Mr. KOHL. Mr. President, I rise in support of this legislation because it will increase competition between satellite and cable. Senators MCCAIN, HATCH, LEAHY, HOLLINGS, DEWINE and others deserve credit for moving this measure so quickly this term, especially when we came so close last year.

Mr. President, when the Judiciary and Commerce bills are combined as one, it creates a good, comprehensive measure. Satellite companies will finally be allowed to legally broadcast local stations to local viewers—so-called ''local into local.'' The strange anomaly that restricted satellite from providing local signals will be a thing of the past. And to be balanced, satellite companies will also be subject to ''must-carry'' obligations, just like cable. This bill will also reduce the royalty fees for those local signals to a level closer to that paid by cable companies. All of this moves us towards parity between satellite and cable, and it is a huge step forward for consumers. Let me tell you why.

Increased competition will discipline the cable marketplace which, in turn, will create lower prices, increased choice, and wider availability of television programming for all Americans, no matter how remote. And we do this in the best way possible, by promoting competition, not increasing regulation. Moreover, it won't be at the expense of our local television stations, which provide a valuable community benefit in the form of local news, weather, sports and various forms of public service.

One of the hardest questions to address, of course, is which viewers should be entitled to receive ''distant network'' signals, especially in rural states like mine. Authorizing ''local into local'' is a crucial first step and, eventually, when technology advances and more satellites are launched, we will see ''local into local'' almost everywhere. So, this bill goes a long way to ensure that every viewer will receive one signal of each of the major television networks—this is a marked improvement over the current situation.

Mr. President, I urge my colleagues to support this bipartisan measure which will permit satellite companies to compete on a more level playing field with cable. We have our work cut out for us at conference because the House version is quite different from ours. But there is no excuse for not enacting this pro-competition, pro-consumer legislation this year. Let's get to conference and get this bill done.

Mr. HATCH. Mr. President, I ask unanimous consent that the bill, as amended, be read a third time, and that the Senate proceed to Calendar No. 93, H.R. 1554. I further ask unanimous consent that all after the enacting clause be stricken and the text of S. 247, as amended, be inserted in lieu thereof; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD. I finally ask unanimous consent that S. 247 then be placed back on the Calendar.

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

The bill (H.R. 1554), as amended, was read the third time and passed.

AUTHORIZATION OF LEGAL REPRESENTATION

Mr. HATCH. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 104 submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 104) to authorize testimony, production of documents, and legal representation in United States v. Nippon Miniature Bearing, Inc., et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a subpoena for testimony and document production in an action brought by the United States Customs Service in the Court of International Trade against Nippon Miniature Bearing, Inc., and its parent and subsidiary, alleging false representations to Customs about the composition of imported bearings. The defendants have subpoenaed Tim Osborn, a former employee of the Senate Committee on Small Business, seeking to depose him regarding his communications with the Customs Service and others about this investigation. Mr. Osborn's activities were on behalf of the Small Business Committee, in preparing for and conducting a September 1988 oversight hearing of the Customs Service concerning its enforcement of laws affecting the bearing industry. The information that the defendants seek therefore is privileged from compelled discovery from the Congress under the Constitution's Speech or Debate Clause.

This resolution would authorize the Senate Legal Counsel to provide representation in order to move to quash the subpoena and otherwise protect the Senate's privileges in this matter. The resolution would authorize Mr. Osborn and any other former Member or employee of the Senate to testify and produce documents in this case only to the extent consistent with these privileges.

Mr. HATCH. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 104) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 104

Whereas, in the case of United States v. Nippon Miniature Bearing, Inc., et al., Court No. 96–12–02853, pending in the United States Court of International Trade, a subpoena for testimony and documents has been issued to Tim Osborn, a former employee of the Senate Committee on Small Business, concerning the performance of is duties on behalf of the Committee;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C.§§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members or employees of the Senate with respect to any subpoena, order, or request for testimony or documents relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Tim Osborn, and any other former Senate Member or employee from whom testimony may be required, are authorized to testify and produce documents in the case of United States v. Nippon Miniature Bearing, Inc., et al., except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Tim Osborn, and any other former Member or employee of the Senate from whom testimony may be required, in connection with the case of United States v. Nippon Miniature Bearing, Inc., et al.

EXECUTIVE SESSION

TREATY

Mr. HATCH. I ask unanimous consent that the Senate proceed to executive session to consider the following treaty on today's Executive Calendar: No. 2. I further ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification; that all committee provisos, reservations, understandings, declarations be considered agreed to; that any statements be printed in the CONGRESSIONAL RECORD as if read; I further ask consent that when the resolution of ratification is voted upon the motion to reconsider be laid upon the table; the President be notified of the Senate's action and that following the disposition of the treaty, the Senate return to legislative session.

