

agreement to hold a United Nations-supervised "consultation" on August 8 to determine East Timor's future political status. This ballot has since been postponed to an as yet undetermined date in late August.

Despite the positive step forward that the ballot represents, excitement and tension over the possibility of gaining independence have in recent months led to a gross deterioration of the security situation. Militias, comprised of individuals determined to intimidate the East Timorese people into support for continued integration with Indonesia and widely believed to be supported by the Indonesian military, are responsible for a sharp increase in violence.

Just this week, members of a pro-Jakarta civilian militia attacked a United Nations regional headquarters in the Maliana township in East Timor. Several people, including a U.N. election officer, were wounded. This is latest in a string of violent incidents that have been linked to pro-Jakarta militias. Mr. President, this kind of violence and intimidation cannot be tolerated, especially at this crucial time.

In the May 5 agreement, the Government of Indonesia agreed to take responsibility for ensuring that the ballot is carried out in a fair and peaceful way. Unfortunately, it is unclear that they are implementing this aspect of the agreement. Quite the opposite. Whether Indonesian troops have actually participated in some of these incidents or not, the authorities certainly most accept the blame for allowing, and in some cases encouraging, the bloody tactics of the pro-integration militias. The continuation of this violence is a threat to the very sanctity and legitimacy of the process that is underway. Thus, the Leahy-Feingold amendment specifically calls on Jakarta to do all it can to seek a peaceful process and a fair resolution to the situation in East Timor.

Mr. President, I believe the United States has a responsibility—an obligation—to put as much pressure as possible on the Indonesian government to help encourage an environment conducive to a free, fair, peaceful ballot process for the people of East Timor. I am pleased that we have taken a leadership role in offering technical, financial, and diplomatic support to the recently authorized U.N. Assistance Mission in East Timor, known as UNAMET.

Mr. President, it is not in our power to guarantee the free, fair exercise of the rights of the people of East Timor to determine their future. It is, however, in our interest to do all that we can to work with the United Nations, other concerned countries, the government of Indonesia and the people of East Timor to create an opportunity for a successful ballot process. We cannot forget that the Timorese have been living with violence and oppression for more than 23 years. These many years have not dulled the desire of the East

Timorese for freedom, or quieted their demands to have a role in the determination of East Timor's status.

We have to do all we can to support an environment that can produce a fair ballot in East Timor. Now. And throughout the rest of this process.

I hope my colleagues will support this amendment.

I yield the floor.

THE PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida (Mr. MACK) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 188 Leg.]

YEAS—98

Abraham	Enzi	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	McConnell
Ashcroft	Fitzgerald	Mikulski
Baucus	Frist	Moynihan
Bayh	Gorton	Murkowski
Bennett	Graham	Murray
Biden	Gramm	Nickles
Bingaman	Grams	Reed
Bond	Grassley	Reid
Boxer	Gregg	Robb
Breaux	Hagel	Roberts
Brownback	Harkin	Rockefeller
Bryan	Hatch	Roth
Bunning	Helms	Santorum
Burns	Hollings	Sarbanes
Byrd	Hutchinson	Schumer
Campbell	Hutchison	Sessions
Chafee	Inhofe	Shelby
Cleland	Inouye	Smith (NH)
Cochran	Jeffords	Smith (OR)
Collins	Johnson	Snowe
Conrad	Kennedy	Specter
Coverdell	Kerrey	Stevens
Craig	Kerry	Thomas
Crapo	Kohl	Thompson
Daschle	Kyl	Thurmond
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Voinovich
Domenici	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Edwards	Lincoln	

NOT VOTING—2

Mack McCain

The amendment (No. 1179) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

AMENDMENT NO. 1118

Mr. SARBANES. Mr. President, I rise in very strong opposition to the

amendment offered to this legislation by my colleague from Kansas, Senator BROWNBACK. I am supportive of the amendment offered by the chairman of the subcommittee to the Brownback amendment, the second-degree amendment. But I want to address the Brownback amendment for just a few minutes here. In the course of doing that, I will underscore why I am supportive of the chairman's amendment and why I oppose the Brownback amendment.

