

Mr. BYRD. I am pleased that we have not done that. In other words, as I understand the distinguished ranking manager, the administration originally wanted the approval of disagreements through normal legislative action by both bodies of the Congress which would, of course, require only majority approval in both bodies. Was that the concern?

Mr. BIDEN. Yes, it is. If I may say, Madam President, to the distinguished leader, that in a November 25, 1996, memorandum for Alan J. Kreczko, Special Assistant to the President and Legal Adviser to the National Security Council, from Christopher Schroeder, Acting Assistant Attorney General, there is this phrase on page 14 of that memorandum. It says:

Because the Senate took the view that such "common understandings" of a treaty had the same binding effect as express provisions of the treaty for the purposes of U.S. law, the Biden condition logically supports the proposition that the President may be authorized to accept changes in treaty obligations either by further Senate advice and consent or by statutory enactment.

The next paragraph:

In light of these judicial and historical precedents, we conclude the Congress may authorize the President, through an executive agreement, substantially to modify the United States' international obligations under an arms control (or other political-military) treaty.

So the purpose, again, was to make it clear what you and I, as we understood at the time that condition was added—I might add, I get credit for it being called the Biden-Byrd condition, of which I am very proud, but the truth of the matter is, after having suggested such a condition early in the ratification process, I spent the next 7 months in the hospital during the remainder of the whole ratification process, and it was the distinguished leader, the Senator from West Virginia—it really should be the Byrd-Biden condition. Nonetheless, that is the reason. You and I never thought a majority vote in both Houses as a simple piece of legislation would be sufficient to approve an amendment to a treaty, and that was the concern expressed by the majority that it be memorialized, if you will, in condition (8).

Mr. BYRD. I thank the very able ranking manager, and I compliment him again and compliment the manager. I am glad that condition has been made clear.

Secondly, I would like to ask the managers of the agreement their reasoning behind their view of the collective impact of conditions (1), (2) and (3). Let me preface what I have just said by reading excerpts from these conditions.

#### CONDITION 1: POLICY OF THE UNITED STATES

I read from the committee report, page 20:

Condition (1) simply restates United States policy that no Russian troops should be deployed on another country's territory without the freely-given consent of that country. Unfortunately, Russia continues to station

troops in several sovereign countries of the former Soviet Union—in several cases against the express wishes of the host country.

#### CONDITION 2: VIOLATIONS OF STATE SOVEREIGNTY

Condition (2) states the view of the Senate that Russian troops are deployed abroad against the will of some countries (namely, Moldova). It further states the Secretary of State should undertake priority discussions to secure the removal of Russian troops from any country that wishes them withdrawn. Further, it requires the Administration to issue a joint statement with the other fifteen members of the NATO alliance reaffirming the principles that this treaty modification does not give any country: (1) The right to station forces abroad against the will of the recipient country; or (2) the right to demand reallocation of military equipment quotas under the CFE Treaty and the Tashkent Agreement. This joint statement was issued, in fact, on May 8, 1997 in Vienna.

#### CONDITION 3: FACILITATION OF NEGOTIATIONS

Now, I am particularly interested in this condition.

Condition (3) ensures that the United States will not be party to any efforts by Russia to intimidate or otherwise extract CFE Treaty concessions from its smaller neighbors.

Let me interpolate right there for the moment with a rhetorical question.

Why should we have to have a condition to ensure that the United States will not be party to any efforts by Russia to intimidate or otherwise extract CFE Treaty concessions from its smaller neighbors? It would seem to me that would be a given.

Let me continue, and then I will yield to the distinguished ranking member.

Indeed, this condition, along with much of the rest of the resolution, is specifically designed to require the United States to safeguard the sovereign rights of other countries (such as Ukraine, Moldova, Azerbaijan, and Georgia) in their dealings with the Russian Federation.

Listen to this:

The committee became alarmed, over the course of its consideration of the CFE Flank Document, with several aspects of the United States negotiating record. This condition [condition No. 3] will ensure that the United States will adhere to the highest principles in the conduct of negotiations undertaken pursuant to the treaty, the CFE Flank Document, and any side statements that have already been issued or which may be issued in the future.

Now, there are several questions that jump out at anyone who reads that paragraph.

It makes reference to "side statements." It uses the word "alarmed." There is a condition there that ensures that the United States will not be a party to any efforts by Russia to intimidate or otherwise extract CFE Treaty concessions from a smaller neighbor.

Why do we have to have a condition to that effect? Is there some confusion about what the right position is that the United States should take? Is it not a given that the United States would not be a party to any efforts by Russia to intimidate concessions from its smaller neighbors?

I yield to the distinguished Senator.

Mr. BIDEN. Let me say, this all came about—and they are, obviously, as usual, very good, incisive and insightful questions.

I think it is unnecessary because I think it is a given. But let me explain, in fairness, why we got to this point and why I thought it was—speaking only for myself—a clarification, although in some sense I thought it was a demeaning clarification. Let me explain.

During the negotiations on the flank agreement, there was concern about what became referred to as a "side agreement." That was, there was an issue that came up during the negotiations where a diplomatic note was passed, which is classified—I am not able to give you, but I can tell you from the committee testimony what it said—a note that was passed to the Russian representative dealing with the issue of the stationing of Russian troops on the soil of the countries you named.

The Under Secretary of State, Lynn Davis, who appeared before the committee on April 29, was asked to explain. He went on to explain why a statement was made to the Russians. The statement made was that we would—this is the quote, in part—"the United States is prepared to facilitate or act as an intermediary for a successful outcome in discussions that could take place under the flank agreement and the CFE Treaty between Russia and other Newly Independent States."

The worry expressed by my friends in the Republican Party was that this reflected a possible inclination to try to mollify Russia and put American pressure on Moldova or Georgia or other states to accept Russian deployment of Russian forces on their soil.

The concern was that the assertion made by the U.S. negotiators was a way of saying, do not worry, we are going to help you to get Russian troops placed in those regions.

Lynn Davis, the Under Secretary said, no, that was never the intention of that "side agreement," as it became referred to.

I will quote what he said at the hearing to my friend from West Virginia. He said:

We see this particular statement of our intentions as part of the reassurance that we can make so that those countries will feel that this is an agreement that continues to be in their security interests. This statement of our intentions makes clear that the commitment is predicated on an understanding that any agreements between Russia and the Newly Independent States must be done on a voluntary basis with due respect for the sovereignty of the countries involved, and our role here is indeed to reinforce that and ensure that it is carried out.

This was the concern that was expressed by my friends on the Republican side, that the United States intention to level the playing field between Russia and other Newly Independent States had not been seen that way by all concerned.

So what was done—and the administration signed on to the condition—was to make it crystal clear that this offer of an intermediary role was not for the purpose of using our influence or power to coerce them into accepting a demand or a suggestion from their Russian brethren.