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

The treaty will be considered to have passed through its various parliamentary stages up to and including the presentation of the resolution of ratification.

The resolution of ratification is as follows:

AMENDED MINES PROTOCOL

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

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A RESERVATION, UNDERSTANDING, AND CONDITIONS.

The Senate advises and consents to the ratification of the Amended Mines Protocol (as defined in section 5 of this resolution), subject to the reservation in section 2, the understandings in section 3, and the conditions in section 4.

SEC. 2. RESERVATION.

The Senate's advice and consent to the ratification of the Amended Mines Protocol is subject to the reservation, which shall be included in the United States instrument of ratification and shall be binding upon the President, that the United States reserves the right to use other devices (as defined in Article 2(5) of the Amended Mines Protocol) to destroy any stock of food or drink that is judged likely to be used by an enemy military force, if due precautions are taken for the safety of the civilian population.

SEC. 3. UNDERSTANDINGS.

The Senate's advice and consent to the ratification of the Amended Mines Protocol is subject to the following understandings, which shall be included in the United States instrument of ratification and shall be binding upon the President:

(1) UNITED STATES COMPLIANCE.—The United States understands that—

(A) any decision by any military commander, military personnel, or any other person responsible for planning, authorizing, or executing military action shall only be judged on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken; and

(B) Article 14 of the Amended Mines Protocol (insofar as it relates to penal sanctions) shall apply only in a situation in which an individual—

(i) knew, or should have known, that his action was prohibited under the Amended Mines Protocol;

(ii) intended to kill or cause serious injury to a civilian; and

(iii) knew or should have known, that the person he intended to kill or cause serious injury was a civilian.

(2) EFFECTIVE EXCLUSION.—The United States understands that, for the purposes of Article 5(6)(b) of the Amended Mines Protocol, the maintenance of observation over avenues of approach where mines subject to that Article are deployed constitutes one acceptable form of monitoring to ensure the effective exclusion of civilians.

(3) HISTORIC MONUMENTS.—The United States understands that Article 7(1)(i) of the Amended Mines Protocol refers only to a limited class of objects that, because of their clearly recognizable characteristics and because of their widely recognized importance, constitute a part of the cultural or spiritual heritage of peoples.

(4) LEGITIMATE MILITARY OBJECTIVES.—The United States understands that an area of land itself can be a legitimate military objective for the purpose of the use of landmines, if its neutralization or denial, in the circumstances applicable at the time, offers a military advantage.

(5) PEACE TREATIES.—The United States understands that the allocation of responsibilities for landmines in Article 5(2)(b) of the Amended Mines Protocol does not preclude agreement, in connection with peace treaties or similar arrangements, to allocate responsibilities under that Article in a manner that respects the essential spirit and purpose of the Article.

(6) BOOBY-TRAPS AND OTHER DEVICES.—For the purposes of the Amended Mines Protocol, the United States understands that—

(A) the prohibition contained in Article 7(2) of the Amended Mines Protocol does not preclude the expedient adaptation or adaptation in advance of other objects for use as booby-traps or other devices;

(B) a trip-wired hand grenade shall be considered a ''booby-trap'' under Article 2(4) of the Amended Mines Protocol and shall not be considered a ''mine'' or an ''anti-personnel mine'' under Article 2(1) or Article 2(3), respectively; and

(C) none of the provisions of the Amended Mines Protocol, including Article 2(5), applies to hand grenades other than trip-wired hand grenades.

(7) NON-LETHAL CAPABILITIES.—The United States understands that nothing in the Amended Mines Protocol may be construed as restricting or affecting in any way non-lethal weapon technology that is designed to temporarily disable, stun, signal the presence of a person, or operate in any other fashion, but not to cause permanent incapacity.

(8) INTERNATIONAL TRIBUNAL JURISDICTION.—The United States understands that the provisions of Article 14 of the Amended Mines Protocol relating to penal sanctions refer to measures by the authorities of States Parties to the Protocol and do not authorize the trial of any person before an international criminal tribunal. The United States shall not recognize the jurisdiction of any international tribunal to prosecute a United States citizen for a violation of the Protocol or the Convention on Conventional Weapons.

