

law. Ms. Berenson was recently convicted of treason by a military tribunal in Peru and is currently imprisoned in Yanamayo prison. The lack of due process at her trial leaves the question of her involvement in illegal activity unanswered.

We are particularly concerned that Ms. Berenson did not have an open trial; was not allowed to cross-examine witnesses or challenge evidence; and was tried in a military court by judges whose identities were concealed. Such practices preclude a fair trial. We urge you to take steps to ensure that she is retried before a civilian court which upholds internationally recognized rights of due process.

We note that Article 14 of the International Covenant on Civil and Political Rights, ratified by Peru on April 28, 1978, stipulates that:

"Everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.

"[and is entitled] to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him."

In addition, it appears inappropriate to try civilians in a military court. We are aware that the Peruvian Government gave assurances to Assistant Secretary of State Alexander Watson over two years ago that civilians would no longer be tried in military courts.

We find it troubling that during the trial of Ms. Berenson, the Peruvian judicial system failed to uphold these and other international standards. The Constitution of the Republic of Peru states that:

"It is the duty of the President of the Republic to obey and ensure obedience to the Constitution and all treaties, laws, and other legal provisions. (Article 118)"

While we make no claims concerning Ms. Berenson's alleged guilt, we ask that you take the necessary steps to provide an open and fair proceeding in a civilian court. Indeed, the entire Peruvian judicial system should be brought in line with the solemn international commitments made by the Peruvian Government.

We thank you for your attention to our request.

Sincerely,

James M. Jeffords, Alfonse M. D'Amato,  
Daniel Patrick Moynihan, Christopher J. Dodd, Ben Nighthorse Campbell,  
Carl Levin, Paul Simon, John D. Rockefeller IV, Claiborne Pell, Carol Moseley-Braun, Dianne Feinstein, Patty Murray, Barbara Boxer, Patrick J. Leahy, Dale Bumpers, Daniel K. Inouye, Barbara A. Mikulski, David Pryor, Wendell H. Ford, John F. Kerry.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, inasmuch as the amendment now pending by Senator DURBIN has been approved by both sides, the pending amendment modifies the amendment relating to Peru. There being no objection to that amendment, I propose that it be accepted.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 385) was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### MORNING BUSINESS

Mr. HELMS. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

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

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, June 13, 1997, the Federal debt stood at \$5,354,082,862,951.39. (Five trillion, three hundred fifty-four billion, eighty-two million, eight hundred sixty-two thousand, nine hundred fifty-one dollars and thirty-nine cents)

Twenty-five years ago, June 13, 1972, the Federal debt stood at \$428,345,000,000 (Four hundred twenty-eight billion, three hundred forty-five million) which reflects a debt increase of nearly \$5 trillion—\$4,925,737,862,951.39 (Four trillion, nine hundred twenty-five billion, seven hundred thirty-seven million, eight hundred sixty-two thousand, nine hundred fifty-one dollars and thirty-nine cents) during the past 25 years.

#### HONORING THE UTAH JAZZ

Mr. HATCH. Mr. President, I rise today to recognize the Utah Jazz, who just completed their most successful season in franchise history. After clinching the Western Conference Championship with a last-second, heart-stopping shot at the buzzer, they competed for the NBA title against the talented Chicago Bulls with grit and sheer determination. Throughout this season, our Utah Jazz have displayed tremendous skill, determination, strength, and character to forge ahead and accomplish what very few thought they could do. This team captured the hearts of basketball fans from coast to coast with their hard work, down-to-earth personalities, and belief in themselves.

The Utah Jazz story has been filled with many years of strength building and even some challenges. In 1979, a struggling NBA basketball franchise pulled up its stakes and moved from New Orleans to what is the smallest market in the National Basketball Association, Salt Lake City, UT. The Jazz have built their program slowly but surely thanks to the big shoulders of some very good people.

Jazz owner Larry H. Miller had the determination and the vision to know what it could mean for Utah to have its

own NBA basketball team. Larry is more than an owner. His players are his family. His love and enthusiasm for his Utah Jazz team is infectious. Utah has been greatly rewarded through Larry's leadership and commitment.

Former coach and current team president, Frank Layden has been the Utah Jazz' all-time best cheerleader. Frank has always believed in his team. He has won over many fans through his enthusiasm, humor, and love for the game.

