

AMENDMENT NO. 3667

At the request of Mr. DORGAN, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Amendment No. 3667 proposed to S. 1664, an original bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

SENATE CONCURRENT RESOLUTION 54—TO CORRECT THE ENROLLMENT OF THE BILL S. 735

Mr. HATCH submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 54

Resolved by the Senate (the House of Representatives concurring). That the Secretary of the Senate, in the enrollment of the bill (S. 735) shall make the following corrections:

In the table of contents of the bill, strike the item relating to section 431 and redesignate the items relating to sections 432 through 444 as relating to sections 431 through 443, respectively.

In section 620G(a), proposed to be inserted after section 620F of the Foreign Assistance Act of 1961, by section 325 of the bill, strike "may" and insert "shall".

In section 620H(a), proposed to be inserted after section 620G of the Foreign Assistance Act of 1961, by section 326 of the bill—

- (1) strike "may" and insert "shall";
- (2) strike "shall be provided"; and
- (3) insert "section" before "6(j)".

In section 219, proposed to be inserted in title II of the Immigration and Nationality Act, by section 302 of the bill—

(1) in subsection (a)(1), insert "foreign" before "terrorist organization";

(2) in subsection (a)(2)(A)(i), strike "an" before "organization under" and insert "a foreign";

(3) in subsection (a)(2)(C), insert "foreign" before "organization"; and

(4) in subsection (a)(4)(B), insert "foreign" before "terrorist organization".

In section 2339B(g), proposed to be added at the end of chapter 113B of title 18, United States Code, by section 303 of the bill, strike paragraph (5) and redesignate paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

In section 2332d(a), proposed to be added to chapter 113B of title 18, United States Code, by section 321(a) of the bill—

(1) strike "by the Secretary of State" and insert "by the Secretary of the Treasury";

(2) strike "with the Secretary of the Treasury" and insert "with the Secretary of State"; and

(3) add the words "the government of" after "engaged in a financial transaction with";

At the end of section 321 of the bill, add the following:

"(c) EFFECTIVE DATE.—The amendments made by this section shall become effective 120 days after the date of enactment of this Act."

In section 414(b) and 422(c) of the bill, strike "90" and insert "180".

In section 40A(b), proposed to be added to chapter 3 of the Arms Export Control Act, by section 330 of the bill strike "essential" and insert "important".

In section 40A(b), proposed to be added to chapter 3 of the Arms Export Control Act, by section 330 of the bill, strike "security".

Strike section 431 of the bill and redesignate sections 432 through 444 as sections 431 through 443, respectively.

In section 511(c) of the bill, strike "amended—" and all that follows through "(2)" and insert "amended".

In section 801 of the bill, strike "subject to the concurrence of" and insert "in consultation with".

In section 443, by striking subsection (d) in its entirety and inserting:

"(d) EFFECTIVE DATE.—The amendments made by this section shall become effective no later than 60 days after the publication by the Attorney General of implementing regulation that shall be published on or before January 1, 1997."

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Resolved by the Senate (the House of Representatives concurring). That the Secretary of the Senate, in the enrollment of the bill (S. 735) shall make the following corrections.

In the table of contents of the bill, strike the item relating to section 431 and redesignate the items relating to sections 432 through 444 as relating to sections 431 through 443, respectively.

Strike section 1605(g) of title 28, United States Code, proposed to be added by section 221 of the bill, and insert the following:

"(g) LIMITATION ON DISCOVERY.—

"(1) IN GENERAL.—(A) Subject to paragraph (2), if an action is filed that would otherwise be barred by section 1604, but for subsection (a)(7), the court upon request of the Attorney General, shall stay any request, demand, or order for discovery on the United States that the Attorney General certifies would significantly interfere with a criminal investigation or prosecution, or a national security operation, related to the incident that gave rise to the cause of action, until such time as the Attorney General advises the court that such request, demand, or order will no longer so interfere.

"(B) A stay under this paragraph shall be in effect during the 12-month period beginning on the date on which the court issues the order to stay discovery. The court shall renew the order to stay discovery for additional 12-month periods upon motion by the United States if the Attorney General certifies that discovery would significantly interfere with a criminal investigation or prosecution, or a national security operation, related to the incident that gave rise to the cause of action.