(9) TECHNICAL COOPERATION AND ASSISTANCE. The United States understands that—

(A) no provision of the Protocol may be construed as affecting the discretion of the United States to refuse assistance or to restrict or deny permission for the export of equipment, material, or scientific or technological information for any reason; and

(B) the Amended Mines Protocol may not be used as a pretext for the transfer of weapons technology or the provision of assistance to the military mining or military countermining capabilities of a State Party to the Protocol.

SEC. 4. CONDITIONS.

The Senate's advice and consent to the ratification of the Amended Mines Protocol is subject to the following conditions, which shall be binding upon the President:

(1) PURSUIT DETERRENT MUNITION.—

(A) UNDERSTANDING.—The Senate understands that nothing in the Amended Mines Protocol restricts the possession or use of the Pursuit Deterrent Munition, which is in compliance with the provisions in the Technical Annex.

(B) CERTIFICATION.—Prior to deposit of the United States instrument of ratification, the President shall certify to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives that the Pursuit Deterrent Munition shall continue to remain available for use by the United States Armed Forces at least until January 1, 2003, unless an effective alternative to the munition becomes available.

(C) EFFECTIVE ALTERNATIVE DEFINED.—For purposes of subparagraph (B), the term ''effective alternative'' does not mean a tactic or operational concept in and of itself.

(2) HUMANITARIAN DEMINING ASSISTANCE.—The Senate makes the following findings:

(A) UNITED STATES EFFORTS.—The United States contributes more than any other country to the worldwide humanitarian demining efforts, having expended more than $153,000,000 on such efforts since 1993.

(B) DEVELOPMENT OF DETECTION AND CLEARING TECHNOLOGY.—The Department of Defense has undertaken a program to develop improved mine detection and clearing technology and has shared this improved technology with the international community.

(C) EXPANSION OF UNITED STATES HUMANITARIAN DEMINING PROGRAMS.—The Department of Defense and the Department of State have expanded their humanitarian demining programs to train and assist the personnel of other countries in developing effective demining programs.

(3) LIMITATION ON THE SCALE OF ASSESSMENT.—

(A) LIMITATION ON ASSESSMENT FOR COST OF IMPLEMENTATION.—Notwithstanding any provision of the Amended Mines Protocol, and subject to the requirements of subparagraphs (B) and (C), the portion of the United States annual assessed contribution for activities associated with any conference held pursuant to Article 13 of the Amended Mines Protocol may not exceed $1,000,000.

(B) RECALCULATION OF LIMITATION.—

(i) IN GENERAL.—On January 1, 2000, and at 3-year intervals thereafter, the Administrator of General Services shall prescribe an amount that shall apply in lieu of the amount specified in subparagraph (A) and that shall be determined by adjusting the last amount applicable under that subparagraph to reflect the percentage increase by which the Consumer Price Index for the preceding calendar year exceeds the Consumer Price Index for the calendar year three years previously.

(ii) CONSUMER PRICE INDEX DEFINED.—In this subparagraph, the term ''Consumer Price Index'' means the last Consumer Price Index for all-urban consumers published by the Department of Labor.

(C) ADDITIONAL CONTRIBUTIONS REQUIRING CONGRESSIONAL APPROVAL.—

(i) AUTHORITY.—Notwithstanding subparagraph (A), the President may furnish additional contributions for activities associated with any conference held pursuant to Article 13 of the Amended Mines protocol which would otherwise be prohibited under subparagraph (A) if—

(I) the President determines and certifies in writing to the appropriate committees of Congress that the failure to make such contributions would seriously affect the national interest of the United States; and

(II) Congress enacts a joint resolution approving the certification of the President under subclause (I).

(ii) STATEMENT OF REASONS.—Any certification made under clause (i) shall be accompanied by a detailed statement setting forth the specific reasons therefor and the specific activities associated with any conference held pursuant to Article 13 of the Amended Mines Protocol to which the additional contributions would be applied.

(4) UNITED STATES AUTHORITY FOR TECHNICAL COOPERATION AND ASSISTANCE.—Notwithstanding any provision of the Amended Mines Protocol, no funds may be drawn from the Treasury of the United States for any payment or assistance (including the transfer of in-kind items) under Article 11 or Article 13(3)(d) of the Amended Mines Protocol without statutory authorization and appropriation by United States law.

(5) FUTURE NEGOTIATION OF WITHDRAWAL CLAUSE.—It is the sense of the Senate that, in negotiations on any treaty containing an arms control provision, United States negotiators should not agree to any provision that would have the effect of prohibiting the United States from withdrawing from the arms control provisions of that treaty in a timely fashion in the event that the supreme national interests of the United States have been jeopardized.