Coach Jerry Sloan is an example of leadership and fortitude. His motto to "never give up," is evident in the guts and determination his players show on the basketball court. Jerry not only teaches his players good basketball skills, he also builds character. He has instilled his own hardwork ethic into every aspect of the Utah Jazz.

John Stockton, the all-time NBA assist and steals leader, has displayed time and time again courage under pressure, and an absolute belief that "we could win." The success he has enjoyed has not detracted from his thoughtful, unassuming manner. He is indeed a worthy role model for many young people today.

And who else has displayed more utter conviction than league MVP, Karl Malone. Karl has provided the Utah Jazz with leadership and valor. Anyone who has followed the Utah Jazz knows how valuable Karl is to the team's overall scoring and rebounding capabilities. Aside from his on-court presence, Karl has been an outstanding ambassador for the NBA. His reputation of honesty and hard work has made him one of the greatest role models in professional sports.

Not only am I proud of the Utah Jazz for winning the Western Conference Championship, I am even more proud of the high caliber of individuals that make up the Utah Jazz. Our team is willing to work hard, to believe in themselves, to reflect the values of the community in which they play, and to never give up. I am proud of the way they represent our State and its fans.

I am sure that all Utahns would be happy to join with me in saying a big thank you to all of the players on the Jazz, as well as the coaches and management staff for all you have done for Utah—both on and off the court. The Utah Jazz united the people of our great State in a way that has not been equaled since Brigham Young led the covered wagons into the Salt Lake Valley. Citizens from all over our State, and from all walks of life, have united together behind one single entity—the Utah Jazz. This is an accomplishment all its own. The enthusiasm Utahns felt for their team was electric and awe-inspiring. Everyone who has ever felt like an underdog has embraced this team and gloried in its success.

Mr. President, although we didn't bring home the ultimate trophy, our Utah Jazz gave us a season to remember. This team has done us all proud, and we are proud of them. So, here's

thanks and best wishes to Karl, and John, Jeff, Greg, Bryon, Shandon, Howard, Greg, Antoine, Adams, Chris, Stephen, and Coach Sloan and his staff. And, as a word of warning to all the teams in the NBA—David slew plenty of Goliaths this year; watch out, we'll be back next year with a hand full of stones.

Go, Jazz!

#### THE LANDMINE ELIMINATION ACT OF 1977

Mr. BIDEN. Mr. President, last Thursday, 55 of us joined Senators LEAHY of Vermont and HAGEL of Nebraska in cosponsoring the Landmine Elimination Act of 1977. This landmark legislation will bar, as of January 1, 2000, the use of any U.S. funds for new deployments of antipersonnel landmines.

I am proud to be one of the cosponsors of this legislation, which addresses a subject of terrible urgency. Every hour, more innocent civilians are killed or wounded by landmines in Angola, Afghanistan, Bosnia, Cambodia, Ecuador, and elsewhere. The scourge of landmines is so great that the United States and other governments have special aid programs to help locate and destroy landmines left over from the wars of the past.

The United States is pursuing many avenues to battle this plague. We are a signatory of the antipersonnel landmine protocol to the Convention on Conventional Weapons, which I would hope the Senate will give its advice and consent to ratification of that protocol sometime this year. That protocol bans undetectable mines, such as the toy-like plastic butterfly mines that maim so many children. The United States is well on its way toward converting all its nondetectable mines, so there will be very few costs associated with ratification of this protocol.

We are also engaged in negotiations in Geneva and working with the Government of Canada on the projected Ottawa convention in hopes of obtaining a worldwide ban on antipersonnel landmines. But those negotiations have left the United States in a quandary. Russia and China—the world's major suppliers of antipersonnel landmines—have refused to participate in the Ottawa process to achieve an immediate ban on these mines. And Mexico has blocked the U.N. Conference on Disarmament from opening the formal negotiations in which Russia and China are willing to participate.

Nobody is clear on whether Mexico's step reflects frustration with the idea of gradualism in eliminating antipersonnel landmines, or a desire to continue using such mines in Mexico's own war against the domestic guerrilla movements. What is clear, however, is that bold steps are needed to regain momentum in the crusade to end this most horrendous aspect of modern warfare.

Two years ago, two-thirds of this body voted for a moratorium on new

antipersonnel landmine deployments, beginning in February 1999. The Landmine Elimination Act of 1977 will go a giant step further, by committing the United States to just say no to these mines on January 1, 2000. This action will put the United States on a higher moral plane than ever before on this issue. With a legally binding commitment to end our own role in sowing needless destruction, perhaps we can more effectively influence Russia and China and Mexico to step up to the responsibility of protecting the innocents even when we make war on our enemies.

