

... The Constitution vested in this body not only the power but the *duty* to judge, when there is a challenged election result involving the office of U.S. Senator. [Congressional RECORD Vol. 121, Part 1, page 440. (emphases added).]

And indeed, the Senate has taken this constitutional responsibility very seriously, handling approximately 100 contested cases over its 208-year history. Under the current Senate Rules, responsibility for developing the facts and recommendations for the full Senate in contested elections lies with the Committee on Rules and Administration.

Following the precedent of the Huffington versus Feinstein contest in 1995, I and ranking member, Mr. FORD, retained two outside counsel who are experts in the field of election law: Mr. William C. Canfield III, and Mr. Robert F. Bauer. These are the same two attorneys who assisted the committee in the Huffington contest.

Senator FORD and I requested that these experts review the pleadings and provided the following guidance:

We request a written analysis of the sufficiency of the petition, based on the precedents and rules of the Senate, with specific reference to any documentation submitted by Mr. Jenkins or Ms. Landrieu relevant to the petition. The opinion should focus on the question of whether the petition is subject to dismissal without further review, or requires additional review or investigation, and, if so, the scope and structure of such review or investigation.

On April 8, 1997, these two counsel submitted a joint report which, in summary, recommended that the committee conduct "a preliminary, limited investigation into the sufficiency of claims in three areas, and the dismissal of claims in four areas." The areas counsel recommended further review of were: vote buying, multiple voting, and fraudulent registration.

Mr. Canfield and Mr. Bauer then appeared before the committee, in open session, on April 10 to describe their review and recommendations, and to answer questions from the members of the Rules Committee.

On April 15, 1997, again in open session, Mr. Jenkins and attorneys for Senator LANDRIEU made presentations to the committee which laid out their respective views of the contest, the allegations made and evidence presented, and the standards of pleading and proof required to warrant further committee action.

As I stated at those hearings, I believe the counsel's report is a valuable contribution to the committee's evaluation of the contest. Nevertheless, it is important to remember that these lawyers were not asked to conduct an investigation, and they did not do so. Rather, they reviewed and analyzed only the petition and facts submitted by both Mr. Jenkins and Senator LANDRIEU.

When the committee met on April 17, 1997, to determine a further course of action, I advised my colleagues that I agreed with our counsel that an inves-

tigation was warranted. Indeed, I believed that Senate precedent dictated that an investigation be conducted. It was also my opinion that the committee's investigation should:

First, not be limited to specific areas which might preclude investigation of other potential sources of evidence; and

Second, should involve the use of attorneys with investigative experience to conduct an initial investigation in Louisiana within approximately a 45-day period.

In furtherance of these objectives, the committee met on April 17, and I offered a committee motion to authorize such an investigation. After several amendments, the committee authorized the chairman, in consultation with the ranking member to conduct an investigation,

* * * into illegal or improper activities to determine the existence or absence of a body of fact that would justify the Senate in making the determination that fraud, irregularities or other errors, in the aggregate, affected the outcome of the election for United States Senator in the State of Louisiana in 1996.

Since the committee hearing of April 17, I have worked with Senator FORD toward jointly selecting—as required by 2 U.S.C. 72a(1)(3)—the consultants that would assist the committee in the conduct of its investigation. The contracts hiring these consultants were signed by me and Senator FORD on May 7.

The investigative team will be headed by Richard Cullen, a former U.S. Attorney in Virginia, and George Terwilliger, also a former U.S. Attorney and later Deputy Attorney General of the United States, both with Republican affiliations, of the law firm McGuire Woods Battle & Boothe. They will be assisted by several of their firm's colleagues, including Jim Dyke, former top official for Vice President Walter Mondale and Gov. Doug Wilder, Bill Broddaus, former Democratic Attorney General of Virginia, and Frank Atkinson, former counsel to Gov. George Allen, comprising a well-experienced, bipartisan team who will take direction from me.

Participating fully in the investigation—pursuant to a protocol establishing the basic procedures under which all counsel will conduct the investigation—will be a second team of attorneys selected by Senator FORD and headed by Robert Bauer and John Hume of the law firm Perkins Coie, with Democrat affiliations.

This protocol, which was jointly drafted by the two teams, includes procedures for subpoenaing witnesses and documents, and conducting interviews and taking depositions. It establishes confidentiality procedures to protect the integrity of the investigation.