The Brownback amendment is similar to legislation that was considered by the Foreign Relations Committee in May. That bill was reported out on a voice vote, but six members of the committee—six members—joined in submitting minority views in opposition to several of its major provisions. It had been my expectation that if this issue were to come up, it would come up in the course of calling up that bill, which is on the calendar, has been reported out of committee. That is the normal way one would expect to deal with substantive legislation.

What we are confronted with here is an effort to attach this amendment to an appropriations bill. Of course, we all know the problems that are connected with doing that. It slows down the appropriations process. You often engage in major issues of substantive content, which really ought to involve the substantive committees, and, instead, it is shifted into the appropriations context. One would have to be naive not to appreciate that it is done on occasion, but I don't think it is a good idea.

I must say, my view here on this matter is, in part, influenced by that. In other words, it is not as though the bill that came out of committee, which we considered and debated, on which we had a vote and on which some of us were in the minority, the bill went out, and it has been placed on the calendar. It is not as if that bill is before us—substantive legislation. Instead, what we have now is an amendment that takes most of the content of that bill and seeks to add it as an amendment to the appropriations bill.

This isn't an amendment that deals with numbers and figures. It is not, in effect, an amendment that falls clearly within the bailiwick of the appropriators. This is an amendment that really deals with a very important substantive issue of national policy. Senator BROWNBACK proposes to change it, to take out of the law a provision that is now in the law. I think it is very important to understand that. In other words, the amendment offered by the distinguished Senator from Kansas would make a major alteration in existing law, and it would seek to do it, as I have indicated, in the context of considering the appropriations legislation.

I can remember a time in this body where efforts to do that alone were reason enough to oppose an amendment. It was not too long ago. In other words,

efforts to really put in the appropriations context major changes in substantive law would be met with the contention that this should be dealt with by the substantive committee and ought not to be intruded into the appropriations process, that we should not "legislate on an appropriations bill." How many times have we heard that phrase? Particularly, it seems to me when the legislation is on the calendar, it is available at an appropriate time to be considered by this body, in the proper context, where we could have the major debate, which I think this provision requires with respect to the substance of U.S. policy.

Now, one of the things this proposed amendment does, which represents a major shift in policy, is the impact it would have on section 907 of the Freedom Support Act, which addresses the question of government-to-government aid to Azerbaijan, so long as they maintain a blockade on Armenia. Section 907 precludes such aid.

This amendment, in effect, would remove that provision in the law. To the credit of the chairman of the committee, he has offered an amendment that would knock out that provision. If that were to prevail, it would significantly reduce my concerns about this amendment, although I have some other concerns, not of the same magnitude as this one.

Let me address a couple of questions here. Section 907, in my judgment, made sense when it was enacted, and it continues to make sense today. To waive it in the absence of any progress toward a lifting of the blockade would reward the Government of Azerbaijan for its intransigence and remove a major incentive for good-faith negotiations from one side in the conflict between Azerbaijan and Armenia.

For nearly a decade, the Government of Azerbaijan has prevented the transport of food, fuel, medicine—let me repeat that—food, fuel, medicine, and other vital commodities to Armenia and to Nagorno-Karabakh, causing immense human suffering. During winters, much of the Armenian population has had to live without heat, electricity, or water. Schools and hospitals have been unable to function, and most Armenian industries have been forced to close down, crippling the economy and producing widespread unemployment and poverty.

Think of this. Azerbaijan is imposing a blockade on Armenia—total: no food, no fuel, no medicines. The blockade has been particularly devastating because a similar restriction is imposed by Turkey on traffic to Armenia and because of the civil conflict that makes transport through Georgia difficult. Since Armenia is entirely landlocked, they are left with hardly any alternative. They have a small border with Iran; but, of course, that is the very outcome we do not want to encourage in terms of where they turn for supplies.

This law was written in an effort to move the countries toward negotiating

a peaceful resolution of their disputes. All Azerbaijan must do to get section 907 lifted is—and I quote this under existing law—"take demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh."

Again, they must "take demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh."

This is an entirely reasonable expectation, especially given the ostensible purpose of the amendment which the Senator from Kansas has offered, which is "to promote trade and commerce and economic cooperation between the countries of the region."

He wants to promote trade and commerce amongst the countries of the region, and yet Azerbaijan is maintaining this embargo, which precludes any such trade with Armenia.