That is the context, I say to my friend, in which it came up. You used the phrase “the committee became alarmed.” Some in the committee were alarmed because of the wording of the “side agreement.” This was done to clarify what the administration says was their intent from the beginning but now locks in the stated interpretation by the administration of what that whole thing was all about.

I hope I have answered the question, and I hope I have done it correctly.

Mr. HELMS. You have done it correctly, I say to the Senator.

Conditions 1, 2, and 3 of the resolution on ratification require the President to observe reasonable limits in the conduct of certain negotiations facilitated by the United States in support of the CFE Treaty. Specifically, this entails an obligation for the President to conduct his diplomacy in a manner that respects the sovereignty and free will of countries on the periphery of Russia that are under pressure by Russia to allow the establishment of military bases.

In fact, I do not believe that the United States should be party to any negotiation which could result in allowing Russia to deploy its troops into the territory occupied by the Soviet Union for nearly 70 years. Yet this is exactly the result contemplated by the Clinton administration if this resolution of ratification is not clear on this point. Conditions 1, 2, and 3 are clear on this matter.

It is clear from this document that the Clinton administration has demonstrated a willingness to participate in negotiations that could actually result in the establishment of Russian military bases on the territory of other States with the endorsement—and even with the active assistance—of the United States. Is there anyone in the administration who is prepared to state that it would be in the United States' interest for Russia to establish military bases outside of its territory?

The Clinton administration offers hollow assertions that Russian troops will not be deployed in other States without the freely given consent of the relevant government. Russia—still the largest military power in Europe—has used its armed forces in recent years in both Georgia and Azerbaijan with virtually no complaint from the Clinton administration.

Russia uses its military presence in Ukraine and Moldova to influence the sovereign governments of those States while the Clinton administration remains silent. Russian Government officials have made open threats of military invasion against the Baltic States. Finally, less than 1 year ago, a

bloody war in Chechnya was brought to an end. That war was characterized by wide scale Russian atrocities, the intentional targeting of civilians, and casualties possibly in excess of 100,000 people—mostly innocent men, women, and children. Do the administration's lawyers find that these incidents were with the freely given consent of the affected governments?

Conditions 1, 2, and 3 set reasonable limits specifically tied to activities cited in paragraph IV (2) and (3) of the CFE Flank Document.

Mr. BIDEN. Mr. President—Madam President, I made the mistake of referring to the Presiding Officer as “Mr. President” before I turned around. And I also made the mistake of referring to Under Secretary Davis as “he.” It is “she.” I knew that, and I apologize on both scores.

Mr. BYRD. Well, Madam President, I came up, I suppose, at a time when political correctness did not make any difference. As far as I am concerned, it does not make any difference yet. And the pronoun “he” is inclusive. It was inclusive when I was a boy; it was inclusive when I became a man. It still is inclusive of the female. So I would not worry too much about that.

Mr. BIDEN. Madam President, as the distinguished former majority leader knows, another former majority leader, Senator Baker, used an expression all the time. He would come to the floor, and he would say, “I ain't got no dog in that fight.”

Mr. BYRD. I commend the committee for including that condition.

I can understand how the committee would become alarmed. I think that it would have been well if all Senators could have been notified that there was—and maybe they were, I do not know, but I do not remember being notified except through my own staff that there was such a paper up in room 407 so that they could have gone up and examined it. I heard about it this afternoon, and I went up and looked at it.

So I think the committee had a right to be alarmed. I congratulate the committee on including the condition which, as Mr. BIDEN has just said, locks it in, locks the administration in, so there will be no doubt that the United States will not be party to any efforts by Russia to intimidate or otherwise extract CFE Treaty concessions from its smaller neighbors.

I would dare say, if the people in Azerbaijan or Armenia or Georgia should see that language, they would be alarmed also—they would be alarmed also. They would wonder, where does the United States stand? But the condition is there. And I again commend the committee on including it.

Do the managers feel that U.S. policy is now clearly to protect the interests and rights of the newly sovereign nations of the Caucasus against intimidation and pressure tactics by the Russians regarding equipment that is covered by the flank agreement that we are considering here today?

Mr. HELMS. Yes, sir.

Mr. BIDEN. I would say yes, as well, Madam President.

Mr. BYRD. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. BYRD. Madam President, I thank all Senators. Especially I thank the manager and ranking manager on the committee.

I shall vote for the treaty.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Will the Senator yield me 1 minute?

Mr. BYRD. I yield 1 minute to the Senator.

Mr. HELMS. I thank the Senator.

During the past 4 years, the Clinton administration has remained silent while Russia has encroached upon the territory and sovereignty of its neighbors. It was the lack of a foreign policy—not a lack of tools—that allowed this to happen.

I have confidence that the new Secretary of State will correct the course of our policies toward Russia, and I gladly support this treaty to aid the Honorable Madeleine Albright in that endeavor. The collapse of the Soviet Union was one of the finest moments of the 20th century. To allow even a partial restoration of the Soviet Union before the turn of the century would be a failure of an even greater magnitude.

Senator LOTT, I believe, is standing by.

I thank the Senator.

Mr. BYRD. I thank the distinguished Senator.

I reserve the remainder of my time.

Mr. BIDEN. Madam President, before the distinguished leader takes the floor, if I could just take 60 seconds of the 3 minutes I have remaining to comment on something the Senator from West Virginia said.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Madam President, the Senate has always been served well by the talent of the Senator from West Virginia and, most importantly, in making sure that we do our job responsibly.

I would make only one 20-second explanation of why I think this treaty got less of a cover than any others.

One was the way in which it was delayed and being presented and the timeframe. But a second reason is that people who followed this, which is a mistake to assume everyone should, people who follow this have been aware of what the terms of the agreement were since May of last year.

I think many of us fell into the routine on Foreign Relations and Armed Services of thinking that its terms were well known. And it was widely accepted, the broad outlines of the treaty. But I think the Senator makes a very valid point and I, too, as ranking member of this committee, do not want

to be party to these expedited efforts to deal with very significant security issues relating to the United States.

Mr. HELMS. Let us make a pact.

Mr. BIDEN. We make a pact.

Mr. BYRD. Mr. President, I thank both Senators.

Mr. BIDEN. I reserve the remainder of my time, if I have any.

Mr. LOTT. Madam President, could I inquire how much time is remaining for debate?

The PRESIDING OFFICER. The Senator from West Virginia has 5 minutes remaining. The Senator from Delaware has 2 minutes remaining.

Mr. LOTT. Then I will yield myself time off my leader's time.

Mr. BYRD. Do you need more time?

Mr. LOTT. No. I thank the Senator from West Virginia.

I am glad I was able to come to the floor, Madam President, and listen to this exchange. I always enjoy learning from the exchanges involving the senior Senators, like the Senators from West Virginia and North Carolina and Delaware. I wish all Members had been here for the last hour and heard this debate.

