be proposed.

Mr. MCCONNELL. Mr. President, we are down to a precious few.

What we are considering doing is propounding an agreement, and I am going to go on and propound it even though I know there may be some objection, but to give a sense of what the roadmap here is to completion. We believe we are down to the amendment we have been discussing all day, the Brownback amendment, as second-degreed by myself and Senator ABRAHAM regarding section 907, and the amendment we are in the process of debating, the Leahy-Dodd amendment with regard to travel restrictions to Cuba. And final passage. That is where I believe we are at this moment—with the need to wrap up the

debate on the Dodd-Leahy amendment, the need to give Senator KERRY an opportunity to speak on the 907 issue and Senator TORRICELLI an opportunity to speak to the 907 issue.

Mr. DODD. I would also like to be heard on 907.

Mr. MCCONNELL. Also, Senator DODD on the 907 issue and Senator BINGAMAN for a couple of minutes on Cuba.

That is about where we are. Senator GRAHAM, obviously, is going to speak on the Cuba issue as well.

At that point we should be able to move ahead. Does my colleague from Vermont think we should go ahead and propound this unanimous consent agreement or go on with the debate and just move on through it?

Mr. LEAHY. Mr. President, I see the Senator from Florida on the floor. I was wondering about how much time does he think he will need?

Mr. GRAHAM. I will need 15 minutes.

Mr. LEAHY. That will make it impossible to get the unanimous consent agreement that might get us out of here at a decent hour.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Senator GRAHAM of Florida be allowed 15 minutes to speak to the Dodd-Leahy amendment; Senator BINGAMAN, 3 minutes on the Cuba amendment; Senator KERRY, 5 minutes on the 907 amendment; Senator TORRICELLI on the 907 amendment, 5 minutes; Senator DODD, 2 minutes on the 907 amendment; Senator BROWNBACK, 3 minutes to wrap up on 907; myself 3 minutes to yield on 907.

Mr. LEAHY. Mr. President, I understand the distinguished Senator from Maryland would have an objection on a time agreement. Maybe we should start on our debate and urge people to be as brief as we can because I still think we could and should vote on all these.

Mr. MCCONNELL. The objection of the Senator from Maryland is to the Brownback amendment, I gather?

Mr. LEAHY. That is correct.

Mr. MCCONNELL. Why don't we proceed to complete debate on the Dodd-Leahy matter and see if we can dispose of that? Let's proceed on it.

Mr. DODD. That is fine.

THE PRESIDING OFFICER. The Senator from Florida.

#### AMENDMENT NO. 1157

Mr. GRAHAM. Mr. President, I want all to know that there is no disagreement with the objectives, the end goals being sought by the advocates of this amendment and those of us who oppose it. I believe we are all Americans of good conscience and we seek for the Cuban people what we seek for ourselves. We seek a nation that lives with the freedoms associated with democracy. We seek a nation that respects the basic human rights of its people. We seek a nation which will encourage an economy that offers hope to the people of Cuba.

We have had a long association with Cuba. It is an association which runs almost to the first Spanish exploration of our two nations. We were a major participant in the freedom of Cuba in 1898. In fact, we had celebrations within the last few months of our participation in the independence of Cuba.

So our goals for those people, our feeling for the people of Cuba, is a shared one. The question is, What is the appropriate course of U.S. policy to achieve those goals? I believe, as with every other question of what U.S. foreign policy should be, it should be a mixture of a consideration of our national interests and a consideration of the universal values for which America has stood since those words in the Declaration of Independence that declared that we saw that all men—not just American men, not just men, but women—that all persons had certain inalienable rights. Those have been an important factor in our relationships with other peoples of other nations.

On the specific issue of the use of travel restrictions as a part of that U.S. foreign policy, Senator TORRICELLI has talked about the way in which travel restrictions were imposed on Libya and the fact that those restrictions had certain objectives and have had certain consequences.

The Presiding Officer and I have been interested in the issue of Lebanon for a long time. The United States had travel restrictions on Americans visiting Lebanon. The purpose of those travel restrictions was to encourage changes that would create a greater sense of security. While there are still tense days, as we have seen in the very recent past, it is now considered appropriate to allow Americans to begin again to visit Lebanon.