The Government of Azerbaijan continues to thwart U.S. attempts to promote peaceful conflict resolution and regional economic integration. Although a cease-fire has been in effect in Nagorno-Karabakh since 1994, Azerbaijan has not moved to lift the economic blockade. It is also seeking to exclude Armenia from all East-West commercial corridors.

Let me be very clear what the existing law, section 907, limits or retains, because this is an effort to apply in a nuance way an incentive, or a subtle pressure, to try to move the parties in the region towards a peaceful resolution of their dispute.

We are not talking about commercial trade. Some people refer to this provision as an "economic sanction." Let's examine that.

The provision of the existing law, section 907, prohibits direct U.S. Government aid to Azerbaijan as long as they maintain this blockade. The proposed amendment would lift that. So the aid could be given even though they maintain the blockade, which, as I have indicated, I think would be a terrible step, a very harmful, substantive policy decision.

We are not talking about commercial trade, which is usually where you debate economic sanctions. In fact, the United States has perfectly normal trade relationships with Azerbaijan. To the extent that U.S. companies may not be investing there, it is due to that country's economic and political instability, its corruption, and to the low price of oil—not due to a lack of U.S. taxpayer assistance.

In fact, under the existing law, Azerbaijan receives U.S. assistance. It gets \$24 million in economic assistance, which will bring it to a total of over \$100 million since 1994. Because section 907, as it is now written in the law, does not apply to the Trade and Development Agency, the Export-Import Bank, to OPIC, to humanitarian assistance, to the foreign and commercial services, to activities to support democracy, nonproliferation, and disarmament, or aid through nongovernmental organizations, all of those ac-

tivities can take place now under existing 907.

So what 907 does in order to attempt to exercise a certain amount of influence in how matters progress in that area is restrict the direct government-to-government assistance. Assistance through aid through nongovernmental organizations is not touched. Even some government assistance, if it goes to support democracy, nonproliferation, and disarmament, can take place.

Mr. McCONNELL. Will the Senator yield?

Mr. SARBANES. I yield to the chairman of the subcommittee.

Mr. McCONNELL. The distinguished Senator from Maryland has just outlined the ways in which 907 has been modified in many respects since 1992 in order to further nudge Azerbaijan in the direction of getting this conflict settled.

The Senator also pointed out that nothing yet has happened, and to take away the last remaining carrot or stick, if you will, that would encourage the settlement of this dispute, the Senator is entirely correct, would be a very bad policy decision.

Mr. SARBANES. The Senator is absolutely right. This body has responded in the past. The argument was, well, if you just give some carrot, you would see some change in behavior.

When we first started out with 907, it was much more restrictive. Over the passage of time, these various exceptions have been put into the law. But we have retained a more limited number of restrictions. To move them now altogether—I mean the ball game is over with. Why should Azerbaijan be concerned to settle anything?

Some say, well this somehow is a sanction. What we are talking about here is whether U.S. direct foreign assistance will be made available. Foreign assistance is not an entitlement. I want to repeat that. Foreign assistance is not an entitlement.

I hope people aren't going to get up on the floor and say: Well, somehow there is some kind of entitlement and, therefore, Azerbaijan is entitled to get foreign assistance. The placing of conditions upon foreign aid is both reasonable and appropriate for policy as well as budgetary reasons. It is a standard procedure. Conditions should not be considered sanctions. They ensure that U.S. aid serves U.S. interests.

I doubt seriously, if Members would stop and really focus on it, that there would be any Member of this body who would suggest that we should give foreign aid regardless of the recipient's policies and actions; that somehow they have an entitlement claim to foreign assistance, and, therefore, there can be no conditions, or no restrictions placed on it, and regardless of what the recipient's policies and actions are, we need to provide that assistance.

Let me turn to Azerbaijan's performance in the peace process, because there is a peace process underway. Conceivably, if Armenia was blocking the

peace process and Azerbaijan was cooperating with it, one could come along and say: Well, we have to make some accommodation to Azerbaijan because they are now working with the peace process.