I do want to take just a few minutes, as we get to the close of debate, to speak on the Chemical Forces in Europe flank agreement or resolution of ratification because I think it is very important. I wish we did have more time to talk about all of its ramifications, but I know the chairman and the ranking member have gone over the importance of this treaty earlier today.

Madam President, we have an important treaty before us today modifying the 1990 Conventional Armed Forces in Europe Agreement [CFE]. The Flank Document adjusts the CFE boundaries to reflect the collapse of the Soviet Empire, adds reporting requirements, and increases inspection provisions.

Negotiations to modify the CFE Treaty began in 1995, because Russia threatened to violate the flank limits in the original treaty. The precedent of modifying a treaty to accommodate violations by a major signatory concerned many of us. We have also been concerned about how Russia intends to use the Flank Agreement to pressure countries on its borders—former Republics of the Soviet Union. Our concerns were dramatically heightened by the classified side agreement the administration reached to further accommodate Russian demands. This side agreement is available for all Senators to review in room S-407 of the Capitol.

The concerns about the CFE Flank Agreement are shared by a number of states which have been subjected to Russian intimidation, pressure and subversion. States with Russian troops on their soil without their consent—Moldova, Ukraine, and Georgia—have rightly expressed concern that the Flank Agreement must not undermine their sovereign right to demand withdrawal of those Russian forces. A fourth country, Azerbaijan, has been subject to Russian-sponsored coups and

assassination attempts. They have been reluctant to approve the Flank Agreement without adequate assurances.

The resolution of ratification before the Senate today addresses these concerns. The resolution includes a number of binding conditions which make clear to all CFE parties that no additional rights for Russian military deployments outside Russian borders are granted. The resolution ensures that United States diplomacy will not be engaged on the side of Russia but on the side of the victims of Russian policies. In addition, the 16 members of NATO issued a statement last week affirming that no additional rights are granted to Russia by the Flank Agreement. This statement was a direct result of the concerns expressed by other CFE parties and by the Senate.

The resolution directly addresses the administration's side agreement in condition 3 which limits United States diplomatic activities to ensuring the rights of the smaller countries on Russia's borders. This resolution ensures the United States will not tacitly support Russian policies that have undermined the independence of Ukraine, Georgia, Moldova, and Azerbaijan. Finally, the resolution requires detailed compliance reports and lays out a road map for dealing with noncompliance in the future.

The resolution of ratification also addresses important issues of Senate prerogatives. It clarifies that the Byrd-Biden condition, added to the INF Treaty in 1988, does not allow the administration to avoid Senate advice and consent on treaty modifications or amendments. The resolution addresses the issue of multilateralizing the 1972 ABM Treaty in condition 9. The administration has raised objections to this provision as they have to many previous efforts to assert Senate prerogatives on this point. This should be an institutional position—not a partisan issue.

For more than 3 years, Congress has been on the record expressing serious misgivings about the administration plan to alter the ABM Treaty by adding new signatories. Section 232 of the 1994 defense authorization bill states the issue clearly: "The United States shall not be bound by any international agreement entered into by the President that would substantively modify the ABM Treaty unless the agreement is entered pursuant to the treaty making power of the President under the Constitution."

Efforts to address the multilateralization issue since then have resulted in filibusters and veto threats. It should not surprise anyone that the Senate selected this resolution of ratification to address the issue—just as Senators BYRD and BIDEN selected the resolution of ratification for the INF Treaty to address an ABM Treaty issue 9 years ago.

Many of my colleagues are familiar with the issue of ABM multi-

lateralization. Despite the often arcane legal arguments, the issue is not complicated. The Senate gave its advice and consent to the 1972 ABM Treaty as a bilateral agreement between the United States and the Soviet Union. The administration has proposed adding as many as four new signatories to the treaty and has negotiated limited treaty rights for those new signatories. The administration's proposal would define Russia's national territory to include these countries for purposes of the ABM Treaty. The administration's proposal would essentially define military equipment of these countries as belonging to Russia for purposes of the ABM Treaty. The administration's proposal would add new countries to the ABM Treaty but not grant them rights allowed the original signatories. This would mean that countries would have the power to block future U.S. amendments to the ABM Treaty—even though the new signatories would not have the same rights and obligations as the United States. The administration's proposed multilateralization would only address some of the military equipment covered under the original ABM Treaty—leaving a radar in Latvia, for example, outside the scope of the new treaty. Under the administration's proposal, the vast majority of states independent which succeeded the Soviet Union would be free to develop and deploy unlimited missile defenses—a dramatic change from the situation in 1972 when the deployment of missile defenses on these territories was strictly limited by the ABM Treaty.

In part and in total, these are clearly substantive modifications which require—under U.S. law—Senate advice and consent. Multilateralization would alter the object and purpose of the ABM Treaty as approved by the Senate in 1972. Multilateralization, therefore, must be subject to the advice and consent of the Senate.

The administration argues that it has the sole power to determine questions of succession. But that is not true. The Congressional Research Service opinion, quoted widely in this debate, recognizes that "International law regarding successor States and their treaty obligations \* \* \* remains unsettled." It also notes that "international law does not provide certain guidance on the question of whether the republics formed on the territory of the former U.S.S.R. have succeeded to the rights and obligations of the ABM Treaty" and that "a multilateralization agreement could include matters that would alter the substance of the ABM Treaty and require Senate advice and consent." It is my understanding that this opinion was prepared a year ago by a lawyer who has not even seen the text of the proposed agreement.

The administration's position does not recognize the arms control precedents followed in the last decade. Arms control treaties are different from

treaties on fisheries, taxes, or cultural affairs. START I was concluded with the Soviet Union but entered into force only after the Senate gave its advice and consent to the Lisbon Protocol apportioning the nuclear forces of the former Soviet Union among successor States. The Bush administration did not argue that Ukrainian SS-19 missiles were the property of Russia. Yet, the Clinton administration is essentially arguing that Ukrainian phased-array radars are Russian under the proposed ABM multilateralization agreement. The question of successor state obligations under the CFE Treaty was explicitly recognized by the Senate when we gave our advice and consent to that treaty. During our consideration, a condition was included in the resolution of ratification which specified procedures for the accession of new States Parties to the CFE Treaty. On the issue of ABM multilateralization, Congress has specifically legislated on our right to review the agreement. To my knowledge, that has not happened on any other succession issue. Clearly, ABM multilateralization is very different from routine succession questions which have been decided by the executive branch alone.

Madam President, I agree with the administration on one important point. This is a constitutional issue. The White House has taken one position until today, and now the Senate has definitively taken another. Last January, I asked President Clinton to agree to submit three treaties for our consideration. The President has agreed to submit the ABM Demarcation agreement and the CFE Flank Agreement, which is before the Senate today. After he refused to submit ABM multilateralization, I said publicly that I would continue to press for the Senate prerogatives—because the Constitution, the precedents and the law are on our side. We do not prejudice the outcome of our consideration of ABM multilateralization. All we require is that the administration submit the agreement to the Senate. Yes, that requires building a consensus that may not exist today but such a consensus is necessary for a truly bipartisan national security policy. That is the issue before the Senate today.