(6) LAND MINE ALTERNATIVES.—Prior to the deposit of the United States instrument of

ratification, the President shall certify to Congress that—

(A) the President, in pursuing alternatives to United States anti-personnel mines or mixed anti-tank systems, will not limit the types of alternatives to be considered on the basis of any criteria other than those specified in subparagraph (B); and

(B) in pursuit of alternatives to United States anti-personnel mines, or mixed anti-tank systems, the United States shall seek to identify, adapt, modify, or otherwise develop only those technologies that—

(i) are intended to provide military effectiveness equivalent to that provided by the relevant anti-personnel mine, or mixed anti-tank system; and

(ii) would be affordable.

(7) CERTIFICATION WITH REGARD TO INTERNATIONAL TRIBUNALS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that, with respect to the Amended Mines Protocol, the Convention on Conventional Weapons, or any future protocol or amendment thereto, the United States shall not recognize the jurisdiction of any international tribunal over the United States or any of its citizens.

(8) TACTICS AND OPERATIONAL CONCEPTS.—It is the sense of the Senate that development, adaptation, or modification of an existing or new tactic or operational concept, in and of itself, is unlikely to constitute an acceptable alternative to anti-personnel mines or mixed anti-tank systems.

(9) FUNDING REGARDING THE INTERNATIONAL HUMANITARIAN CRISIS.—The Senate finds that—

(A) the grave international humanitarian crisis associated with anti-personnel mines has been created by the use of mines that do not meet or exceed the specifications on detectability, self-destruction, and self-deactivation contained in the Technical Annex to the Amended Mines Protocol; and

(B) United States mines that do meet such specifications have not contributed to this problem.

(10) APPROVAL OF MODIFICATIONS.—The Senate reaffirms the principle that any amendment or modification to the Amended Mines Protocol other than an amendment or modification solely of a minor technical or administrative nature shall enter into force with respect to the United States only pursuant to the treaty-making power of the President, by and with the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(11) FURTHER ARMS REDUCTIONS OBLIGATIONS.—The Senate declares its intention to consider for approval an international agreement that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner only pursuant to the treaty-making power as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(12) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally-based principles of treaty interpretation set forth in condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and condition (8) of the resolution of ratification of the CFE Flank Document, approved by the Senate on May 14, 1997.

(13) PRIMACY OF THE UNITED STATES CONSTITUTION.—Nothing in the Amended Mines Protocol requires or authorizes the enactment of legislation, or the taking of any other action, by the United States that is prohibited by the Constitution of the United States, as interpreted by the United States.

SEC. 5. DEFINITIONS.

As used in this resolution:

(1) AMENDED MINES PROTOCOL OR PROTOCOL.—The terms ''Amended Mines Protocol'' and ''Protocol'' mean the Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, together with its Technical Annex, as adopted at Geneva on May 3, 1996 (contained in Senate Treaty Document 105–1).

(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, done at Vienna on May 31, 1996 (Treaty Document 105–95).

(3) CONVENTION ON CONVENTIONAL WEAPONS.—The term ''Convention on Conventional Weapons'' means the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, done at Geneva on October 10, 1980 (Senate Treaty Document 103–25).

(4) UNITED STATES INSTRUMENT OF RATIFICATION.—The term ''United States instrument of ratification'' means the instrument of ratification of the United States of the Amended Mines Protocol.

Mr. BIDEN. Mr. President, I am very pleased to speak today in support giving the Senate's advice and consent to ratification of the Amended Mines Protocol to the Convention on Conventional Weapons. This amended protocol was adopted on May 3, 1996, and submitted to the Senate for its advice and consent to ratification on January 7, 1997. The Foreign Relations Committee approved this resolution of ratification on March 23 of this year, with no dissents.

While this is not as big an issue as NATO enlargement or the Comprehensive Nuclear Test-Ban Treaty, ratification of the Amended Mines Protocol will be a real achievement. Its enactment is a further demonstration that the Senate and its Foreign Relations Committee can, in fact, reach agreement upon treaties that deal with difficult issues.

My colleagues are well aware of the humanitarian crisis that has developed in the world as a result of the millions of unexploded land mines left from the last generation of wars in the world. The United States is a leader in humanitarian de-mining efforts, and we have all supported those efforts. But a few examples may help explain to the public why the issue of land mines is of such deep concern.

In April 1996, Newsweek magazine wrote about one victim of land mines as follows:

He served three years on Bosnia's front lines and survived. But within days of being demobilized, Petr Jesdimir became a casualty of the peace.

He was working with a private road crew on the outskirts of Sarajevo last month when an anti-personnel mine buried at the roadside blew up under his left foot. As he stumbled down the road to get help, another mine shattered his right leg.