It is exactly the opposite. That peace process has been stalled since November when Azerbaijan, the very country that this amendment now seeks to free of any limitations on American foreign assistance, when Azerbaijan unilaterally rejected a compromise proposal put forward by the cochair of the OSCE's so-called Minsk Group—Russia, France, and the United States. The OSCE has established a Minsk Group that is chaired by Russia, France, and the United States as cochair, and they have been trying to develop a peace process to resolve this matter between Armenia, Nagorno-Karabakh, and Azerbaijan.

In November of 1998, the Minsk Group called for a common state of Azerbaijan and Nagorno-Karabakh. The so-called common state approach was accepted by Armenia and Nagorno-Karabakh as the basis for negotiations among the parties in spite of the serious reservations which were held by Armenia and Nagorno-Karabakh.

This is a proposal that the Minsk Group put to the parties in order to advance the peace process. Armenia and Nagorno-Karabakh, with concerns, nevertheless, accepted this development as a way of going forward with the direct negotiations.

Azerbaijan summarily rejected the peace plan, threatened to overturn the cease-fire, which has been in effect, and then complained about the delay in finding a resolution to the conflict, and recently—from reliable reports—Azerbaijan has provoked a series of armed incidents along the cease-fire line.

Furthermore, in addition to rejecting the peace plan, Azerbaijan objected to Armenia's proposals to foster regional cooperation through open borders and restoration of rail and road links in the Caucasus. Armenia's proposal was set out at the Transport Corridor Europe Caucasus and Asia Conference held in Azerbaijan in September of 1998, but Azerbaijan refused to recognize any of these rights or obligations insofar as they applied to Armenia.

I want to underscore not only this recalcitrance but this absolute repudiation of the peace process, of this effort by the Minsk Group—headed by France, Russia, and the United States, the three cochair—to try to develop a peace process to resolve this situation in the Caucasus. Azerbaijan has refused to participate.

Do not forget how the war started. After years of denying the people of Nagorno-Karabakh their constitutional rights and freedom, the government of Azerbaijan undertook a massive military offensive against Nagorno-Karabakh in the winter of 1993 to 1994. Although Azerbaijan launched the attacks, they encountered a better organized defense and were forced to nego-

tiate a cease-fire, which has been in effect since May of 1994. As I indicated earlier, they threatened to overturn that cease-fire recently when they rejected the proposal of the Minsk Group.

In the face of this behavior, it is now proposed by an amendment to lift the remaining few limitations on direct American foreign assistance to Azerbaijan. Obviously, Azerbaijan wants a completely normal relationship with the United States, but in a "prod" for them to rectify this situation and to give us a more stable, peaceful environment, that remains one of the prods we ought not give away.

The waiving of section 907 of the Freedom Support Act would reward the party that has been intransigent in peace negotiations and has actually thwarted legitimate aspirations for democracy and justice in the region.

I intend later to go into some detail with respect to the human rights practices in Azerbaijan, taken, of course, from the human rights report of the Department of State, the annual report that is made on human rights conditions in various countries around the world. I know there are others who want to speak, so I don't propose to do that right now. If we are seriously entertaining the prospect of changing this law, lifting the remaining limitations that are provided by section 907, obviously one of the things we must do is examine the human rights practices of the country that is going to be freed from these limitations.

Let me read one paragraph from the State Department report, in lieu of a more complete exposition of this situation, which is what I hope to do later. This will give some sense of the problem.

Azerbaijan is a republic with a presidential form of government. Heydar Aliyev, who assumed presidential powers after the overthrow of his democratically elected predecessor in 1993, was reelected in October in a controversial election marred by numerous, serious irregularities, violations of the election law, and lack of transparency in the vote counting process at the district and national levels. President Aliyev and his supporters, many from his home region of Nakhchivan, continue to dominate the Government and the multiparty 125-member Parliament chosen in the flawed 1995 elections. The Constitution, adopted in a 1995 referendum, established a system of government based on a division of powers between a strong presidency, a legislature with the power to approve the budget and impeach the President, and a judiciary with limited independence. The judiciary does not function independently of the executive branch and is corrupt and inefficient.

Later the report goes on to detail numerous human rights abuses on the part of the police, the ministry of internal affairs, and the ministry of national security. As this debate progresses, I will seek to develop those points in order to make it clear that certainly the human rights record doesn't warrant eliminating the limitation. Certainly, the support of the peace process doesn't warrant what this amendment proposes to do. Cer-

tainly, the nature of the blockade which they have imposed, which goes to humanitarian goods and services as well as everything else, doesn't warrant lifting the amendment.