We have used travel restrictions as a means of achieving goals that were considered to be important to the United States in the past.

Yes, we are using a restriction on travel to Cuba as part of the larger, comprehensive restriction on relationships with the Government of Cuba while we attempt to achieve increased contacts with the people of Cuba.

There is an assumption that if the United States does not open up its travel restrictions, the Cuban people are going to walk down sidewalks that are barren of foreign travelers and the Cuban people will not have contact with the outside world. In fact, almost 100,000 Americans visited Cuba last year under the various provisions of our existing law. In addition to that, some of the major nations of the world, nations with which we have the closest relationship, such as Spain and Canada, have an open policy, in terms of travel to Cuba, for their citizens.

When you ask Spaniards or Canadians, what effect has your open policy towards Cuba had? what effect have the

relationships you have had in these instances for decades with the Castro regime had? have you seen a change in the commitment to democracy? have you seen, as a result of your openness towards Cuba, a greater degree of respect for human rights? the answer is a sad no. These democracies, these nations which share our values and which have taken the course of action that is being advocated by the proponents of this amendment, have seen no effect in achieving the goals we share for Cuba—democracy, human rights, and an open economy.

What gives us reason to believe that adopting an unconsidered, undebated—other than the words we speak this afternoon—major change in our policy toward Cuba would have any different result? Recent events, in fact, are to the contrary.

In January of last year, 1998, a significant, what many hoped would be a historic, turning point event occurred in Cuba. The Pope visited that island. Many hoped, prayed, believed that it would lead to fundamental change in Cuba.

We reinforced the momentum of the papal visit by a number of initiatives towards Cuba. On March 20, 1998, just a few weeks after the Pope had departed, in an attempt to build goodwill towards Cuba, President Clinton announced the resumption of licensing for direct humanitarian flights to Cuba.

The President announced the resumption of cash remittances to Cuba.

The President asked for the development of licensing procedures to streamline and expedite the commercial sale of medicine, medical supplies, and medical equipment to Cuba.

Continuing in that vein, on January 9 of this year the President authorized additional steps to reach out to the Cuban people. The new measures expanded remittances by allowing any United States citizens, not just family members, to send limited funds to the people of Cuba. The President expanded people-to-people contacts. The President allowed charter passenger flights to cities other than Havana and to initiate from cities other than Miami.

The measures also permitted an effort to establish direct mail service to Cuba. The measures also authorized the sale of food and agricultural inputs to independent, nongovernmental entities, including religious groups, family restaurants, and farmers.

All of those are initiatives which the United States has taken since January of 1998 in hopes that it would result in a reciprocal response of some loosening of the police state that is Cuba today.

What happened to all of those initiatives the United States took? What happened to the initiatives that were hoped to flow from the papal visit?

The Cuban Government responded to our United States initiatives by calling

these actions acts of aggression. That is what the Cuban Government labeled the opening of additional flights, of direct mail, of allowing greater remittances to the people of Cuba. Fidel Castro called all of those actions acts of aggression.

What did Fidel Castro do in the context of the visit by the Pope? Almost exactly a year after the Pope departed Cuba, the Cuban Government passed a new security law. That law criminalized any form of cooperation or participation in prodemocracy efforts. That law imposed penalties ranging from 20 to 30 years for those who were found to be cooperating with the U.S. Government. Those are the responses of Fidel Castro to the papal visit.

On March 1, four prominent human rights dissidents were tried in secrecy for their peaceful criticism of the Communist Party. Diplomats were barred from attendance at the trial. These four human rights and prodemocracy dissidents were held for over 1 year without charges. They were found guilty. They were sentenced to jail terms, for advocating human rights and democracy, of 3½ to 5 years.

This did not happen 40 years ago. This happened in March of 1999. The Cuban Government ignored calls from the Vatican and the international community for release. Canada, the European Union, and several Latin American countries criticized the Cuban Government and stated their intention to reassess their relationship with the Government. The King of Spain had a scheduled visit to Cuba which he has deferred, in large part because of the treatment of these four dissidents.