Today he lies in a Sarajevo orthopedic clinic where battle-tested doctors have made their own transition—from treating soldiers hit by grenades to amputating the arms and legs of mine victims, mostly children. Jesdimir, 50, realizes that until he dies he'll probably be a drain on the nation he fought to preserve.

''I know I have to live with this now,'' he sobbed last week, holding up the trembling stump of a leg. ''Now I understand war.''

A year later, The Washington Post recounted the story of another Bosnian victim:

The June weather was perfect as 14-year-old Tibomir Ostojic returned home from a dip in a nearby river. ''Cherries,'' he thought. ''Wouldn't it be nice to have some cherries?''

So he climbed a cherry tree not far from his apartment in the Sarajevo neighborhood of Dobrinja. As he was climbing down—and a split-second before his foot hit the ground—he realized the grass he was about to step on clearly had been avoided by others, and he knew instantly he was in trouble.

The first explosion threw him into the air and onto a second land mine. By then he had his hands over his head for protection. The second blast blew them off.

Land mines were also the major cause of casualties for NATO forces in Bosnia. Yet Bosnia is hardly the only land where this occurs.

A Washington Times article of June 10, 1997, reported: ''The land mines are strewn so widely in the jungles along the cease-fire zones between Ecuador and Peru that when peacekeepers kick a soccer ball out of their compound, it stays there.'' Last year, in the wake of Hurricane Mitch, still more innocent people fell victim to land mines left over from the civil war in Nicaragua.

The catalogue of countries ravaged by land mines—long after the end of the wars in which those mines were laid—goes on and on: Afghanistan, Angola, Cambodia, Mozambique, Vietnam. It was the need to put an end to these seemingly endless post-war tragedies that motivated both the Administration and the Foreign Relations Committee to recommend ratification of the Amended Mines Protocol.

The new Protocol is not a complete ban on anti-personnel land mines. Many of us regret that the United States is not in a position to sign and ratify the Ottawa Convention that institutes such a ban. The Amended Mines Protocol is supported, however, by several mine-producing or mine-using powers that would not sign the Ottawa Convention.

It is a sad fact of life that countries with fortified borders are not yet willing to do without land mines. By adhering to this Protocol, they will save many innocent lives while we work to make a world-wide ban feasible for all countries.

The new Protocol bans mines that are designed to be exploded by the presence of a mine detector, and it requires anti-personnel mines to be detectable. These provisions will greatly aid mine-clearing efforts in future wars.

The Protocol severely limits the use of land mines unless they are both self-destructing within 30 days and self-deactivating within 120 days (in case the self-destruct mechanism should fail). Adherence to these provisions should end the senseless post-war slaughter inflicted by so many mines today.

The Protocol establishes an obligation to clean up minefields after wars

have ended. You might think that this was an obvious duty, but countries have often failed to clean up their lethal mess.

Finally, the new Protocol applies to civil wars, as well as international ones. This is a desperately needed provision, as so many of the worst land mine disasters have been the result of civil wars. The Amended Mines Protocol is the first protocol of the Convention on Conventional Weapons to be applied to civil wars, and this is an important achievement that is in keeping with U.S. policy and practices.

These provisions will go a long way, if adopted and fully implemented by the major mine users and producers, to curtail Future humanitarian crises due to land mines. The amended Protocol specifically meets concerns that the Senate articulated in 1995, when we gave our advice and consent to ratification of the original Mines Protocol and the underlying Convention on Conventional Weapons. For all these reasons, the Amended Mines Protocol deserves our wholehearted support.

Bringing the Amended Mines Protocol to the Senate floor has required us to reconcile sharply differing and strongly held views regarding the utility and morality of using anti-personnel mines that meet the standards of the Amended Mines Protocol. We owe a debt of gratitude to our colleagues who agreed to accept resolution provisions and report language that safeguarded each other's positions on the broader land mine issues.

One colleague who put the lives of innocent civilians ahead of his personal policy preferences is our esteemed Chairman, Senator HELMS of North Carolina. Senator HELMS has stated that anti-personnel mines are essential to the U.S. Armed Forces and that a ban on such weapons would needlessly place U.S. forces at risk.

The Amended Mines Protocol does not pre-judge, however, the question of U.S. adherence to the Ottawa Convention. Both supporters and opponents of that treaty can support the Protocol's limits on the use of anti-personnel land mines by those countries that retain them.