The amendment, obviously, raises very difficult questions. It represents a major departure in substance in terms of our policy. I know the chairman has an amendment which will knock out this provision as it affects section 907. I am very supportive of that. I hope that will carry.

In any event, I am very much opposed to the amendment. I am frank to say I don't think we should be dealing with this amendment on an appropriations bill.

Mr. MCCONNELL. Will the Senator yield?

Mr. SARBANES. Certainly.

Mr. MCCONNELL. I have listened carefully to the Senator's comments which quite accurately lay out the sequence of events since the war in the early 1990s. Can my friend from Maryland think of any incentive whatsoever that Azerbaijan might have to settle this conflict if we repeal section 907?

Mr. SARBANES. I think we will have eliminated the last prod that we have to try to get them to settle the war and enter into a more normal, peaceful trading and commercial relationship with Armenia.

It is an irony that this amendment, this Silk Road Act, is supposedly to encourage commerce and trade amongst the countries in the region but that it has a repeal of 907 for one of the countries that is imposing a blockade on such trade and commerce with its neighbor.

It makes absolutely no sense. It runs counter to the announced objective of the legislation and of the amendment. We have a situation where we have a cease-fire, we have a Minsk process in action. We have a proposal submitted by the three cochair. Azerbaijan rejected it. An effort is being made to revisit that, to try to move that situation forward.

I think to come in with this amendment at this time is certainly not going to help the peace process.

Mr. MCCONNELL. I ask my friend from Maryland, is it not true one of the things that Azerbaijan wants more than anything is a normal relationship with the United States? If they can achieve that without negotiation, this Senator is very pessimistic about the possibility of ever settling this conflict.

I have had the opportunity to visit refugee camps in both of these countries. I must say to my friend from Maryland, I don't see any end to it. These people have been living in refugee camps now for 5 or 6 years. If this conflict isn't settled some time soon, with its sense of hopelessness and despair, we will have children being born, growing up, and reaching adulthood in these refugee camps with no hope of a normal life.

It seems to me, as the Senator from Maryland has indicated, and I agree

with him totally, we ought to be doing everything we can to encourage the end of this dispute—not to take steps that could well lead to an inevitable and lengthy process. Conceivably, this could never be settled. You could have these refugee camps there 10, 20 years from now, breeding hopelessness and terrorism and all the rest that we have seen coming out of refugee camps in other parts of the world.

Mr. SARBANES. The Senator is absolutely right. The really discouraging thing was that the Minsk people made the proposal. That is the United States, France, and Russia, speaking on behalf of the OSCE. And Azerbaijan rejected participating in that process. Had Azerbaijan accepted it and Armenia rejected it, I can imagine people would say, Azerbaijan is trying to make the peace process work, Armenia is blocking it, and we ought to go ahead and enter into this normal relationship with Azerbaijan. But that was not the case.

Second—I will detail it later—to some extent I am reluctant to detail the human rights performance, because one does not like to come on the floor of the Senate and go into a lengthy exposition of that issue. We want people to improve. When we do these human rights reports, we try to not, as it were, overload them. But now when you offer an amendment that is going to take out the last limitation we have on aid, it seems to me at a minimum it warrants a very careful examination of the human rights performance within Azerbaijan. I am frank to tell you I think, once we undertake to do that, most Members are going to have increasingly growing questions about the nature of this regime and about whether we should be trying now to repeal any limitations on providing assistance which could serve as a way to try to get a better performance.

I have gone on for some time. I see my colleague from Michigan has been on the floor waiting patiently. I will come back, obviously, and revisit this issue; particularly, if necessary, to get into this human rights discussion.

As you know, each year the State Department puts out a country report on human rights practices. This one is for 1998. This is in accordance with legislation enacted by the Congress. There is a lengthy section in here on Azerbaijan, which I think Members certainly ought to have in mind as they consider whether we should adopt the amendment offered by the Senator from Kansas which repeals section 907 of existing law. I want it to be very clearly understood, the amendment that has been offered makes a very significant change in existing law, and the second-degree amendment offered by the chairman of the committee would take out the provision that is most offensive in that regard, and that is the proposal of the Senator from Kansas to in effect give up an open waiver on section 907, thereby in effect providing for its repeal.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I realize I have spoken on this a couple of times, but I have heard arguments put forward that I want to clarify my response to so it is in the RECORD.

