to collect on their policies, access their bank accounts and/or reclaim assets that had been illegally seized from them, governments, courts, banks, and insurance companies failed to fulfill their duty to treat Holocaust victims with justice and dignity. Instead, they refused to honor policies or return stolen assets. In this way, survivors of the Holocaust were victimized twice, first by the Nazis, then by the financial institutions that deprived them of their assets.

Today, after over 50 years of injustice, Holocaust survivors and their families are finally reclaiming what is rightfully theirs. It is high time these victims of oppression finally got back some of the property stolen from them. It also is time, in my view, that the rest of us stood up to protect them from further raids on their assets.

Under current law, any money received by Holocaust survivors in their settlements with banks and other organizations that once cooperated with the Nazis is treated as gross income for federal tax purposes. And that's just plain wrong. My colleagues and I offer this amendment to prevent the federal government from imposing income tax on any settlement payments, received by Holocaust survivors or their families resulting from a Holocaust claim. We do so because we feel it is morally imperative that we stand with the victims of this injustice, and that this nation not treat as income what is in fact the return of what had been stolen.

Specifically, our amendment would allow a Holocaust survivor or the surviving heirs to receive a tax exemption for any monies received as payment resulting from a Holocaust claim. We do so because we feel it is morally imperative that we stand with the victims of this injustice, and that this nation not treat as income what is in fact the return of what had been stolen.

Also included would be the value of any land recovered from a foreign government as a result of a settlement arising out of the illegal confiscation of such land in connection with the Holocaust.

The victims of the Holocaust have suffered far too much for any such tax to be just. These settlements represent but a fraction of what is owed to those who suffered under Nazi tyranny.

To treat them as income subject to taxation to be just.

To treat them as income subject to taxation would be to add a new injury on top of the continuing consequences of an unrighteous just regime.

KOSOVO'S DEADLY LEGACY

Mr. LEAHY. Mr. President, as NATO soldiers struggle to keep the peace in Kosovo, war crimes investigators labor to identify and prosecute those who committed acts of war crimes, including acts of ethnic cleansing.

I want to single out today a threat that is hidden among the debris, killing and horribly injuring civilians and NATO peacekeepers indiscriminately as they work to rebuild what was destroyed in the war.

The threat is unexploded ordnance, and in Kosovo that means landmines left by the Serbs and the Kosovo Liberation Army, and cluster bombs dropped by NATO forces, mostly by American aircraft.

I have often spoken about the problem of landmines. There are tens of thousands of them scattered in the fields, forests, and roads of Kosovo.

Each one is designed to blow the legs off the unsuspecting person who triggers it. Usually it is a farmer, or child, or some other innocent person trying to rebuild a normal life. The United States is helping to clear the mines, but it is a tedious, costly, and dangerous job.

But even more than landmines, it is unexploded cluster bombs which pose the greatest danger to civilians and NATO peacekeepers in Kosovo.

Cluster bombs are a favorite anti-personnel weapon of the U.S. military, and hundreds of thousands of them were dropped by NATO planes over Kosovo. They cover wide areas, are designed to explode on impact, and they spread shrapnel in all directions.

People and lightly armored vehicles are the usual targets, but since cluster bombs are often dropped from high altitudes they often miss the target.

Not only do they too often miss the target, between 5 and 20 percent of cluster bombs do not explode on impact. According to the State Department, there may be as many as 11,000 of these deadly bomblets currently lying on Kosovo soil, waiting for someone, anyone, to walk or drive by and set them off.

Unlike landmines, their location cannot be accurately mapped. We do not know where they are. Like landmines, it is the victim who pulls the trigger.

The usual victims of these explosions, like landmines, are innocent civilians, not military targets. And they remain active for years. In Laos, where millions of United States cluster bombs were dropped during the Vietnam war a quarter century ago, people are still losing their lives, their limbs, and their livelihoods from these weapons.

Cluster bombs do not discriminate. NATO peacekeepers are not immune. Children are not immune. Approximately 5 Kosovars each day are killed by unexploded ordnance, mostly U.S. cluster bombs. Over 170 people have died this way since the war ended.

Even though we have known about this problem for decades, little has been done to try to minimize the harm to civilians from cluster bombs.

Recently, to its credit, the Pentagon began studying this problem. There are two things that could and should be done immediately.

First, we need to significantly reduce or eliminate the problem of dud cluster bombs that remain active and dangerous. We have the technology to make landmines self-destruct or self-deactivate after a short period of time.

Why can't that same technology—usually a simple battery that runs out after a few hours—be applied to cluster bombs? It needs to be done.

Second, the Pentagon should revisit its rules of engagement using cluster bombs. In Kosovo, NATO showered cluster bombs over densely populated areas. Was this militarily necessary or justified? Was it consistent with international law?

Sometimes they miss the target, what limits should be imposed on where and when cluster bombs can be used so the innocent are not harmed? These questions need answers.

I am not the only one concerned about this. The same concerns have been conveyed to me by active duty and retired members of our Armed Forces.

Just recently, the House Armed Services Committee included language in its report accompanying the fiscal year 2000 National Defense Appropriation Act, which directs the Secretary of Defense to establish a defense-wide program to develop affordable, reliable self-destruct fuses for munitions.

I see a real problem, and countless tragedies, resulting from the way these munitions are designed and used. We can do better.

There is always too much death and destruction in any military conflict. The lingering threat of landmines and unexploded bombs can be significantly reduced. If implemented, the changes I have suggested could save many innocent lives in the aftermath of war.

Mr. President, I ask unanimous consent that a brief article and a letter to the editor about cluster bombs that appeared in the Washington Post, 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, August 3, 1999)

THE REMAINS OF WAR

U.S. warplanes dropped 1,100 cluster bombs during Operation Allied Force against Yugoslavia, says the Defense Department. Each contained 202 bomblets. That's 222,200 bomblets each. With a dual rate of 5 percent, it is likely, a DOD spokesman said, that about 11,110 bomblets are sitting around unexploded.
The problem of high dud rates in cluster bombs has been known to the military for years. The 5 percent dud rate mentioned in “NATO ‘Duds’ Keep Killing in Kosovo” [front page, July 19] must be characterized as more severe than a fact. Dud rates among cluster munitions were as high as 30 percent during the Vietnam War. Dud rates during the Gulf War were as high as 20 percent.

Laoos remains littered with millions of duds in unmarked minefields. They continue to kill farmers who strike them with implements and children who mistake them for toys. Many young victims’ parents were not even born when the United States dropped these weapons in unprecedented numbers. The grandchildren of Kosovars and Serbs alike will die as they discover unexploded bombs has been well known to the military for years. The 5 percent dud rate mentioned in “NATO ‘Duds’ Keep Killing in Kosovo” must be characterized as more severe than a fact. Dud rates during the Gulf War were as high as 20 percent.

The military was aware of how attractive the “bomblets” were. Numerous similar stories came out of the Gulf War explaining these “bomblets” are. Numerous similar stories came out of the Gulf War explaining how attractive these weapons in unprecedented numbers. The grandchildren of Kosovars and Serbs alike will die as they discover unexploded bombs will die as they discover unexploded bombs in the future.

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