"(2) SUNSET.—(A) Subject to subparagraph (B), no stay shall be granted or continued in effect under paragraph (1) after the date that is 10 years after the date on which the incident that gave rise to the cause of action occurred.

"(B) After the period referred to in subparagraph (A), the court, upon request of the Attorney General, may stay any request, demand, or order for discovery on the United States that the court finds a substantial likelihood would—

"(i) create a serious threat of death or serious bodily injury to any person;

"(ii) adversely affect the ability of the United States to work in cooperation with foreign and international law enforcement agencies in investigating violations of United States law; or

"(iii) obstruct the criminal case related to the incident that gave rise to the cause of action or undermine the potential for a conviction in such case.

"(3) EVALUATION OF EVIDENCE.—The court's evaluation of any request for a stay under this subsection filed by the Attorney General shall be conducted ex parte and in camera.

"(4) BAR ON MOTIONS TO DISMISS.—A stay of discovery under this subsection shall constitute a bar to the granting of a motion to dismiss under rules 12(b)(6) of 56 of the Federal Rules of Civil Procedure.

"(5) CONSTRUCTION.—Nothing in this subsection shall prevent the United States from seeking protective orders or asserting privileges ordinarily available to the United States."

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At the end of section 321 of the bill, add the following:

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SENATE CONCURRENT RESOLUTION 56—RECOGNIZING THE 10TH ANNIVERSARY OF THE CHERNOBYL NUCLEAR DISASTER

Mr. LAUTENBERG (for himself, Mr. DOLE, Mr. HELMS, Mr. PELL, and Mr. LEVIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 56

Whereas April 26, 1996, marks the tenth anniversary of the Chernobyl nuclear disaster;

Whereas United Nations General Assembly resolution 50/134 declares April 26, 1996, as the International Day Commemorating the Tenth Anniversary of the Chernobyl Nuclear Power Plant Accident and encourages member states to commemorate this tragic event;

Whereas serious radiological, health, and socioeconomic consequences for the populations of Ukraine, Belarus, and Russia, as well as for the populations of other affected areas, have been identified since the disaster;

Whereas over 3,500,000 inhabitants of the affected areas, including over 1,000,000 children, were exposed to dangerously high levels of radiation;

Whereas the populations of the affected areas, especially children, have experienced significant increases in thyroid cancer, immune deficiency diseases, birth defects, and other conditions, and these trends have accelerated over the 10 years since the disaster;

Whereas the lives and health of people in the affected areas continue to be heavily burdened by the ongoing effects of the Chernobyl accident;

Whereas numerous charitable, humanitarian, and environmental organizations from the United States and the international community have committed to overcome the extensive consequences of the Chernobyl disaster;

Whereas the United States has sought to help the people of Ukraine through various forms of assistance;

Whereas humanitarian assistance and public health research into Chernobyl's consequences will be needed in the coming decades when the greatest number of latent health effects is expected to emerge;

Whereas on December 20, 1995, the Ukrainian Government, the governments of the G-7 countries, and the Commission of the European Communities signed a memorandum of understanding to support the decision of Ukraine to close the Chernobyl nuclear power plant by the year 2000 with adequate support from the G-7 countries and international financial institutions;

Whereas the United States strongly supports the closing of the Chernobyl nuclear power plant and improving nuclear safety in Ukraine; and

Whereas representatives of Ukraine, the G-7 countries, and international financial institutions will meet at least annually to monitor implementation of the program to close Chernobyl: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) recognizes April 26, 1996, as the tenth anniversary of the Chernobyl nuclear power plant disaster;

(2) urges the Government of Ukraine to continue its negotiations with the G-7 countries to implement the December 20, 1995,

memorandum of understanding which calls for all nuclear reactors at Chernobyl to be shut down in a safe and expeditious manner; and

(3) calls upon the President—

(A) to support continued and enhanced United States assistance to provide medical relief, humanitarian assistance, social impact planning, and hospital development for Ukraine, Belarus, Russia, and other nations most heavily afflicted by Chernobyl aftermath;

(B) to encourage national and international health organizations to expand the scope of research into the public health consequences of Chernobyl, so that the global community can benefit from the findings of such research;

(C) to support the process of closing the Chernobyl nuclear power plant in an expeditious manner as envisioned by the December 20, 1995, memorandum of understanding; and

(D) to support the broadening of Ukraine's regional energy sources which will reduce its dependence on any individual country.