Late last week, the administration recognized the Senate's desire to review ABM multilateralization. They proposed replacing the certification in condition 9 with nonbinding "sense of the Senate" language. In exchange, Secretary Albright offered to send a letter assuring us that we could address multilateralization in an indirect way—as part of a reference in the ABM demarcation agreement. But this offer was logically inconsistent. It asked the Senate to simply express our view about a right to provide advice and consent to multilateralization—and then accept a letter that explicitly denied that right. Adding new parties to the ABM Treaty is a fundamentally different issue from the proposed de-

marcation limits on theater defense systems. The administration's offer would allow multilateralization regardless of Senate action on the demarcation agreement. Our position is simple: We want to review multilateralization through the "front door" on its own merits—not through the "back door" as a reference in a substantively different agreement.

When the administration agreed to submit the CFE Flank Agreement for our advice and consent, we were asked to act by the entry into force deadline of May 15. We will act today even though the treaty was not submitted to the Senate until April 7—3 months after my request. We will act today even though we have a very full agenda—including comp time/flex time, IDEA, partial birth abortion and the budget resolution. We will fulfill our constitutional duty, we will address our concerns about policy toward Russia, and we will address the important issue of Senate prerogatives.

I urge my colleagues to support the entire resolution of ratification reported by the Foreign Relations Committee—including condition 9 on ABM multilateralization.

Madam President, I want to thank many Senators who have worked very hard and for quite some time on this treaty and on the ABM condition.

I particularly would like to thank Chairman HELMS, Senator BIDEN, Senator GORDON SMITH, and their staffs for all the work they did to get this resolution before the Senate today. Also, I would like to thank Senators who helped in insisting on Senate prerogatives—Senator WARNER and Senator MCCAIN, Senator SMITH, Senator KYL, Senator SHELBY, Senator LUGAR, and Senator HAGEL. A number of Senators on the committee and some not on the committee have been very much involved in this process. I commend them all.

Senators have had concerns about how and why this agreement was negotiated, and we had concerns about a side deal the administration made with the Russians concerning the allocation of equipment under the treaty.

The Senate has addressed these concerns decisively in this resolution of ratification. The resolution places strict limits on the administration's flank policy. It ensures that we will be on the side of the victims of Russian intimidation and that the United States will stand up for the independence of States on Russia's borders.

Most important, this resolution addresses a critical issue of Senate prerogative, our right to review the proposed modifications to the 1972 ABM Treaty. It was a decade ago that another ABM Treaty issue was brought in this body. That debate over interpretations of the ABM Treaty was finally resolved in the resolution of ratification for the INF Treaty in 1988.

Today, we are resolving the debate over multilateralization of the ABM Treaty in this resolution of ratifica-

tion. For more than 3 years now Congress and the executive branch have discussed back and forth the appropriate Senate rule in reviewing the administration's plan to add new countries to the ABM Treaty.

Condition 9 requires the President to submit any multilateralization agreement to the Senate for our advice and consent. It does not force action here. It just says we should have that opportunity. We should be able to exercise that prerogative to review these changes. It ensures we will have a full opportunity to look at the merits of multilateralization in the future. I believe the Constitution and legal precedence are in our favor.

Today, the Senate will act on the Conventional Forces in the Europe [CFE] Flank Agreement in time to meet the May 15 deadline. In spite of the limited time we had to consider the agreement and the very full schedule that we have had on the floor, we are meeting that deadline.

I did have the opportunity to discuss this issue with our very distinguished Secretary of State yesterday, and we discussed the importance of this CFE Flank Agreement. Also, we talked about how we could properly and appropriately address our concerns about multilateralization. I suspect that she probably had something to do with the decision to go forward with it in this form, and I thank her for that, and the members of the committee for allowing it to go forward in this form.

Mr. BIDEN. Will the Senator yield?

Mr. LOTT. I am happy to yield to the Senator.

Mr. BIDEN. I would like to publicly comment and compliment the Senator from Mississippi. The truth of the matter is that this treaty would not be before the Senate today as a treaty without the efforts of the majority leader. The executive believed that they can do this by executive agreement. They did not think they needed to submit this to the Senate, although I had been for several months explaining that I thought it should be treated as a treaty. It was not until the distinguished leader from Mississippi said, if it is not treated as a treaty, we have a problem.

The truth of the matter is the reason it is here is because of the distinguished Senator from Mississippi. I thank him for that.

Mr. LOTT. I thank the Senator for those comments. I did write to the President expressing my concerns in this area in January of this year, and other issues.

When I had the opportunity to visit with Secretary Madeleine Albright before she was confirmed by the Senate, I had the temerity to read to her from the Constitution about our rights in the Senate in advice and consent, and she said, "You know, I agree with you. I taught that at Georgetown University," and I believe she meant that.

I think we are seeing some results of that, and I appreciate the fact that our prerogatives are being protected. We

have had this opportunity to review it, debate it, and we will be able to take up other issues later on this year that are very important for Senate consideration. I think the process has worked. I urge my colleagues to support this resolution of ratification.

I yield the floor.

Mr. BYRD. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. BYRD. I will take 30 seconds. I want to thank the majority leader, and I associate myself with the remarks of Senator BIDEN. I thank the majority leader in insisting that this come to the Hill as a treaty, which requires a supermajority in the Senate. I very much appreciate that.

Madam President, I yield back the remainder of my time to Mr. BIDEN and Mr. HELMS. They can yield it back or they can use it.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I have nothing more to say, which will surprise my colleagues, except that the distinguished Democratic leader, I am told, may wish to speak on leader's time for a few moments on this issue. Give me a minute to check on whether or not the distinguished leader, Mr. DASCHLE, wishes to speak.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DASCHLE. Madam President, the Senate today is being presented with an opportunity that is as rare as it is important. For the second time in less than 3 weeks, the Senate is being asked to give its advice and consent on a major arms control treaty: the flank agreement to the Conventional Forces in Europe treaty.

Late last month, the Senate had placed before it the Chemical Weapons Convention [CWC]. After much debate, the Senate resoundingly rebuffed several attempts by the treaty's opponents to scuttle it, and eventually passed CWC with the support of 74 Senators.

Now many have questioned the length to which CWC opponents went in their efforts to kill or delay Senate consideration of this treaty. I share some of those concerns. However, in the end, when the Senate was finally allowed to take up the CWC treaty, I would argue that the ensuing floor debate on the CWC treaty represented the Senate at its best. Senators discussed honest disagreements on issues directly related to the CWC treaty, carefully weighed those discussions, and finally voted up or down on those issues and, ultimately, the treaty itself. In short, during the actual floor debate of

the CWC treaty, we saw the Senate acting in a responsible and exemplary fashion.