Adherence to the amended Protocol will not require any adjustment of U.S. military weaponry or tactics, moreover. Rather, it will make other countries meet standards that we already have achieved. U.S. military leaders want this Protocol to succeed, because it will save the lives of U.S. service men and women.

In the interests of securing ratification of the Amended Mines Protocol, Senator HELMS agreed to several major changes in the resolution of ratification, both last year and again this year, to remove from that resolution any language that would jeopardize this effort by pre-judging the broader land mine questions in his favor. He also issued a Committee report this year that omitted extensive material on land mines and the Ottawa Convention, thus minimizing any unintended affront to colleagues who favor a complete ban on anti-personnel mines.

Another colleague who has put other people's lives ahead of his own views is Senator LEAHY of Vermont. Senator LEAHY has said many times in this chamber that the United States should adhere to the Ottawa Convention as soon as possible. He has sponsored successful legislation to fund the search for land mine alternatives, and he has an understandable interest in ensuring the effectiveness of that search.

Senator LEAHY is in an interesting position, however: he actually helped to bring about the Amended Mines Protocol. Although he favors a world-wide ban on anti-personnel mines, Senator LEAHY has stated that he also considers the Amended Mines Protocol an improvement over the existing Protocol.

Senator LEAHY agreed not to seek to amend this resolution of ratification, even though he opposes some of its provisions. For example, the resolution will preserve the Pursuit Deterrent Munition until January 1, 2003, even though the U.S. military found that this weapon was too heavy to be of great use to U.S. personnel.

It was not easy to bring Chairman HELMS and Senator LEAHY to agreement on a resolution of ratification for the Amended Mines Protocol. Senator CHUCK HAGEL of Nebraska and I, as well as Executive branch officials from several agencies, had to work at this beginning in 1997.

Chairman HELMS and Senator LEAHY agreed early on, however, that ratification of this Protocol was worth doing, if it could be done without prejudicing their stands on the larger issues. I am very pleased that we achieved such a resolution. I am also proud to be associated with two fine colleagues who kept their eye on the ball and arrived at an agreement.

I want to recognize some of the staff members who have labored so hard to bring about successful U.S. ratification of the Amended Mines Protocol. Marshall Billingslea and Edward Levine of the Foreign Relations Committee staff have kept at this for over a year and a half, framing the issues and enabling Chairman HELMS and me to reconcile our own differences as well as those between the Chairman and Senator LEAHY.

Senator HAGEL'S staff also played a major role in reconciling those differences, especially in the early stages. Tim Rieser of the Senate Appropriations Committee staff ably served Senator LEAHY in crafting language that would not subvert the cause of eventual land mine abolition.

Two State Department lawyers deserve special recognition for their roles. The Principal Deputy Legal Adviser, Michael J. Matheson, was instrumental in the negotiation of the Amended Mines Protocol and in explaining to the Senate its legal intricacies.

Steve Solomon, an attorney in the office of the Assistant Legal Adviser for Political-Military Affairs, was tireless and expert in explaining why U.S. ratification is in our national interest. Time and again, Mr. Solomon kept us on track toward reasonable solutions. Without the assistance of those fine civil servants, we would not be ratifying this Protocol today.

In closing, Mr. President, I want to emphasize that U.S. ratification of the Amended Mines Protocol is an action of which all Senator can feel proud. It will save innocent lives. It will reaffirm U.S. leadership in codifying the laws of war. Irrespective of whether we eventually renounce all anti-personnel mines, and without prejudicing that debate, the Amended Mines Protocol will serve our national interest and the interests of humanity.

Mr. LEAHY. Mr. President, in 1981 the Convention on Conventional Weapons (CCW) came into force. The United States was instrumental in drafting that Convention, including Protocol II which imposed modest limits on the use of landmines. The United States signed the CCW, but another 15 years elapsed before President Clinton forwarded it to the Senate for its advice and consent. The U.S. finally ratified it in 1995.

Protocol II, commonly known as the Mines Protocol, was, during those years, the only international agreement which explicitly dealt with the use of landmines, and it was routinely ignored—not by the United States military, but by many other countries. And throughout that period the United States and other mine producers sold and gave away tens of millions of mines to other governments and rebel groups who used them against civilian populations. Our mines can be found today, and we are paying millions of dollars annually to help remove them and assist the victims, in some thirty countries.

By the early 1990's, it was widely recognized that the Mines Protocol had utterly failed to protect civilians from landmines. In fact, during the previous decade, the number of civilian casualties from mines skyrocketed.

There were many reasons for the failure of the Mines Protocol, but certainly among them was that it was riddled with loopholes, and that its rules were difficult to verify and impossible to enforce.