Mr. LAUTENBERG. Mr. President, I rise to submit a resolution to commemorate the 10th anniversary of one of the most tragic, devastating events in the history of nuclear power—the Chernobyl nuclear disaster. The resolution also expresses Congress' unequivocal support for the closing of the Chernobyl nuclear power plant. I am pleased that Senators DOLE, HELMS, PELL, and LEVIN are joining me in submitting this resolution.

Friday, April 26, 1996, marks the 10th anniversary of the world's worst nuclear accident. Ten years ago, nuclear reactor No. 4 at Ukraine's Chernobyl nuclear power plant malfunctioned. The ensuing explosion and fire spewed a cloud of radiation across Europe, releasing 200 times more radioactivity than the atomic bombings of Hiroshima and Nagasaki combined.

The results were devastating. Millions of people were exposed to dangerously high levels of radiation.

Chernobyl's legacy is much more than the worst technological disaster in the history of nuclear power. It is a continuing humanitarian tragedy that will always be remembered the world over. The inhabitants of Ukraine, Belarus, and Russia continue to be heavily burdened by the social, economic, and health effects of the accident, and the entire international community continues to be threatened by the specter of another Chernobyl.

Ten years ago, millions of Ukrainians, Belarussians, and Russians, including over one million children and thousands of people who cleaned up after the explosion, were exposed to dangerously high levels of radiation. A 30-kilometer radius around Chernobyl was rendered uninhabitable. Families were forced from their homes. Most have never returned.

The tragic effects of this disaster have devastated millions. A 200-fold increase in thyroid cancer among children has ensued. Immune deficiency disorders, respiratory problems, and birth defects have increased at alarming rates since the disaster. The region's soil and water supplies have remained contaminated. Ukraine's econ-

omy has been overwhelmed by the costs of rebuilding.

Mr. President, the people of Chernobyl and Ukraine have not been alone in their efforts to overcome the tremendous loss. Numerous charitable and humanitarian organizations have assiduously worked to ameliorate the consequences of the Chernobyl disaster. Americans for Human Rights in Ukraine and the Children of Chernobyl Relief Fund, from my State of New Jersey, have lent considerable support to that effort along with many others in the Ukrainian-American community. These and millions of other Americans in New Jersey and elsewhere continue to provide valuable assistance to the victims of the Chernobyl disaster. All private organizations who have been at the forefront to help Ukraine deserve commendation for their tireless efforts to assist Chernobyl's victims.

Unfortunately, more work needs to be done. Chernobyl's two working reactors continue to churn out electricity. The protective concrete covering over the obliterated reactor No. 4, the sarcophagus, has developed cracks which dangerously weaken its structure. Corrosion of this structure threatens to release even more radioactivity into the region. Experts warn that another accident is imminent.

Just yesterday, a fire started within 10 kilometers of Chernobyl. While initial assessments by specialists conclude that the abundant smoke produced by the fire may not pose further contamination dangers, all bets are off in the future. The region's inhabitants cannot be assured that radioactive particles which settled in the areas surrounding Chernobyl after the accident will not be carried into their villages or water supplies. They cannot be assured that future fires or even floods will not release dangerous levels of contamination.

This event underscores the ongoing threat Chernobyl poses to safety and the urgent need to close Chernobyl forever.

On December 20, 1995, the Ukrainian Government, the governments of the G-7 countries, and the Commission of the European Communities signed a memorandum of understanding supporting Ukraine's decision to close Chernobyl by the year 2000 and the international community has pledged financial support to facilitate the closure. Last week, President Clinton met in Moscow with Ukrainian President Leonid Kuchma and leaders of other G-7 nations, and Ukraine reaffirmed its commitment to close Chernobyl.

Support from the international community is vital to help Ukraine move forward and close Chernobyl. Ukraine is working hard to implement open economic and social reforms, and its economy is strapped. At this very delicate time in Ukraine's history, the United States should support Ukraine's efforts to rebuild its infrastructure and to secure the alternative energy sources it needs to close Chernobyl in a safe and expeditious manner.