I am confident that if we had this same kind of debate on the CFE treaty, we would see the same result. In fact, the margin would probably be significantly greater for CFE than for CWC. I have listened carefully to the comments of my fellow Senators on for their views on this important agreement and have yet to hear a single Senator voice his or her opposition to the CFE treaty. This was true before the Foreign Relations Committee attached 13 CWC-related conditions and it is especially true after. As a result, Senate support for the CFE agreement itself probably exceeds the 74 who voted for the CWC.

Unfortunately, the Senate is being prevented from considering the CFE treaty in the same fashion we considered the CWC. We are not being allowed to look at just the CFE treaty and issues directly related to it. Instead, the time for Senate consideration of the CFE treaty is likely to be spent largely on a wholly unrelated issue—the ABM treaty and opponents efforts to undermine it.

Now, I understand this is an important issue to many members on the other side of the aisle. And, I know that Senators are well within their rights to attach unrelated matters to most types of legislation we consider.

However, I disagree with the proponents of the ABM condition on the merits and I especially disagree with them on their methods. On the merits, the administration's lawyers argue persuasively that the Constitution assigns the exclusive responsibility to the President to determine the successor states to any treaty when an original party dissolves, to make whatever adjustments might be required to accomplish such succession, and to enter into agreements for this purpose. Increasing the number of states participating in a treaty due to the dissolution of an original party does not itself constitute a substantive modification of obligations assumed. This is the view of the administration's lawyers. This is also the view of the nonpartisan Congressional Research Service in a legal review they conducted last year.

As for their methods, I think it is both unfortunate and short-sighted to use a treaty that is in our national security interests as a vehicle for advancing a totally unrelated political agenda. The principal sponsors of this condition have previously made no secret of the fact that they would like to see the United States walk away from the entire ABM treaty and immediately begin spending tens of billions of dollars to build a star wars type missile defense. With this act, they have now revealed the lengths they are willing to go to force their views on this Senate and this administration.

Nevertheless, that is what has been done. Senators are now faced with a difficult choice: vote for this treaty in

spite of the unacceptable ABM condition or against it because of the ABM language. This is an extremely close call for many of us.

In the end, Madam President, we must support this treaty. We must do so for two reasons. First, the treaty is still fundamentally in our strategic interest. Failure to pass this treaty now could unravel both the CFE agreement as well as any future efforts to enhance security arrangements in Europe. Second, the administration, which must ultimately decide how to deal with the objectionable ABM condition, has indicated that we should vote for this treaty now and let them work out what to do about this provision later. It is for these reasons that I cast my vote in support of this treaty and urge my colleagues to do the same.

Mr. BIDEN. Madam President, depending on the disposition of the chairman of the committee, I am prepared to yield back whatever time we have left and am ready to vote. The distinguished minority leader does not wish to speak on this at this moment.

I yield back the remainder of my time.

Mr. BYRD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. LOTT. Madam President, if I could say for the Senators that will be coming over, this will be the last vote for the night so we can attend a very important dinner we have scheduled momentarily.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. On this question, the yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The yeas and nays resulted—yeas 100, nays 0, as follows:

[Rollcall Vote No. 67 Ex.]

YEAS—100

Abraham	Enzi	Leahy
Akaka	Faircloth	Levin
Allard	Feingold	Lieberman
Ashcroft	Feinstein	Lott
Baucus	Ford	Lugar
Bennett	Frist	Mack
Biden	Glenn	McCain
Bingaman	Gorton	McConnell
Bond	Graham	Mikulski
Boxer	Gramm	Moseley-Braun
Breaux	Grams	Moynihan
Brownback	Grassley	Murkowski
Bryan	Gregg	Murray
Bumpers	Hagel	Nickles
Burns	Harkin	Reed
Byrd	Hatch	Reid
Campbell	Helms	Robb
Chafee	Hollings	Roberts
Cleland	Hutchinson	Roth
Coats	Hutchison	Santorum
Cochran	Inhofe	Sarbanes
Collins	Inouye	Sessions
Conrad	Jeffords	Shelby
Coverdell	Johnson	Smith (NH)
Craig	Kempthorne	Smith (OR)
D'Amato	Kennedy	Snowe
Daschle	Kerrey	Specter
DeWine	Kerry	Stevens
Dodd	Kohl	Thomas
Domenici	Kyl	
Dorgan	Landrieu	
Durbin	Lautenberg	

Thompson Torricelli Wellstone  
Thurmond Warner Wyden

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification, as amended, is as follows:

*Resolved (two-thirds of the Senators present concurring therein),*

**SECTION 1, SENATE ADVICE AND CONSENT SUBJECT TO CONDITIONS.**

The Senate advises and consents to the ratification of the CFE Flank Document (as defined in section 3 of this resolution), subject to the conditions in section 2.

**SEC. 2. CONDITIONS.**

The Senate's advice and consent to the ratification of the CFE Flank Document is subject to the following conditions, which shall be binding upon the President:

(1) **POLICY OF THE UNITED STATES.**—Nothing in the CFE Flank Document shall be construed as altering the policy of the United States to achieve the immediate and complete withdrawal of any armed forces and military equipment under the control of the Russian Federation that are deployed on the territories of the independent states of the former Soviet Union (as defined in section 3 of the FREEDOM Support Act) without the full and complete agreement of those states.

(2) **VIOLATIONS OF STATE SOVEREIGNTY.**—

(A) **FINDING.**—The Senate finds that armed forces and military equipment under the control of the Russian Federation are currently deployed on the territories of States Parties without the full and complete agreement of those States Parties.

(B) **INITIATION OF DISCUSSIONS.**—The Secretary of State should, as a priority matter, initiate discussions with the relevant States Parties with the objective of securing the immediate withdrawal of all armed forces and military equipment under the control of the Russian Federation deployed on the territory of any State Party without the full and complete agreement of that State Party.

(C) **STATEMENT OF POLICY.**—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that the United States and the governments of Belgium, Canada, Denmark, France, Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, and the United Kingdom have issued a joint statement affirming that—

(i) the CFE Flank Document does not give any State Party the right to station (under Article IV, paragraph 5 of the Treaty) or temporarily deploy (under Article V, paragraphs 1 (B) and C) of the Treaty) conventional armaments and equipment limited by the Treaty or the territory of other States Parties to the Treaty without the freely expressed consent of the receiving State Party;

(ii) the CFE Flank Document does not alter or abridge the right of any State Party under the Treaty to utilize fully its declared maximum levels for conventional armaments and equipment limited by the Treaty notified pursuant to Article VII of the Treaty; and

(iii) the CFE Flank Document does not alter in any way the requirement for the freely expressed consent of all States Parties concerned in the exercise of any reallocations envisioned under Article IV, paragraph 3 of the CFE Flank Document.

