

SENATE—Thursday, July 15, 1999

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Reverend J. Blaine Blubaugh, Graham Road United Methodist Church, Falls Church, VA.

We are pleased to have you with us.

PRAYER

Almighty God, as we gather here to execute the function of our responsible positions, we are reminded of Your generosity in blessing us with this great Nation of vast human and natural resources and count it a privilege to live and serve here.

We lift before You today these women and men who lead our Senate and express gratitude for their labors. We pray for our President, the President of this Senate, Members of this Senate, and all who serve with them. May they serve with compassion and hope. Empower them to realize their potential in this service.

May all who serve here carry both the privileges and burdens of authority with well-founded responsibility and duty. May they use their influence with honor and dignity and serve to be examples to citizenry wherever they travel so that all with whom they come in contact may realize that service to our Creator and humanity is an honorable work of life. May concrete and effective help be delivered from the votes on various issues and encouragement for those who are attempting to provide a better life for all.

We pray for wisdom, sensitivity, clarity of vision, and a correct perspective which avoids superficial or temporary solutions. We express gratitude for all who make a positive impact in our world, those who lead, build, and contribute to make a difference.

We pray for the families of those who serve in this Senate and ask for a measure of strength and grace for them to cope during their separation and a sense of joy when they are reunited. May all who serve here temper their toil with periods of rest, refreshment, and recreation, and may the spirit of peace and goodwill be the order of the day for this U.S. Senate session. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore. Senator CRAPO of Idaho is designated to lead the Senate in the Pledge of Allegiance to the flag.

The PRESIDING OFFICER (Mr. CRAPO) led the Pledge of Allegiance, as follows:

I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

SCHEDULE

Mr. SPECTER. Mr. President, I would like to make opening remarks on behalf of the distinguished majority leader to the following effect, that today the Senate will immediately proceed to a period of morning business until 10 a.m. Following morning business, the Senate will resume consideration of the Patients' Bill of Rights, with Senator NICKLES or his designee to be recognized to offer an amendment. Under the previous agreement, there will be 100 minutes of debate on that amendment. Further amendments will be offered and debated in anticipation of completing the bill today. Senators can expect votes throughout the day.

As a reminder, a cloture vote on the Social Security lockbox legislation will take place during tomorrow's session of the Senate.

I thank my colleagues for their attention.

Now, Mr. President, a parliamentary inquiry. May I proceed with the 15-minute order which has been allotted to me?

MORNING BUSINESS

The PRESIDING OFFICER. The Senate is in morning business. The Senator is recognized for 15 minutes.

Mr. SPECTER. I thank the Chair.

Mr. President, I had requested this time on behalf of myself and Senator BIDEN. We had originally requested 30 minutes, but because of the crowded schedule today, the time was set at 15 minutes. But I will be delighted to share the 15 minutes with Senator BIDEN if he arrives before the expiration of the time.

ELECTRONIC FILING OF SHIPPERS' EXPORT DECLARATIONS

Mr. SPECTER. Mr. President, I have sought recognition in this special order to introduce legislation, on behalf of Senator HELMS, the Chairman of the Foreign Relations Committee; Senator BIDEN, the ranking Democrat; Senator DORGAN and Senator SCHUMER, which

would provide for electronic filing of Shippers' Export Declarations. This legislation takes up a recommendation of the Commission on Weapons of Mass Destruction and is directed to assist in our export control to stop those who would acquire the material for weapons of mass destruction from accumulating those weapons. At the present time, there are very sophisticated ways of ordering the component parts of weapons of mass destruction which are not known and cannot be readily ascertained because of the voluminous paper filings.

This legislation would call for electronic filing and would enable our Government to be able to regulate in a desirable fashion, without undue burden on exporters, materials which can be used for nuclear, biological, or chemical weapons. This is a recommendation of the Commission on Weapons of Mass Destruction which filed its report yesterday with copies to the President and to the legislative leaders.

This Commission was established by legislation under the Intelligence Authorization Act signed into law in October of 1996 when I chaired the Senate Intelligence Committee. This legislation was designed to deal with the enormous threat posed to the United States by weapons of mass destruction.

When I chaired the Intelligence Committee in 1995 and 1996, I was aghast at the kinds of problems which I saw with respect to rogue nations having ballistic capabilities for the delivery of nuclear weapons. Since that time, it has been publicly commented that North Korea has nuclear capability; that they have trajectory and ballistic capability to reach parts of the United States; that they pose an enormous threat. It is well known that other rogue nations seek ballistic capability as well. We now find that a nuclear device can be carried across national borders in a suitcase. We have seen in the experience of the Tokyo subway catastrophe the potential for biological and chemical warfare.

Those capabilities are so important that there needs to be preventive action to deal with them in advance of a catastrophe. Regrettably, our Government customarily reacts, instead of acting in anticipation.

The Commission was formed because there are now some 96 separate agencies dealing with weapons of mass destruction, and the Commission filed in its report a recommendation urging Presidential action with the suggestion that the authority be concentrated in the hands of the Vice President. There have been jurisdictional disputes, turf

battles, but the Vice President would have the clout to adjudicate disputes and to coordinate the efforts on this matter of such enormous national and international importance.

The Commission recommended providing staffing, with a director to the National Security Council, a top level position, to preside over a council of representatives from the various Departments—State, Energy, Defense, Commerce, et cetera—with ranking officials who have been confirmed by the Senate.

One of the key recommendations of the Commission on Weapons of Mass Destruction was to mandate electronic filing on export items which are in the category that they could provide component parts for weapons of mass destruction.