Cuba's human rights record in 1999 reflects a continued policy of repression, a policy which has been recognized not just by the United States, not just by the people of Cuba who suffer under the yoke of oppression, but by the international community.

In its annual report on human rights, which was released earlier this year, Amnesty International states that at least 350 political prisoners remained imprisoned in Cuban cells in 1998. Amnesty International reports that 10 unarmed civilians were shot, executed by Cuban authorities, in 1998.

As we know, the Senate passed a resolution by a vote of 98-0 on March 25 of this year stating that the United States would make all efforts necessary to pass a resolution criticizing Cuba for its human rights records before the U.N. Commission on Human Rights. We were very pleased when the United Nations Commission on Human Rights, with support of nations which just in the last 2 years had opposed such a resolution, passed a resolution on April 23 condemning Cuba for its human rights abuses.

Finally, the State Department country report on human rights practices

detailed the same human rights abuses as last year and the year before.

We have made an effort to reach out to Cuba. We have made an effort to send a signal that we were looking for some reciprocity, some demonstration of a wavering in the steel-hard police state which has been Cuba for 40 years.

One is hard pressed to see even the faintest breeze of a positive response to our efforts. The examples of human rights violations in all of these reports are numerous, brutal, and startling. Human rights activists are beaten in their homes. People are arbitrarily detained and arrested. Political prisoners are denied food and medicine brought by their own families. Children are made to stand in the rain chanting slogans against democracy.

In the United States, on May 7 of this year, the U.S. Government revised indictments against 14 Cuban spies captured in Miami last fall while attempting to penetrate the U.S. Southern Command, the United States Naval Air Station at Boca Chica Key near Key West, and planning terrorist acts against military installations. The revised indictments also charge 2 of the 14 with conspiracy to commit murder in the 1996 shoot down of the Brothers to the Rescue fliers.

It is at this point that I must become personal. I know the families of the four fliers who were shot down over international waters, now we know, at the direct command of the highest officials of the Cuban Government. If homicide is defined as the intentional taking of a human life, four acts of homicide occurred over the Straits of Florida against three U.S. citizens and one U.S. resident.

This is the nature of the response that Fidel Castro has given to the efforts by the Pope, by the international community, and by the United States to try to ask, to plead for some relief for the people of Cuba.

As these examples show, as the continuing reign of repression flows from week to week, from day to day in Cuba this is not the time for lifting any of the sanctions on Cuba. This is the time for us to hold the line on our policy, to continue to reach out to the people of Cuba in hopes that someday they will breathe the free air of democracy but to give no quarter to the oppressive Government of Fidel Castro.

Mr. TORRICELLI. Will the Senator yield?

Mr. GRAHAM. I will be pleased to yield.

Mr. TORRICELLI. I congratulate the Senator from Florida on his statement and his extraordinary leadership on this issue through the years and simply inquire of him, through this decade, American policy towards Cuba has largely been defined by the Cuban Democracy Act that the Senator from Florida joined with me in writing, the Helms-Burton Act that the chairman

of the Foreign Relations Committee of the Senate, Senator HELMS, wrote, and now under the leadership of President Clinton.

This amendment would largely undermine the policies outlined in that legislation and by President Clinton. Indeed, the President recently has redefined his own policy of travel towards Cuba. But by a sweep of the pen, that bipartisan policy that the Senators and the President of the United States have written would largely be undermined, in my estimation.

Is that the Senator's conclusion?

Mr. GRAHAM. That would certainly be one of the consequences. Another consequence, I say to my friend and colleague, would be that we would send a signal to Fidel Castro that we are prepared to do virtually anything without expecting anything in response; that the same thing that has happened to the Canadians, the Spaniards, to other European and Latin American countries—attempts to reach out to Castro, which are rebuffed in terms of those things that are most important to the people of Cuba—that now we would become complicitous in that same process of unrequited love.

The last thing we have to play, the last policy option that is available to us as we try to influence Castro is exactly the embargo which, by this casual act tonight, we are being asked to begin to dismantle.