(3) **FACILITATION OF NEGOTIATIONS.**—

(A) **UNITED STATES ACTION.**—

(i) **IN GENERAL.**—The United States, in entering into any negotiation described in clause (ii) involving the government of Moldova, Ukraine, Azerbaijan, or Georgia,

including the support of United States intermediaries in the negotiation, will limit its diplomatic activities to—

(I) achieving the equal and unreserved application by all States Parties of the principles of the Helsinki Final Act, including, in particular, the principle that "States will respect each other's sovereign equality and individuality as well as all the rights inherent in and concompassed by its sovereignty, including a particular, the right of every State to juridical equality, to territorial integrity, and to freedom and political independence.";

(II) ensuring that Moldova, Ukraine, Azerbaijan, and Georgia retain the right under the Treaty to reject, or accept conditionally, any request by another State Party to temporarily deploy conventional armaments and equipment limited by the Treaty on its territory; and

(III) ensuring the right of Moldova, Ukraine, Azerbaijan, and Georgia to reject, or to accept conditionally, any request by another State Party to reallocate the current quotas of Moldova, Ukraine, Azerbaijan, and Georgia, as the case may be, applicable to conventional armaments and equipment limited by the Treaty and as established under the Tashkent Agreement.

(ii) **NEGOTIATIONS COVERED.**—A negotiation described in this clause is any negotiation conducted pursuant to paragraph (2) or (3) of Section IV of the CFE Flank Document or pursuant to any side statement or agreement related to the CFE Flank Document concluded between the United States and the Russian Federation.

(B) **OTHER AGREEMENTS.**—Nothing in the CFR Flank Document shall be construed as providing additional rights to any State Party to temporarily deploy forces or to reallocate quotas for conventional armaments and equipment limited by the Treaty beyond the rights accorded to all States Parties under the original Treaty and as established under the Tashkent Agreement.

(4) **NONCOMPLIANCE.**—

(A) **IN GENERAL.**—If the President determines that persuasive information exists that a State Party is in violation of the Treaty or the CFE Flank Document in a manner which threatens the national security interests of the United States, then the President shall—

(i) consult with the Senate and promptly submit to the Senate a report detailing the effect of such actions;

(ii) seek on an urgent basis an inspection of the relevant State Party in accordance with the provisions of the Treaty or the CFE Flank Document with the objective of demonstrating to the international community the act of noncompliance;

(iii) seek, or encourage, on an urgent basis, a meeting at the highest diplomatic level with the relevant State Party with the objective of bringing the noncompliant State Party into compliance;

(iv) implement prohibitions and sanctions against the relevant State Party as required by law;

(v) if noncompliance has been determined, seek on an urgent basis the multilateral imposition of sanctions against the noncompliant State Party for the purposes of bringing the noncompliant State Party into compliance; and

(vi) in the event that noncompliance persists for a period longer than one year after the date of the determination made pursuant to this subparagraph, promptly consult with the Senate for the purposes of obtaining a resolution of support for continued adherence to the Treaty, notwithstanding the changed circumstances affecting the object and purpose of the Treaty.

(B) **AUTHORITY OF DIRECTOR OF CENTRAL INTELLIGENCE.**—Nothing in this section may be

construed to impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(5)).

(C) **PRESIDENTIAL DETERMINATIONS.**—If the President determines that an action otherwise required under subparagraph (A) would impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure, the President shall report that determination, together with a detailed written explanation of the basis for that determination, to the chairmen of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives not later than 15 days after making such determination.

(5) **MONITORING AND VERIFICATION OF COMPLIANCE.**—

(A) **DECLARATION.**—The Senate declares that—

(i) the Treaty is in the interests of the United States only if all parties to the Treaty are in strict compliance with the terms of the Treaty as submitted to the Senate for its advice and consent to ratification, such compliance being measured by performance and not by efforts, intentions, or commitments to comply; and

(ii) the Senate expects all parties to the Treaty, including the Russian Federation, to be in strict compliance with their obligations under the terms of the Treaty, as submitted to the Senate for its advice and consent to ratification.

(B) **BRIEFINGS ON COMPLIANCE.**—Given its concern about ongoing violations of the Treaty by the Russian Federation and other States Parties, the Senate expects the executive branch of Government to offer briefings not less than four times a year to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives on compliance issues related to the Treaty. Each such briefing shall include a description of all United States efforts in bilateral and multilateral diplomatic channels and forums to resolve compliance issues relating to the Treaty, including a complete description of—

(i) any compliance issues the United States plans to raise at meetings of the Joint Consultative Group under the Treaty;

(ii) any compliance issues raised at meetings of the Joint Consultative Group under the Treaty; and

(iii) any determination by the President that a State Party is in noncompliance with or is otherwise acting in a manner inconsistent with the object or purpose of the Treaty, within 30 days of such a determination.

(C) **ANNUAL REPORTS ON COMPLIANCE.**—Beginning January 1, 1998, and annually thereafter, the President shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a full and complete classified and unclassified report setting forth—

(i) certification of those States Parties that are determined to be in compliance with the Treaty, on a country-by-country basis;

(ii) for those countries not certified pursuant to clause (i), an identification and assessment of all compliance issues arising with regard to the adherence of the country to its obligations under the Treaty;

(iii) for those countries not certified pursuant to clause (i), the steps the United States has taken, either unilaterally or in conjunction with another State Party—

(I) to initiate inspections of the noncompliant State Party with the objective of demonstrating to the international community the act of noncompliance;

(II) to call attention publicly to the activity in question; and

(III) to seek on an urgent basis a meeting at the highest diplomatic level with the non-compliant State Party with the objective of bringing the noncompliant State Party into compliance;

(iv) a determination of the military significance of and border security risks arising from any compliance issue identified pursuant to clause (ii); and

(v) a detailed assessment of the responses of the noncompliant State Party in question to actions undertaken by the United States described in clause (iii).

(D) ANNUAL REPORT ON WITHDRAWAL OF RUSSIAN ARMED FORCES AND MILITARY EQUIPMENT.—Beginning January 1, 1998, and annually thereafter, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives on the results of discussions undertaken pursuant to subparagraph (B) of paragraph (2), plans for future such discussions, and measures agreed to secure the immediate withdrawal of all armed forces and military equipment in question.

(E) ANNUAL REPORT ON UNCONTROLLED TREATY-LIMITED EQUIPMENT.—Beginning January 1, 1998, and annually thereafter, the Director of Central Intelligence shall submit to the Committees on Foreign Relations, Armed Services, and the Select Committee on Intelligence of the Senate and to the Speaker of the House of Representatives a full and complete classified and unclassified report regarding—

(i) the status of uncontrolled conventional armament and equipment limited by the Treaty, on a region-by-region basis within the Treaty's area of application;

(ii) the status of uncontrolled conventional armaments and equipment subject to the Treaty, on a region-by-region basis within the Treaty's area of application; and

(iii) any information made available to the United States Government concerning the transfer of conventional armaments and equipment subject to the Treaty within the Treaty's area of application made by any country to any subnational group, including any secessionist movement or any terrorist or paramilitary organization.