S. 896 is a carefully constructed bill, Mr. President, and that is a sign of the seriousness with which this body approaches the topic of landmines. Subsection 2(d) of the bill permits the President to delay application of the ban with respect to the Korean peninsula on a yearly basis if he determines that new deployments would be indispensable to the defense of the Republic of Korea if war should occur there. This is a broader exemption than that in the moratorium we passed 2 years ago, which allows such mining only along international borders and in the DMZ. Given the risk that a dying Stalinist regime in North Korea might throw all its forces into a last-gasp effort to conquer the South, this broader exemption is sensible indeed.

S. 896 also is clearly limited to the most heinous landmines: Mines delivered by artillery, rocket, mortar, or similar means, or dropped from an aircraft. The bill goes to state, at subsection 4(b): "The term 'anti-personnel landmines' does not include command-detonated Claymore munitions."

Command-detonated landmines do not cause the many civilian casualties that have prompted work action. They are generally set off either by a nearby soldier, who waits for the enemy to approach, or by a tripwire in an ambush. They are used often to blow up tanks, and do not leave the indiscriminate killing fields that so plague farmers and travelers and children today.

Nobody is comfortable manufacturing any instrument of death. But at least Claymore munitions are targeted munitions, designed to kill the enemy rather than his neighbors and his children.

The care with which S. 896 has been drafted makes this a bill that all of us can support. I am happy to cosponsor it and I am confident that it will be enacted into law.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—H.R. 363

Mr. NICKLES. Mr. President, when the Subcommittee on Energy Research, Development, Production, and Regulation of the Energy and Natural Resources Committee filed its report on H.R. 363, to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination

program, the estimates from the Congressional Budget Office were not available. The report has now been received and I ask unanimous consent that it be printed in the RECORD for the information of the Senate and the public.

There being no objection, the material was ordered to be printed in the RECORD as follows:

*H.R. 363—An act to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination program*

Summary: H.R. 363 would extend and modify the authorization for a multiyear initiative focused on the health effects of electric and magnetic fields. This interagency research effort, which is funded jointly with the private sector, is administered by the Department of Energy (DOE). The current authorization allows the appropriation of up to \$65 million over a multiyear period ending in 1997, provided that nonfederal sources match the federal funds. Since the program's inception in 1993, appropriations have totaled \$20 million and have been matched by a corresponding amount of nonfederal support. Enacting this legislation would enable the program to receive funding through 1998, and would reduce the multiyear authorization ceiling to \$46 million.

Assuming funds are appropriated for these activities in 1998, CBO estimates that enacting H.R. 363 would result in additional discretionary spending of \$4 million over the 1998-2002 period. The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The legislation does not contain any intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995.

Estimated cost to the federal government: The estimated budgetary impact of H.R. 363 is shown in the table on the following page. For purposes of this estimate, CBO assumes that appropriations for this program would total \$4 million in 1998, the amount provided under current law for 1997, and that this amount would be matched by nonfederal sources. Although the amount authorized to be appropriated in 1998 could total up to \$26 million (the balance between the \$46 million cap and the \$20 million appropriated to date), CBO estimates that the program only needs about \$4 million to complete its mission. We assume outlays would follow historical spending patterns for such research and assessment activities at DOE.

#### SPENDING SUBJECT TO APPROPRIATION

(By fiscal year, in millions of dollars)

	1997	1998	1999	2000	2001	2002
Spending under current law:						
Budget authority <sup>1</sup> .....	4	0	0	0	0	0
Estimated outlays .....	5	2	1	0	0	0
Proposed changes:						
Authorized level .....	0	4	0	0	0	0
Estimated outlays .....	0	2	1	1	0	0
Spending under H.R. 363:						
Authorization level <sup>1</sup> .....	4	4	0	0	0	0
Estimated outlays .....	5	4	2	1	0	0

<sup>1</sup> The 1997 level is the amount appropriated for that year.

The costs of this legislation fall within budget function 270 (energy).

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 363 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995, and would not impose any costs on state, local, or tribal governments.

Previous CBO estimate: CBO has prepared cost estimates for two other versions of H.R. 363. On March 6, 1997, CBO transmitted a cost