No. 1 is that the administration, the U.S. administration, the U.S. Government, is part of the Minsk Group. It is part of the group trying to negotiate a peace between Azerbaijan and Armenia. The Clinton administration, they support my amendment. They supported it in committee this year. They supported it last year in the Congress. They think this is a good idea. This is the administration that is negotiating, part of the three outside members—France, Russia, and the United States—part of the overall Minsk Group, along with Azerbaijan and Armenia, that is negotiating this peace.

So if this is ill timed, maybe we ought to tell the administration that, because they support my amendment.

Mr. SARBANES. Will the Senator yield for a question on that point?

Mr. BROWNBACK. If you will let me finish my statement, I have listened for a long period of time to the Senator from Maryland, so I want to just make sure this is clear.

Mr. SARBANES. Will the Senator yield for a question?

Mr. BROWNBACK. If I could just go ahead and finish my statement. You have had a good chance.

The Clinton administration supports my position on this. They think it would help the United States in being an evenhanded negotiator so we do not have a set of unilateral sanctions, sanctions on one of the parties. They think that is important. They have supported it. We have letters to that effect. I will submit those for the RECORD for all my colleagues.

Mr. President, we are not lifting the sanctions. We are providing the administration with the same national interest waiver, the same one that applies to all the former Soviet Union countries. It has in it requirements that if human rights abuses are taking place, we cannot provide aid from the United States. I noted in my statement I made here earlier, I think all these countries are having human rights issues being brought forward, including Armenia, including Azerbaijan. Those are things that should be taken into consideration. But we do not lift the human rights requirements. All we do in this amendment is to provide the administration with national interest waivers. We don't lift them. We provide the administration national interest waivers. They can leave every sanction in and put more on if they deem it wise and prudent and the right thing to do.

They seem to me to be in the right position to consider whether or not sanctions should be lifted, whether or not human rights violations are taking place at the hands of the Azeris, the hands of the Armenians. I think there

are enough human rights abuses to go around in this region. I think most of the reports will cite that as well. I think the administration should have the authority to determine that and move this process forward.

I want to make sure it is clear to our colleagues. This is providing the administration the national interest waiver. It does not lift the sanctions. The administration can put those in place. The administration supports the position.

In that regard, I have a letter from the President stating support for the amendment. I ask unanimous consent it be printed in the RECORD.

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

THE WHITE HOUSE,  
Washington, April 19, 1999.

Hon. SAM BROWNBACK,  
U.S. Senate,  
Washington, DC.

DEAR SAM: I congratulate you for your leadership in working to strengthen ties with all the countries of the Caucasus and Central Asia. The meeting you are hosting, in the context of the NATO Summit, will provide an important opportunity for dialogue among leaders from the region, Members of Congress, representatives of my Administration, and other American opinion leaders. Similarly, I share the goals reflected in your bill, the Silk Road Strategy Act, and will work with you to achieve them.

The United States has a clear stake in the success of the New Independent States of the Caucasus and Central Asia. These young countries have stated that they seek stability, democracy, and prosperity. We have a chance to contribute to their efforts if we stand with them. The United States must continue to play an active and balanced role in the Caucasus and Central Asia—supporting peace in Nagorno-Karabakh and Abkhazia; promoting democracy and market economics through our assistance programs, which should be free from unproductive restrictions; and improving the security environment through bilateral programs and support for NATO's Partnership for Peace.

Your strong leadership helps underscore the bipartisan nature of, and true national interest in, these issues. I look forward to continuing to work with you to achieve our common goals in this area.

Sincerely,

BILL.

Mr. BROWNBACK. People can look at that. As far as this being a sensitive time in the negotiations, I support peace in the region, but this battle, this fight between the sides, has been going on since 1992. We have had a ceasefire for the last 5 years. There has not been significant movement in the peace process or a significant proposal since 1997. If the administration thought it was such a sensitive time, I think they would be here saying don't offer this amendment rather than supporting my position.