(F) COMPLIANCE REPORT ON ARMENIA AND OTHER PARTIES IN THE CAUCASUS REGION.—Not later than August 1, 1997, the President shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a full and complete classified and unclassified report regarding—

(i) whether Armenia was in compliance with the Treaty in allowing the transfer of conventional armaments and equipment limited by the Treaty through Armenia territory to the secessionist movement in Azerbaijan;

(ii) whether other States Parties located in the Caucasus region are in compliance with the Treaty; and

(iii) if Armenia is found not to have been in compliance under clause (i), or, if any other State Party is found not to be in compliance under clause (ii), what actions the President has taken to implement sanctions as required by chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.; relating to assistance to the independent states of the former Soviet Union) or other provisions of law.

(G) REPORT ON DESTRUCTION OF EQUIPMENT EAST OF THE URALS.—Not later than January 1, 1998, the President shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a full and complete classified and unclassified report regarding—

(i) whether the Russian Federation is fully implementing on schedule all agreements re-

quiring the destruction of conventional armaments and equipment subject to the Treaty but for the withdrawal of such armaments and equipment by the Soviet Union from the Treaty's area of application prior to the Soviet Union's deposit of its instrument of ratification of the Treaty; and

(ii) whether any of the armaments and equipment described under clause (i) have been redeployed, reintroduced, or transferred into the Treaty's area of application and, if so, the location of such armaments and equipment.

(H) DEFINITIONS.—

(i) UNCONTROLLED CONVENTIONAL ARMAMENTS AND EQUIPMENT LIMITED BY THE TREATY.—The term "uncontrolled conventional armaments and equipment limited by the Treaty" means all conventional armaments and equipment limited by the Treaty not under the control of a State Party that would be subject to the numerical limitations set forth in the Treaty if such armaments and equipment were directly under the control of a State Party.

(ii) UNCONTROLLED CONVENTIONAL ARMAMENTS AND EQUIPMENT SUBJECT TO THE TREATY.—The term "uncontrolled conventional armaments and equipment subject to the Treaty" means all conventional armaments and equipment described in Article II(1)(Q) of the Treaty not under the control of a State Party that would be subject to information exchange in accordance with the Protocol on Information Exchange if such armaments and equipment were directly under the control of a State Party.

(6) APPLICATION AND EFFECTIVENESS OF SENATE ADVICE AND CONSENT.—

(A) IN GENERAL.—The advice and consent of the Senate in this resolution shall apply only to the CFE Flank Document and the documents described in subparagraph (D).

(B) PRESIDENTIAL CERTIFICATION.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that, in the course of diplomatic negotiations to secure accession to, or ratification of, the CFE Flank Document by any other State Party, the United States will vigorously reject any effort by a State Party to—

(i) modify, amend, or alter a United States right or obligation under the Treaty or the CFE Flank Document, unless such modification, amendment, or alteration is solely an extension of the period of provisional application of the CFE Flank Document or a change of a minor administrative or technical nature;

(ii) secure the adoption of a new United States obligation under, or in relation to, the Treaty or the CFE Flank Document, unless such obligation is solely of a minor administrative or technical nature; or

(iii) secure the provision of assurances, or endorsement of a course of action or a diplomatic position, inconsistent with the principles and policies established under conditions (1), (2), and (3) of this resolution.

(C) SUBSTANTIVE MODIFICATIONS.—Any subsequent agreement to modify, amend, or alter the CFE Flank Document shall require the complete resubmission of the CFE Flank Document, together with any modification, amendment, or alteration made thereto, to the Senate for advice and consent to ratification, if such modification, amendment, or alteration is not solely of a minor administrative or technical nature.

(D) STATUS OF OTHER DOCUMENTS.—

(i) IN GENERAL.—The following documents are of the same force and effect as the provisions of the CFE Flank Document:

(I) Understanding on Details of the CFE Flank Document of 31 May 1996 in Order to Facilitate its Implementation.

(II) Exchange of letters between the United States Chief Delegate to the CFE Joint Con-

sultative Group and the Head of Delegation of the Russian Federation to the Joint Consultative Group, dated July 25, 1996.

(ii) STATUS OF INCONSISTENT ACTIONS.—The United States shall regard all actions inconsistent with obligations under those documents as equivalent under international law to actions inconsistent with the CFE Flank Document or the Treaty, or both, as the case may be.

(7) MODIFICATIONS OF THE CFE FLANK ZONE.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that any subsequent agreement to modify, revise, amend, or alter the boundaries of the CFE flank zone, as delineated by the map entitled "Revised CFE Flank Zone" submitted by the President to the Senate on April 7, 1997, shall require the submission of such agreement to the Senate for its advice and consent to ratification, if such changes are not solely of a minor administrative or technical nature.

(8) TREATY INTERPRETATION.—

(A) PRINCIPLES OF TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in condition (1) in the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988.

(B) CONSTRUCTION OF SENATE RESOLUTION OF RATIFICATION.—Nothing in condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, shall be construed as authorizing the President to obtain legislative approval for modifications or amendments to treaties through majority approval of both Houses.

(C) DEFINITION.—As used in this paragraph, the term "INF Treaty" refers to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles, together with the related memorandum of understanding and protocols, done at Washington on December 8, 1987.

(9) SENATE PREROGATIVES ON MULTILATERALIZATION OF THE ABM TREATY.—

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

(i) Section 232 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337) states that "the United States shall not be bound by any international agreement entered into by the President that would substantively modify the ABM Treaty unless the agreement is entered pursuant to the treaty making power of the President under the Constitution".

(ii) The conference report accompanying the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) states ". . . the accord on ABM Treaty succession, tentatively agreed to by the administration, would constitute a substantive change to the ABM Treaty, which may only be entered into pursuant to the treaty making power of the President under the Constitution".

(B) CERTIFICATION REQUIRED.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that he will submit for Senate advice and consent to ratification any international agreement—

(i) that would add one or more countries as States Parties to the ABM Treaty, or otherwise convert the ABM Treaty from a bilateral treaty to a multilateral treaty; or

(ii) that would change the geographic scope or coverage of the ABM Treaty, or otherwise modify the meaning of the term "national territory" as used in Article VI and Article IX of the ABM Treaty.

(C) ABM TREATY DEFINED.—For the purposes of this resolution, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet

Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed in Moscow on May 26, 1972, with related protocol, signed in Moscow on July 3, 1974.

(10) **ACCESSION TO THE CFE TREATY.**—The Senate urges the President to support a request to become a State Party to the Treaty by—

(A) any state within the territory of the Treaty's area of application as of the date of signature of the Treaty, including Lithuania, Estonia, and Latvia; and

(B) the Republic of Slovenia.