In 1992, convinced that far stronger leadership was needed to solve the mine problem, I sponsored legislation to halt United States exports of anti-personnel mines. I did so because I felt it was wrong for the United States to contribute to the carnage caused by mines, and I believed that little would change unless the United States, by setting an example, encouraged others to act. And that is what happened. In a matter of two or three years, close to fifty governments stopped exporting mines. Today, there is a de facto global export ban in effect. Even governments

that produce mines and have refused to renounce their use, including Russia and China, have publicly said that they no longer export.

At the same time that I was sponsoring legislation in Congress, I was also aware that ten years had elapsed since the Mines Protocol had come into force and that any party could request the United Nations to sponsor a CCW review conference. I saw this as an opportunity to strengthen the Protocol and to consider banning anti-personnel mines altogether. Since the U.S. was not a party, I and others urged the French Government to request the conference. By the time the review conference opened in late 1995, the United States had ratified the CCW and was able to participate fully in the negotiations.

The negotiations were difficult. Despite efforts by myself, some governments, and non-governmental organizations to promote a total ban, the idea was hardly discussed. Instead, the basic premise of the original Protocol remained unchanged—that mines are legitimate weapons of war. To its credit, the Clinton Administration made some constructive proposals dealing with, for example, the detectability of mines, and the Amended Protocol reflects some of those proposals. It requires all anti-personnel mines to contain enough iron to be detectable, and to either contain self-destruct/self-deactivation devices or be placed in marked and monitored minefields. It applies to internal conflicts, and also contains limits on certain transfers of anti-personnel mines.

These are notable improvements, but the negotiators again failed to include effective verification or enforcement provisions. They also refused to include a U.S. proposal to apply the prohibition on non-detectable mines to anti-vehicle mines.

Despite these significant flaws, I supported the Amended Protocol and encouraged the Administration to forward it to the Senate for its advice and consent. Indeed, I suspect that had I not sponsored the first law anywhere to halt exports of anti-personnel mines, or urged the French Government to request a review conference, there would not be an Amended Protocol.

Last year, after the Foreign Relations Committee reported what I and others regarded as a fatally flawed Resolution of Ratification, I refused to consent to its adoption by unanimous consent. At that time I made clear that the issue was not the Amended Protocol itself, but a Resolution and Committee Report that contained language that was extraneous, inaccurate, and provocative.

Today we are again asked to give our consent, and this time I have, with some reluctance, agreed. I say with some reluctance, because if this Resolution and the accompanying Committee Report dealt only with the Amended Protocol there would be no disagreement. In fact, we could have adopted it six months ago. But while the Resolution and Report are far preferable to the versions we were presented last year, they also contain language that has nothing whatsoever to do with the Amended Protocol. That is because, Mr. President, a few members of the Foreign Relations Committee have tried to use this Resolution as a vehicle to attack the Ottawa Convention, governments and individuals like myself who support that Convention, and current United States policy.

After reaching a stalemate last year, Senator BIDEN and I worked with Senator HELMS to resolve our differences. While there is still language in the Resolution which is extraneous and I disagree with, and in the report which is extraneous, factually inaccurate and objectionable, it has been pared down substantially. For that I thank Senator BIDEN and Senator HELMS and their staffs. They worked diligently to reach a result which, while not perfect, each of us can live with.

One of the reasons that I am consenting to this resolution is that the objectionable report language reflects the views of only some members of the Committee. In fact, much of it deals with issues which were never considered or debated by the Committee as a whole. Rather, it is based on the testimony of a handful of like-minded witnesses at a hearing that was attended by Senator HELMS and only one other Member of the Committee, who was a cosponsor of my legislation to ban United States use of anti-personnel mines except in Korea.

In other words, to the extent that the Helms Report purports to lay down markers for future landmine policy, it is neither binding nor representative of the views of the Committee as a whole, and even less so of the United States Senate.

While there is no need to address every objectionable phrase in the Report, two issues require a response.

First, the Report states that it is the view of many members of the Committee that the United States should not agree to any prohibition on the use, production, stockpiling or transfer of short-duration anti-personnel mines. Yet the Committee never debated this issue and the views of its members, with the exception of Senator HELMS, were never publicly expressed. Furthermore, and most important, some 135 countries have signed the Ottawa Convention which bans the production, use, transfer and stockpiling of anti-personnel mines, and 77 have ratified. They include every member of NATO except the United States and Turkey, and every Western Hemisphere country except the United States and Cuba. They also include many countries that have produced, used and exported mines in the past.