So I hope my colleagues will look at all these issues and determine the administration is probably right. This is something we should do. We should put everybody on an equal footing so we can work with all the people in this region, and I think that would be an important thing to do.

With that, I will be happy to yield for a question from my colleague.

Mr. SARBANES. I listened to my colleague with interest. First of all, I find it intriguing he finds himself so supportive of the administration in this instance. Let me ask my colleague this question. Does he know of any administration that would not want to be given, by the Congress, a total waiver authority?

Mr. BROWNBACK. I don't know that I can answer that, but I know this administration would appreciate that. But it is not just that. They also say here the administration strongly supports passage of the Silk Road Strategy Act, which may be added to the bill as an amendment. They appreciate the committee's continued efforts to reduce restrictions in section 907 of the Freedom Support Act.

There is very specific and very clear support.

Mr. SARBANES. Absolutely. Because the Senator gives the administration a blank check. No administration is going to spurn that. Every administration, if you offer them a blank check, is going to take it. They would be fools not to. Obviously they are supportive. You are, in effect, giving them all the authority. The Congress made a judgment in this matter, and it has consistently held to that judgment over the years, and I don't think Congress should go back on that judgment.

Mr. BROWNBACK. Reclaiming my time, I note this is the administration that is negotiating peace in this region. They want peace as I want peace in this region. They are saying: Look, this is an appropriate thing to bring up at this particular time, and it will help us in moving forward to peace in the region. They are in a better position to judge that, with all due respect to my colleague from Maryland.

Mr. President, my colleague from Michigan was kind enough to yield me time to speak. I appreciate that. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I enjoyed listening to this discussion. I spoke earlier on this same amendment and want to speak again.

I am a cosponsor with the Senator from Kentucky of the second-degree amendment which was offered earlier today to the amendment of the Senator from Kansas.

As many of my colleagues may know, contained within S. 579 is the waiver, which we have been discussing, of section 907 of the Freedom Support Act. Section 907 restricts some forms of U.S. assistance to the Government of Azerbaijan until it takes demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh. The Azerbaijan blockade has cut off transport of fuel, food, medicine, and other vital goods and commodities to these regions. This in turn has forced the United States to send ongoing emergency lifesaving assistance to Armenia

and, more recently, Nagorno-Karabakh as well.

The present conflict between Azerbaijan and Armenia has been the subject of an ongoing peace process. With the consent of the United States, the Organization for Security and Cooperation in Europe, their Minsk Group, as we have heard, has been assigned the responsibility of fashioning a peace proposal satisfactory to the conflicting parties.

Despite serious reservations, Armenia and Nagorno-Karabakh have accepted the OSCE's recommendations. As the Senator from Maryland just pointed out, Azerbaijan has not. In fact, they have summarily rejected the compromise peace proposal. If Azerbaijan had accepted the compromise plan, cowritten by the United States, direct negotiations would already be underway, and this conflict may have well been on its way to being resolved.

If we vote today to abolish section 907, we, in effect, would reward Azerbaijan's rejection of the OSCE compromise peace proposal. We will have undermined what I believe and what I think a number of my colleagues who have already spoken believe to be a primary objective of that proposal, which is ending Azerbaijan's ongoing blockade.

The comments of both the Senator from Kentucky and the Senator from Maryland have been right on point. It could not be more self-evident that if the one and only leverage we have in the peace process to bring an end to this blockade and to the hostile relationships is taken away, there will be no incentives whatsoever.

It would be, in my judgment, counterproductive in the extreme to create incentives for the intransigent party to stay the course, to remain intransigent. This, in my judgment, will not bring lasting peace to the region, and I question seriously the conclusion that apparently the administration has reached that somehow this administration, or any other, will be more effective as a negotiator if this changes.

There are plenty of countries that have an interest in this region that do not have a provision like section 907 in place. Yet they have been no more successful in influencing Azerbaijan. The Minsk proposal was rejected by Azerbaijan. I do not understand how, in effect, rewarding Azerbaijan for its resistance is going to change anything.