Mr. TORRICELLI. If the Senator would continue to yield, I think what is important about your statement is you recognize this policy isn't about travel; it is about money. It is about giving Fidel Castro millions of dollars of American tourist money to support his regime, his dictatorship, his armed forces, his security forces. That is what we are denying.

But the frustration that the Senator from Florida may have—and you probably know more about the Cuban economic experience and the travel experience than anyone in this institution by virtue of your constituency—and to rely upon your expertise for a moment, it is my understanding, contrary to what the Senate may be led to believe today, that when tourists go to Cuba from European countries, they are put into tourist compounds. Cubans are not allowed to visit those hotels. They cannot talk to people in those hotels. So the notion that hundreds of thousands of American tourists are going to walk the streets of Cuba and democratize the island, spread the message of human rights—in fact, the average Cuban cannot get inside those compounds. They are walled off.

The Senator knows more about this, by far, than I do, but is that not the story of many of these beach-front hotels?

Mr. GRAHAM. That is the story. Unfortunately, the people who those tourists will come in contact with will be

the virtual serfs of the Castro regime because the hotels are required to purchase their employees through the Cuban Government, not by direct negotiation with the individual or through some organization representing those individuals. So by that walled-off enclave in which they are enjoying themselves, on an island of prosperity in a sea of despair—which is Cuba today—they are contributing to the maintenance of a system of economic slavery that virtually has left the face of the Earth for the past century and a half.

Mr. DODD. Will the Senator yield for a question?

Mr. TORRICELLI. A final question. And I am very pleased the distinguished minority whip, Senator REID of Nevada, is going to join with us on a motion to table.

But before I yield back, Senator KERRY of Massachusetts left a very appealing notion of the example of President Havel, that this exchange of visiting and talking to people about democratic ideas would somehow change the Cuban political reality.

Again, you know more about this than I do. It is my impression that under Cuban law, as Fidel Castro has now changed the law, if a would-be American tourist and talked to that tourist about democracy, he would be rewarded—not with information, a growth of knowledge—but he would go to jail because talking about democracy in Cuba to an American tourist will guarantee one thing—you will be arrested, you will be indicted, and you will go to jail.

Is that the reality of what a conversation about democracy with an American tourist is?

Mr. GRAHAM. Yes. And under the law which I alluded to, which was passed just in February of this year, that Cuban citizen who was found to be engaging in that friendly discussion about democracy and the graces that liberty brings to the human spirit will be subject to spending 20 to 30 years, without his freedom, in a Cuban cell precisely because he engaged in that conversation.

Mr. TORRICELLI. I thank the Senator from Florida.

Mr. DODD. Will my colleague yield?

Just very quickly, I want to raise the point—I do not know if my colleagues from New Jersey and Florida have been to Cuba at all recently.

Has my colleague traveled to Cuba in the last several years?

Mr. GRAHAM. Other than Guantanamo, I have not been to Cuba.

Mr. DODD. I appreciate that. Just as a point of reference, I spent a week in Cuba in December, in fact, all over the area, all over Havana, and Varadero as well for a day. I point out to my colleague that I saw Americans all over the streets of Havana. The idea you are confined to Varadero Beach is just not

the case. There are people literally everywhere, right in the marketplaces, in the streets, in the restaurants, places they could go. The idea that you are restricted only to go to Varadero Beach is not the case.

Mr. TORRICELLI. Cubans are restricted.

Mr. DODD. To Cuban Americans who want to travel to Cuba—many do—this is, in a sense, saying you can only go back to the country of your birth once during a year, unless you have a sick relative, and then you have to apply to some bureaucrat in the Treasury Department to go down and see your family. That is wrong.

But the idea that Cuban Americans would be restricted to Varadero Beach is just not the case. You can talk with Cuban Americans who have been back to Cuba. They are not restrained on where they can travel in Cuba.

Mr. GRAHAM. I think the point the Senator from New Jersey was raising in his question to me was that for many of those Europeans, Latin Americans, and Americans who go to Cuba, the nature of the hotel arrangements in which they live does not lend itself to the sort of interplay that, for instance, some of us experienced in places such as Prague and Budapest prior to the fall of the Berlin Wall.