(11) **TEMPORARY DEPLOYMENTS.**—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that the United States has informed all other States Parties to the Treaty that the United States—

(A) will continue to interpret the term "temporary deployment", as used in the Treaty, to mean a deployment of severely limited duration measured in days or weeks or, at most, but not years;

(B) will pursue measures designed to ensure that any State Party seeking to utilize the temporary deployments provision of the Treaty will be required to furnish the Joint Consultative Group established by the Treaty with a statement of the purpose and intended duration of the deployment, together with a description of the object of verification and the location of origin and destination of the relevant conventional armaments and equipment limited by the Treaty; and

(C) will vigorously reject any effort by a State Party to use the right of temporary deployment under the Treaty—

(i) to justify military deployments on a permanent basis; or

(ii) to justify military deployments without the full and complete agreement of the State Party upon whose territory the armed forces or military equipment of another State Party are to be deployed.

(12) **MILITARY ACTS OF INTIMIDATION.**—It is the policy of the United States to treat with the utmost seriousness all acts of intimidation carried out against any State Party by any other State Party using any conventional armament or equipment limited by the Treaty.

(13) **SUPPLEMENTARY INSPECTIONS.**—The Senate understands that additional supplementary declared site inspections may be conducted in the Russian Federation in accordance with Section V of the CFE Flank Document at any object of verification under paragraph 3(A) or paragraph 3(B) of Section V of the CFE Flank Document, without regard to whether a declared site passive quota inspection pursuant to paragraph 10(D) of Section II of the Protocol on Inspection has been specifically conducted at such object of verification in the course of the same year.

(14) **DESIGNATED PERMANENT STORAGE SITES.**—

(A) **FINDING.**—The Senate finds that removal of the constraints of the Treaty on designated permanent storage sites pursuant to paragraph 1 of Section IV of the CFE Flank Document could introduce into active military units within the Treaty's area of application as many as 7,000 additional battle tanks, 3,400 armored combat vehicles, and 6,000 pieces of artillery, which would constitute a significant change in the conventional capabilities of States Parties within the Treaty's area of application.

(B) **SPECIFIC REPORT.**—Prior to the agreement or acceptance by the United States of any proposal to alter the constraints of the Treaty on designated permanent storage sites, but not later than January 1, 1998, the President shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a full and complete classified and unclassified report setting forth—

(i) a detailed explanation of how additional Treaty-limited equipment will be allocated among States Parties;

(ii) a detailed assessment of the location and uses to which the Russian Federation will put additional Treaty-limited equipment; and

(iii) a detailed and comprehensive justification of the means by which introduction of additional battle tanks, armored combat vehicles, and pieces of artillery into the Treaty's area of application furthers United States national security interests.

### SEC. 3. DEFINITIONS.

As used in this resolution:

(1) **AREA OF APPLICATION.**—The term "area of application" has the same meaning as set forth in subparagraph (B) of paragraph 1 of Article II of the Treaty.

(2) **CFE FLANK DOCUMENT.**—The term "CFE Flank Document" means the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990, adopted at Vienna on May 31, 1996 (Treaty Doc. 105-5).

(3) **CONVENTIONAL ARMAMENTS AND EQUIPMENT LIMITED BY THE TREATY; TREATY-LIMITED EQUIPMENT.**—The terms "conventional armament and equipment limited by the Treaty" and "Treaty-limited equipment" have the meaning set forth in subparagraph (J) of paragraph 1 of Article II of the Treaty.

(4) **FLANK REGION.**—The term "flank region" means that portion of the Treaty's area of application defined as the flank zone by the map depicting the territory of the former Soviet Union within the Treaty's area of application that was provided by the former Soviet Union upon the date of signature of the Treaty.

(5) **FULL AND COMPLETE AGREEMENT.**—The term "full and complete agreement" means agreement achieved through free negotiations between the respective States Parties with full respect for the sovereignty of the State Party upon whose territory the armed forces or military equipment under the control of another State Party is deployed.

(6) **FREE NEGOTIATIONS.**—The term "free negotiations" means negotiations with a party that are free from coercion or intimidation.

(7) **HELSINKI FINAL ACT.**—The term "Helsinki Final Act" refers to the Final Act of the Helsinki Conference on Security and Cooperation in Europe of August 1, 1975.

(8) **PROTOCOL ON INFORMATION EXCHANGE.**—The term "Protocol on Information Exchange" means the Protocol on Notification and Exchange of Information of the CFE Treaty, together with the Annex on the Format for the Exchange of Information of the CFE Treaty.

(9) **STATE PARTY.**—Except as otherwise expressly provided, the term "State Party" means any nation that is a party to the Treaty.

(10) **TASHKENT AGREEMENT.**—The term "Tashkent Agreement" means the agreement between Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Moldova, Russia, and Ukraine establishing themselves as successor states to the Soviet Union under the CFE Treaty, concluded at Tashkent on May 15, 1992.

(11) **TREATY.**—The term "Treaty" means the Treaty on Conventional Armed Forces in Europe, done at Paris on November 19, 1990.

(12) **UNITED STATES INSTRUMENT OF RATIFICATION.**—The term "United States instrument of ratification" means the instrument of ratification of the United States of the CFE Flank Document.

Mr. LOTT. Madam President, I move to reconsider the vote by which the resolution of ratification was agreed to and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

### ORDER OF PROCEDURE

Mr. LOTT. Madam President, I remind Senators still in the Chamber, that was the last vote for the day, and that we do have a dinner that we all need to adjourn to.

We will resume consideration in the morning. I believe there will be a cloture vote at 10 o'clock in the morning.

### MORNING BUSINESS

Mr. LOTT. Madam President, I ask unanimous consent that the period for morning business be extended and Senators permitted to speak for up to 10 minutes each.

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

### REMOVE CONTROVERSIAL RIDERS FROM THE SUPPLEMENTAL APPROPRIATIONS BILL

Mr. DASCHLE. Mr. President, on May 14 the Senate approved vitally important legislation to provide sorely needed aid to victims of the recent weather-related disasters throughout the country, including South Dakota. It is critical that this legislation be enacted as soon as possible so that residents of disaster-stricken States can get on with the process of recovering from the loss of property and livestock.

I am concerned that controversial riders on this bill, including the automatic continuing resolution and the provision related to the implementation of R.S. 2477 by the Interior Department, could, if included in the final conference report, make enactment of the bill impossible and thus delay needed aid to disaster victims.

The controversial Interior provision, over which Secretary Babbitt has said he will recommend a veto, blocks recent efforts by the administration to close a loophole in the mining laws that allow roads to be constructed in national parks and other sensitive Federal lands. Many Senators have gone on record that the administration should have the ability to protect our public lands from unnecessary and environmentally destructive road construction, and an amendment offered by Senator BUMPERS to strip the R.S. 2477 provision from the supplemental lost by a vote of only 49-51, drawing considerable bipartisan support. I urge the conferees to drop this and other controversial provisions from the bill during the House-Senate conference.