As Senator FORD and I worked toward the selection of our consultants and a joint investigation, I also spoke with the Governor of Louisiana, Mike Foster, who has assured the fullest co-

operation with the Senate's investigation. And, committee staff is coordinating with the Federal Bureau of Investigation and the General Accounting Office seeking a detail of personnel to assist the committee.

The Senate's investigation in Louisiana is about to begin. Records will shortly be requested from the State, and the teams of counsel will go down to Louisiana next week to establish a local headquarters and make initial coordination with appropriate State and local officials, and prepare for witness interviews.

Mr. President, in the course of one's career as a Senator there are responsibilities you must perform. I did not seek this task, but I will truly and faithfully discharge a duty I have been given as chairman of the Rules Committee.

I have but one goal: to see that my work is performed in keeping with the tradition of the Senate in past cases and to give the full Committee my honest judgement of the established facts, and so that the Committee might give to the Senate its honest judgement of these facts, respecting the Senate's duty under article 1, Section 5 of the Constitution of the United States.

It is my intention that this investigation will determine the existence, or absence, of that body of credible fact that would justify the Senate in making a determination that fraud or irregularities or other errors, in the aggregate, did or did not, affect the outcome of the 1996 election for U.S. Senator in the State of Louisiana—thereby fulfilling the Senate's constitutional duty of judging the results of that election.

COMMENDING GIRL SCOUT GOLD AWARD RECIPIENTS

Mr. FORD. Mr. President, I want to draw special attention today to five young women from northern Kentucky. These five young women from the Licking Valley Girl Scout Council are recipients of the Girl Scout Gold Award—the highest achievement a Girl Scout can earn. Each one has demonstrated outstanding achievements in the area of leadership, community service, career planning, and personal development.

Girl Scouts of the U.S.A. serves over 3.5 million girls and has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. Recipients of the award have not only earned patches for the Senior Girl Scout Leadership Award, the Senior Girl Scout Challenge, and the Career Exploration Pin, but also designed and implemented a Girl Scout Gold Award project.

But perhaps most important, these five Gold Award recipients have made a commitment to community that should not go unrecognized.

Kelly Buten, Mary Jane Hendrickson, Alyssa Hensley, Mandy Radle, and Becky THOMAS have put an extraordinary amount of work into earning

these awards, and in the process have received the community's and the Commonwealth's respect and admiration for their dedication and commitment. Their projects included teaching beginning violin classes to local elementary school children, organizing a fundraising breakfast for local elementary schools and holding a children's Christmas party.

For 85 years, the Girl Scouts have provided an informal educational program to inspire girls with the highest ideals of character, conduct, patriotism, and service so they will become resourceful, responsible citizens. The Licking Valley Girl Scouts alone serve over 5,000 girl and adult members.

Mr. President, I know my colleagues share my enthusiasm and admiration for the Girl Scouts' commitment to excellence. And, I know you will agree with my belief that this award is just the beginning of a long list of accomplishments and successes from these five Girl Scouts.

AMERICAN INTERESTS IN THE CASPIAN SEA REGION

Mr. BYRD. Mr. President, American involvement and interests in the Caspian Sea Region, have been increasing recently. While this region is new on the political map of American policymakers, in that the newly-sovereign nations there were formerly Republics under the rule of the Soviet Union, they represent very substantial new opportunities for the United States.

From the point of view of energy reserves, the tremendous hydrocarbon resources which are available for development in the region are of world-class potential. The extent of the resources which apparently exist, particularly in Kazakhstan, Azerbaijan, and Turkmenistan could well serve as a long-term alternative to Western dependence on vulnerable supplies of Persian gulf oil. The proper development of the energy resources of the Caspian Sea region should also provide an invaluable impetus to the economic development of all the nations of the region. As a result of this growing potential, the Foreign Operations Appropriations Act for FY 1997 included a provision that I proposed for the Administration to develop a plan of action for the United States government to assist and accelerate the earliest possible development and shipment of oil from the Caspian Sea region to the United States and other Western markets.

Mr. President, the Secretary of State has forwarded to the Congress, on April 15, 1997, the study which was required by the Appropriations Committee, and I am pleased to include the Summary, as well as recommended legislative and executive actions proposed by the report. It is a good report and should be of assistance to the Congress as it deliberates how to provide incentives for the United States to help promote the development of this new source of Western energy supplies, and to pro-

mote the future stability of the nations of the Caspian region, which is so necessary in order that our companies can operate effectively with the governments of those nations in developing these energy resources.