It also is the case that Cuban citizens who, in those rare instances, might have an opportunity to relate with an American, since February of this year, face the prospect of being charged with a criminal act of collaborating with a United States citizen and face the prospect of spending 20 to 30 years in a 17th century cell.

Mr. TORRICELLI. Will the Senator allow me to respond to the point? Will the Senator allow me to respond?

Mr. GRAHAM. Yes.

Mr. TORRICELLI. The point is, Americans clearly do in Cuba have the freedom to leave the hotels and wander around the island. As Senator GRAHAM has pointed out, nearly 100,000 Americans went to Cuba last year. So this is not a question that many Americans cannot go. It has simply been the Clinton administration's view to restrict the number so as not to give Castro great financial rewards. One hundred thousand Americans go.

The point I was making with Senator GRAHAM was not to give people the illusion that Americans in a hotel on the beaches near Havana are going to receive Cuban visitors. The average Cuban is not allowed on the hotel grounds on these compounds. This is not going to be people visiting President Havel in his office. They are not allowed to go there. They can't spend money there. They can't be guests there. They are foreign compounds. You might as well be on a beach somewhere on a desert island in the Pacific. They are restricted.

I thank the Senator from Florida for yielding.

Mr. DODD. As someone who has been there and spent the time and wandered without restraint and had conversations with people—I had a long conversation, as someone who speaks the language, speaks Spanish; I was able to have lengthy conversations with people. I wasn't being followed around. I had long discussions with people in marketplaces where they were highly critical of the Cuban Government.

I had a lengthy discussion with a family down there about their objections and opposition to Fidel Castro with a group of people around. In my personal experience and that of others, just on the point of 100,000 U.S. citizens going, most of them are going illegally. It is not as if they have licenses to go. We all know what they do. They go to Montreal or Quebec or Cancun, and then they go in, because they don't stamp their visas. You can meet them all in the airports down there.

We are making them illegal, illegal activities of U.S. citizens. That is not something we ought to be condoning. But this isn't licenses they receive; this is because they are using other means to go down and spend time there. But this is not permissible, visa-stamped approved travel by these people.

Mr. KERRY. Will the Senator yield further?

Mr. GRAHAM. Yes.

Mr. KERRY. I just make the point to the Senator that, having spoken with a lot of people who have gone down there and made some of those trips, the families aren't restricted in that way. They meet with relations. They tell people what is going on in the United States. They talk about their feelings about Fidel Castro.

What is amazing about this debate, what is absolutely stupefying, is that what the Senators seem to be defending is completely contrary now to the experience since 1959. We went through the whole 1960s, went through the Bay of Pigs, went through the 1970s. We went through the height of the Reagan opposition to the Iron Curtain and through all of the changes in Russia, the former Soviet Union, the former east bloc countries. We have seen the dynamics of that change.

The one place where our policy remains the same as it has throughout all of those years is the place where there has been the least change. One of the reasons they had the power to shoot down those four planes is that there is no movement in the relationship, because they are as isolated.

If you look at the experience of Cubans, restricted, who go back to Cuba to visit their families, limited by the United States of America to one visit a year with their own family, you find that they are the ones saying to us today, we would like to have the right to travel to visit our families as frequently as we can. I am confident that

the same kinds of changes that swept over the rest of the world will sweep over that tiny island.

Mr. GRAHAM. I will conclude by saying that I ask those who think the United States changing its policy towards Cuba will have these miraculous effects in terms of breaking waves of freedom to the people that will crush what is an East German police state today—I only ask them to tell us what is the evidence, based on the outreach which has been made by countries such as Canada and Spain and European and Latin American countries, which largely share our values, which have been for 40 years in a continuous relationship with Cuba?

I think the answer to the question is, there are no such evidences that that outreach has had a positive effect on Cuba. We are dealing with a sui generis anachronism in Cuba. That degree of singularity requires the kind of singularity of foreign policy that we are directing towards it, with our hopes that soon the people of Cuba will be released from that hold and that our policy will have contributed to that release and will help to establish a basis for a transition to a Cuba that will be respectful of its people and with which the United States can have normal and peaceful and prosperous relationships.

I yield the floor.

Mr. KERRY. Would the Senator like an answer to the question?