My staff, Dobie McArthur, has already taken the lead in circulating this legislation among a number of Senators. We have had a favorable response from Senator HELMS and Senator BIDEN, chairman and ranking member of the Foreign Relations Committee. There is an excellent opportunity that this provision could be included in a markup of Foreign Relations this month. As noted earlier, Senator DORGAN and Senator SCHUMER have also joined as cosponsors.

What this legislation does is to provide for the electronic filing of what is known and currently required as a shipper's export declaration. In 1995, the Customs Service and the Census Bureau created the automated export system, but that system has been utilized by only about 10 percent of the filers.

This legislation provides that the electronic filing requirement would come into operation 180 days after the Secretary of Commerce and the Secretary of Treasury certify that a secure Internet-based filing system is up and running. The requirements would be directed toward components which could be used in the manufacture of weapons of mass destruction.

The problem is illustrated by action taken by Iraq in the acquisition of weapons of mass destruction. In a very sophisticated way, when Iraq was purchasing its component parts, instead of buying them all at one time and all from a single supplier, or quite a number of items from a single supplier a few times, the Iraqis would buy an item here, an item there, an item somewhere else, from a wide variety of suppliers, so it was impossible, without some tracking system, to find out exactly what Iraq was doing as they were acquiring these components for weapons of mass destruction.

As we all know, there is dual use on many of these items; that is to say, they can be used for peaceful purposes or they can be used for putting together weapons of mass destruction. In this way, with a sophisticated system,

a purchaser may acquire the ingredients to produce weapons of mass destruction.

Electronic filing will put the matter all under one umbrella. Without undue burden on shippers, there can be a determination as to what is being purchased which has the potential for being turned into a nuclear weapon, a biological weapon, or a chemical weapon of mass destruction.

Mr. President, how much time remains on my allotment of 15 minutes?

The PRESIDING OFFICER. Six minutes 14 seconds.

Mr. SPECTER. Mr. President, I will use that time on another subject of currency and importance.

GATHERING EVIDENCE FOR THE WAR CRIMES TRIBUNAL

Mr. SPECTER. Mr. President, the War Crimes Tribunal, which was created by United Nations resolution for prosecuting crimes against humanity arising in the former Yugoslavia, has brought very significant indictments out of the events in Bosnia. There have been indictments; there have been some convictions. The work of the War Crimes Tribunal has taken on even greater significance as a result of what has happened in the war with Kosovo, with the very noteworthy and important indictment against President Milosevic of Yugoslavia.

The Tribunal is now in the process of gathering evidence in Kosovo. Justice Louise Arbour, who is head of the War Crimes Tribunal and has given notice of her intention to leave to become a justice in the Canadian judicial system, visited the Senate back on April 30, 1999. She met with a group of Senators, including myself, and pointed out the need for the acquisition of evidence.

There had been a preliminary allocation of some \$5 million. That was supplemented in the emergency appropriations bill with the direction for an additional \$13 million, for a total of \$18 million to go towards the Tribunal.

The FBI dispatched a group of investigators to acquire evidence in Kosovo, but they have run out of money. Those funds, I believe, are available in the Department of State. I have discussed this matter with the FBI Director Louis Freeh. I compliment the FBI and Director Freeh for their very prompt action in going to Kosovo to gather evidence.

From my own experience as district attorney of Philadelphia, I can personally attest to the fact that evidence has to be acquired when it is fresh. If you do not get it with immediacy, it disappears.

A part of the evidence acquisition has been to question women who were subjected to rape. In conversations with officials of the State Department yesterday, I found that the \$50 million

which has been appropriated for the United Nations High Commissioner on Refugees has not been released. So there is an urgency in making those funds available for a variety of purposes, including a substantial part of the \$50 million to give attention to the women who have been rape victims—in part to counsel them for their own mental health and in significant part to acquire their testimony in the prosecution of those violent perpetrators of the rapes.

So I make these comments and urge that we move ahead with this funding which has been authorized by the Congress, \$50 million to the U.N. High Commissioner on Refugees, and also urge that funding be provided in accordance with the direction of the Emergency Supplemental Appropriations Bill so the FBI can have the funding to proceed immediately to Kosovo to gather this very important evidence.

Ms. MIKULSKI. Will the Senator from Pennsylvania yield for a question?

Mr. SPECTER. I will.

Ms. MIKULSKI. First, I congratulate the Senator from Pennsylvania on his leadership in this area. As he knows, we have worked together, but he has certainly been in the forefront on the war crimes issue in particular, the issue of rape as a war crime. We thank him for that.

Does the Senator from Pennsylvania know why the money is not being released?

Mr. SPECTER. I thank my distinguished colleague from Maryland for those kind remarks.

In response, I am advised by officials of the State Department that early on were some problems in the United Nations agency. There is chaos, as one might expect, in Kosovo. The Kosovars are returning to their homes. Some have raised a point that the money was not being officially utilized. I have been advised by the State Department that the issue has now been corrected; so when I made inquiries of the State Department yesterday to liberate \$2 million for the FBI, I was told that they had this collateral problem and have begun discussions on the matter with our appropriate colleagues to get the funds released.

Ms. MIKULSKI. Just for a point of information and clarification back to the Senator from Pennsylvania, in a meeting yesterday with the women of the Senate—a bipartisan meeting, I might add—I believe we were told there is a hold on this among our colleagues. Perhaps we can work together to lift that hold to ensure that the bureaucracy concerns are dealt with so we can go on with the mutual humanitarian concerns that I know we share on both sides of the aisle.

Again, I thank the Senator for his leadership on this in the most sincere, kind way.