To suggest that the United States should remain outside the Convention that is widely and increasingly seen as establishing a new international norm outlawing anti-personnel mines, is inconsistent with United States policy and the interests of the United States. The Administration, including the Pentagon, has stated repeatedly and unequivocally that it will sign the Ottawa Convention when it has suitable alternatives to these weapons, and that it is aggressively searching for such alternatives.

Moreover, 67 members of the Senate voted for my amendment to halt U.S. use of anti-personnel mines, for one year. And 60 Senators, both Republicans and Democrats, including every Senator who fought in combat, cosponsored legislation introduced by myself and Senator Hagel to ban U.S. use of anti-personnel mines except in Korea.

Second, the Report notes that the Administration hopes to negotiate a ban on exports of anti-personnel mines in the U.N. Conference on Disarmament. I believe such a strategy is fraught with problems. It is relevant here only insofar as the Helms Report states that many members of the Committee believes that in future negotiations on an export ban the Administration should differentiate between short and long-duration mines.

Perhaps those members are unaware that five years ago the United States and Britain proposed such an ''export control regime.'' It was rejected out of hand not only by many of our NATO allies, but by developing countries who already had stockpiled millions of long-duration mines and saw the U.S./UK proposal as an attempt to market their higher tech, higher priced mines. Any attempt by the United States to resurrect that failed approach would only further damage U.S. credibility on the mine issue.

I would also refer members to the Minority views in the Report, which ably address this issue. Finally, it is notable that Senator Helms voted twice for my amendment to halt exports of anti-personnel mines, as did the then Majority Leader Robert Dole. Those amendments passed overwhelmingly, and did not differentiate between short and long-duration mines.

Mr. President, the Amended Mines Protocol is a step forward. If adhered to it will help reduce the maiming and killing of civilians, and United States soldiers, by landmines. If its prohibition on non-detectable mines is applied to anti-vehicle mines, as the United States has proposed, that would be a significant advance.

But like its predecessor, the Amended Protocol has too many loopholes and can be easily violated. It is a far cry from what is needed to achieve the goal declared by President Clinton and adopted by the U.N. General Assembly of ridding the world of anti-personnel mines. I believe that can only occur—as was done with poison gas and as the Ottawa Convention would do—by stigmatizing these indiscriminate weapons. That will take far stronger United States leadership than we have seen thus far.

Mr. HATCH. I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division is requested. Senators in favor of the resolution of ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

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

ORDERS FOR MONDAY, MAY 24, 1999

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Monday, May 24. I further ask that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day. I further ask consent that there then be a period of morning business until 1 p.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator DURBIN or his designee from 11 a.m. to 12 noon, with Senator CONRAD in control of 20 minutes of that time; Senator BENNETT in control of time between 12 noon and 12:30 p.m.; and Senator Bob SMITH in control of the time between 12:30 p.m. and 1 p.m.

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

Mr. HATCH. I finally ask that at 1 p.m. the Senate immediately begin consideration of calendar No. 114, S. 1059, the Department of Defense authorization bill.

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

PROGRAM

Mr. HATCH. For the information of all Senators, the Senate will convene at 11 a.m. on Monday and be in a period of morning business until 1 p.m. Following morning business, the Senate will begin consideration of the Department of Defense authorization bill. Amendments to that legislation are expected to be offered during Monday's session of the Senate. If votes are ordered with respect to S. 1059, those votes would be stacked to occur at 5:30 p.m., Monday evening. As always, Senators will be notified as votes are ordered.

ADJOURNMENT UNTIL MONDAY, MAY 24, 1999, AT 11 A.M.

Mr. HATCH. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:39 p.m., adjourned until Monday, May 24, 1999, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate May 20, 1999:

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

ROBERT CLARKE BROWN, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING NOVEMBER 22, 2005. (REAPPOINTMENT)

DEPARTMENT OF ENERGY

JAMES B. LEWIS, OF NEW MEXICO, TO BE DIRECTOR OF THE OFFICE OF MINORITY ECONOMIC IMPACT, DEPARTMENT OF ENERGY, VICE CORLIS SMITH MOODY, RESIGNED.

DEPARTMENT OF THE TREASURY

LEWIS ANDREW SACHS, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE GARY GENSLER.

DEPARTMENT OF DEFENSE

THE FOLLOWING NAMED UNITED STATES ARMY OFFICER FOR REAPPOINTMENT AS THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 152:

To be general

GEN. HENRY H. SHELTON, 0000.

CONFIRMATION

Executive nomination confirmed by the Senate May 20, 1999:

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

GARY L. VISSCHER, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2001.