• Mr. MACK. Mr. President, I oppose this travel amendment in the strongest possible terms. This is the wrong language at the wrong time. It represents a fundamental change in our Cuba policy—a change without proper consideration.

The Foreign Relations Committee has not considered this language; in fact, nobody has seen this language until it was introduced this afternoon. We should not rush this language through.

We should not do this. This is a half-baked approach, which makes for weak policy; it is not a mature effort to craft serious policy.

Fidel responds to our positive gestures with arrests, oppression, and crackdown. This effort is misguided and must be tabled. •

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I move to table the underlying Dodd amendment No. 1157, and 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 majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent

that immediately following this roll-call vote about to begin, the Senate immediately proceed to executive session and vote en bloc on the confirmation of the following nominations on the Executive Calendar: Nos. 104 through 108. I further ask unanimous consent that immediately following the vote, the President be notified of the Senate's action and the Senate then return to legislative session.

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

Mr. LOTT. I also ask unanimous consent that it now be in order to ask for the yeas and nays on the nominations en bloc.

Mr. BYRD. Mr. President, I don't have any objection, but I ask unanimous consent that the majority leader may proceed in this way. A tabling motion has been made, and there is no debate on a tabling motion.

Mr. LOTT. Mr. President, I ask unanimous consent that I be allowed to do this, even though the vote has been ordered on the tabling amendment, so that we can have this vote in this sequence. It is to have a vote on the confirmation of five judicial nominations. Both have been requested, but it will be one vote, and it will count as only one vote on all five nominations.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I thank Senator BYRD for that correction.

I ask consent then that it now be in order to ask for the yeas and nays on the nominations en bloc.

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

Mr. LOTT. 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 clerk will call the roll on the motion to table.

Mr. LEAHY. Mr. President, I ask unanimous consent that notwithstanding the tabling motion—

Mr. BYRD. Mr. President, I ask for the regular order.

Mr. LEAHY. Mr. President, is it out of order to ask for unanimous consent?

Mr. BYRD. Mr. President, there is no debate following a motion to table.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

Mr. BYRD. Mr. President, I ask unanimous consent that, notwithstanding the rules that there be no debate, the Senator be allowed to make a unanimous consent.

Mr. LEAHY. That is what I was asking.

Mr. BYRD. The Chair should have the advice from the Parliamentarian to call this to the Senate's attention.

Mr. LEAHY. Mr. President, the distinguished Senator from West Virginia was making the exact same request that I was making. Let's just vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1157. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. BYRD. Mr. President, House Members may not be in the Well.

The PRESIDING OFFICER. The well will be cleared.

The well will be cleared.

The clerk will continue to call the roll.

The legislative assistant resumed the call of the roll.

Mr. BYRD addressed the chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask for order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Now, Mr. President, I ask that House Members stay out of the well and stop lobbying Senators. I have had a number of Senators come to me and tell me that House Members are in the well lobbying them. The other Members didn't speak up, but I shall.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. I hope the Sergeant at Arms will see to it that House Members, who are our guests, will get out of the well. There are places in the back of the Chamber for them.

The PRESIDING OFFICER. The clerk will resume the call of the roll.

The legislative assistant resumed the call of the roll.

Mr. NICKLES. I announce that the Senator from Ohio (Mr. VOINOVICH) and the Senator from Florida (Mr. MACK), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—55

Abraham	Edwards	McConnell
Allard	Fitzgerald	Murkowski
Ashcroft	Frist	Nickles
Bayh	Gorton	Reid
Bennett	Graham	Robb
Breaux	Gramm	Roth
Brownback	Grassley	Santorum
Bryan	Gregg	Sessions
Bunning	Hatch	Shelby
Burns	Helms	Smith (NH)
Byrd	Hollings	Smith (OR)
Campbell	Hutchinson	Snowe
Cochran	Hutchison	Stevens
Collins	Inhofe	Thomas
Coverdell	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Lieberman	Torricelli
DeWine	Lott	
Domenici	McCain	

NAYS—43

Akaka	Biden	Bond
Baucus	Bingaman	Boxer

Chafee	Inouye	Moynihan
Cleland	Jeffords	Murray
Conrad	Johnson	Reed
Daschle	Kennedy	Roberts
Dodd	Kerrey	Rockefeller
Dorgan	Kerry	Sarbanes
Durbin	Landrieu	Schumer
Enzi	Lautenberg	Specter
Feingold	Leahy	Warner
Feinstein	Levin	Wellstone
Grams	Lincoln	Wyden
Hagel	Lugar	
Harkin	Mikulski	

NOT VOTING—2

Mack Voinovich

The motion was agreed to.