Mr. President, the full report is available from the Department of State, which originated it. I would, however, like to point out that the interagency group which developed the recommendations puts great emphasis on the need for the Congress to review the prohibition on direct bilateral assistance to Azerbaijan which is contained in Section 907 of the Freedom Support Act. The report indicates that Section 907 has the effect of limiting the influence of the United States in Azerbaijan, including the ability of the United States government to "provide financial support, such as risk insurance and grants for pipeline studies, to companies that are involved with the Azerbaijani government," thereby giving advantage to other governments who have no such limitations placed on their ability to assist their companies in the competition for access and opportunities in Azerbaijan. Revisiting the necessity of retaining, revising, or eliminating Section 907, would allow our institutions, such as the Trade and Development Agency, the Department of Commerce's Foreign Commercial Service, and the Overseas Private Investment Corporation, to assist U.S. companies to compete against foreign corporations, which presently enjoy the support of their own governments in the competition for business and opportunities in Azerbaijan. The report also encourages high-level political and business visits to and from the region, and in this regard I would encourage the President to invite the President of Azerbaijan, Mr. Heydar Aliyev, to make an official visit to Washington. Furthermore, the report encourages the United States to continue to play a mediation role among the countries of the Caspian region, when they are involved in disputes. This is particularly important today with regard to the dispute between Armenia and Azerbaijan, which has inhibited joint development of energy and other projects, and has caused the dislocation and suffering of up to a million refugees in the region. As the report concludes, from a U.S. policy standpoint, "Caspian energy development is not a zero sum game—all can benefit from the region's rapid economic development, including Russia."

Mr. President, the Senate will soon be taking up the Treaty on Conventional Armed Forces in Europe (CFE) Revisions of the Flank Agreement. I find it disturbing that some of the governments most directly affected by this agreement, particularly the governments of Georgia, the Ukraine, and Azerbaijan have refused to sign the agreement. I have received a letter from the ambassador from Azerbaijan on May 5, 1997, Mr. Hafiz Pashayev, in which he expresses his concern over what he describes as an imbalance of

forces in the flank area, which includes his country, and says that the agreement poses a security concern for Azerbaijan. In this regard, he points out that there are credible reports of the provision of massive Russian arms shipments to Armenia, which could well have the effect of further destabilizing the situation in the caucasus. It is important to note that the chairman of the Defense Committee of the Duma, the lower house of the Russian parliament, Mr. Lev Rokhlin, is reported, by Russian newspaper *Nezavisimaya gazeta*, to have revealed that elements of the Russian government or armed forces, from 1993-96, shipped some \$1 billion in arms to Armenia, including 32 R-17's, or Scud missiles and associated launchers, 82 T-72 tanks, 50 armored combat vehicles, various howitzers, grenade launchers, and other missiles and armaments. This, of course, has alarmed American oil companies located within range of these missiles in Azerbaijan, and the ambassador says in his letter that there is concern in his country that these military shipments have caused an imbalance in forces in the so-called "flank" area, and pose a "security concern for Azerbaijan."

The Russian Government, or elements of it, appears to have used its armed forces in recent years in Georgia, in Azerbaijan, certainly in Chechnya, and perhaps other states in the region to exert influence and pressure on those governments. I note that Russia has maintained military bases in both Georgia and Armenia, and I have been informed that Russian officials have brought pressure on the government of Azerbaijan to allow Russian forces to establish a base in that nation. The government of Azerbaijan has, wisely I believe, resisted these pressures and retains its sovereignty without the presence of Russian forces on its soil. Administration officials testified last week, on April 29, 1997, before the Senate Foreign Relations Committee, in connection with the CFE Flank agreement, and have pointed out that it is the policy of the United States not to support the stationing of foreign troops such as Russian forces on the territory of any other states unless that is achieved by means of free negotiations and with full respect for the sovereignty of the states involved. We need to be careful that we do not in any way appear to countenance the imposition of Russian forces or equipment on any nation through heavy-handed tactics, tactics which might push the states of the Caspian region into positions that they would not otherwise freely assent to. Thus, it is certainly of legitimate concern that key states of the Caspian region have not agreed to the terms of the terms of the revisions of the CFE Treaty. This is a matter which I am sure the knowledgeable Senators on the Foreign Relations Committee will be discussing when that Treaty comes to the Senate floor