Mr. LEAHY. 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.

EXECUTIVE SESSION

NOMINATION OF Keith P. Ellison, of Texas, to be United States District Judge for the Southern District of Texas.

NOMINATION OF Gary Allen Feess, of California, to be United States District Judge for the Central District of California.

NOMINATION OF Stefan R. Underhill, of Connecticut, to be United States District Judge for the District of Connecticut.

NOMINATION OF W. Allen Pepper, Jr., of Mississippi, to be United States District Judge for the Northern District of Mississippi.

NOMINATION OF Karen E. Schreier, of South Dakota, to be United States District Judge for the District of South Dakota.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nominations?

On this question 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 Ohio (Mr. VOINOVICH) and the Senator from Florida (Mr. MACK) are necessarily absent.

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 190 Ex.]

YEAS—94

Abraham	Bennett	Brownback
Akaka	Biden	Bryan
Allard	Bingaman	Bunning
Ashcroft	Bond	Byrd
Baucus	Boxer	Campbell
Bayh	Breaux	Chafee

Cleland	Hatch	Murray
Cochran	Hollings	Nickles
Collins	Hutchinson	Reed
Conrad	Hutchison	Reid
Coverdell	Inhofe	Robb
Craig	Inouye	Roberts
Crapo	Jeffords	Rockefeller
Daschle	Johnson	Roth
DeWine	Kennedy	Santorum
Dodd	Kerrey	Sarbanes
Domenici	Kerry	Schumer
Dorgan	Kohl	Sessions
Durbin	Kyl	Shelby
Edwards	Landrieu	Smith (OR)
Feingold	Lautenberg	Snowe
Feinstein	Leahy	Specter
Fitzgerald	Levin	Stevens
Frist	Lieberman	Thomas
Gorton	Lincoln	Thompson
Graham	Lott	Thurmond
Gramm	Lugar	Torricelli
Grams	McCain	Warner
Grassley	McConnell	Wellstone
Gregg	Mikulski	Wyden
Hagel	Moynihan	
Harkin	Murkowski	

NAYS—4

Burns Helms  
Enzi Smith (NH)

NOT VOTING—2

Mack Voinovich

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 4. The Senate does hereby advise and consent to the nominations of Keith B. Ellison of Texas, Gary Allen Feess of California, Stefan R. Underhill of Connecticut, W. Allen Pepper, Jr. of Mississippi, and Karen E. Schreier of South Dakota.

The President will be immediately notified of the Senate's action.

Mr. LEAHY. Mr. President, I am encouraged that the Senate confirmed five of the judicial nominees from the 45 pending before us. I am glad that the District Courts in Mississippi, South Dakota, Texas, Connecticut, and California will soon have additional judicial resources. I only wish that were true for the 69 other vacancies around the country.

In particular, I look forward to the Committee finally approving the nomination of Marsha Berzon to the Ninth Circuit Court of Appeals this week and would ask the Majority Leader to take up that long-delayed nomination with the same expedition that is being done for these nominations. Fully one-quarter of the active judgeships authorized for that Court remain vacant, as they have been for several years. The Judicial Conference recently requested that Ninth Circuit judgeships be increased in light of its workload by an additional five judges. That means that while Ms. Berzon's nomination has been pending, and five other nominations are pending to the Ninth Circuit, that Court has been forced to struggle through its extraordinary workload with 12 fewer judges than it needs.

Marsha Berzon is an outstanding nominee. By all accounts, she is an exceptional lawyer with extensive appellate experience, including a number of cases heard by the Supreme Court. She has the strong support of both California Senators and a well-qualified