I want to comment on another point the Senator from Kansas made. He has mentioned several times today his provision, the Silk Road Act, includes a so-called national security waiver. He indicates that it does not, of course, eliminate the sanctions, it just simply allows the President to exercise the waiver which would remove those sanctions if, in the President's view, the circumstances allowed that. This provision, as the Senator from Maryland just said, would, in effect, give the President the power to repeal section 907 or to maintain it.

However, its practical effect would be to eliminate section 907. The administration is on record, and very clearly on record, in supporting the repeal of this principal provision of the law and has been a vocal supporter of the Silk Road bill itself, as the Senator from Kansas just indicated.

The notion we are not, in effect, repealing section 907, we are simply putting the President in a position to consider using a national security waiver to repeal it, may be technically true. But as a practical matter, if we act today to eliminate section 907 and replace it with a waiver language that is suggested, we would be eliminating the section 907 sanctions automatically, because I find it hard to believe the President, in light of his statements and his support, would retain section 907.

I reiterate to my colleagues the importance of our second-degree amendment. Irrespective of your views on the Silk Road Act, either substantively or, for that matter, as a part of the foreign operations appropriations bill, our amendment would be consistent with our policies in this region, and it would maintain existing law with respect to the Government of Azerbaijan.

I hope my colleagues will support Chairman McCONNELL and myself and others who are supporting this very important amendment.

Also, I personally believe the treatment that has been received by the people of Armenia—and this is not the only time in this century that the people of Armenia have been victims of actions by military forces beyond their control—the treatment is simply unacceptable. I am not saying there are not arguments of sympathy toward all parties in this region, but the U.S. Government made the right step when we instituted section 907, that we expressed an appropriate level of sympathy, as well as support, and appropriately so, for the people of Armenia. It would be a tragic mistake for us today to reverse course and to set in motion what, in effect, would be a repeal of section 907. It will send the wrong message to the Azerbaijanis, and I believe just from a human rights point of view, it would send the wrong message with regard to our feelings toward the people of Armenia.

Actions such as that would not be evenhanded, but clearly it would be a decisive gesture on behalf of Azerbaijan. In my judgment, when one takes into account the entire historic scope of things, that is not an appropriate action for our country to take.

I urge colleagues to support our second-degree amendment, to then vote their conscience with regard to the Silk Road Act, both on substance as well as its inclusion in this legislation. As I indicated earlier, I support the efforts of the Senator from Kansas in virtually all other respects with regard to this effort and with regard to that legislation, except for this provision.

Today, on behalf of myself and the others who have joined on the second-

degree amendment, I hope we will have support. Let's not make this dramatic change in American foreign policy in this context. Let's send a message to the people of Azerbaijan that we hope they will take seriously the negotiation of the peace process and that America remains firm in its resolve to not continue or to open up these additional forms of aid until such time as the proposal we have already offered is favorably acted on.

Mr. SARBANES. Will the Senator yield on that point, please?

Mr. ABRAHAM. Certainly.

Mr. SARBANES. Mr. President, I bring to the Senator's attention a statement that was adopted on April 15 of this year by 23 political parties in Azerbaijan that are members of the movement for electoral reform and democratic elections. These are the major opposition parties in Azerbaijan. Listen to this:

The existing Government of Azerbaijan, having usurped powers as a result of a plot in 1993, created an antidemocratic regime in the country, violated human rights and freedoms, performed brutal repressive policies against political parties and opposition forces, pursued and jailed hundreds of citizens for political reasons, falsified presidential elections, remained indifferent to the assassination of deputies of the people, brought social economic conditions of the population down to a deep precipice, illegally redirected credits from foreign countries for their own purposes, failed to achieve significant improvements in the oil industry, created conditions for the session of some already-signed oil contracts, misappropriated industrial enterprises and violated the labor rights of hundreds of thousands of citizens, substantially destroyed the industrial potential of the country, brought agriculture to a disastrous state, created conditions where a selected group of individuals accumulate state property in their hands but conceal it under the name of reforms, raise corruption and bribery to historically high levels and, thus, brought many sectors of the life of the country to a state of catastrophe.

Then they talk later—I am not going to quote it all—about the cruel pressure of the Government against the free and independent mass media, how citizens were illegally arrested for participating in election rallies and sentenced to jail terms.

Imagine the courage it took to make this statement. And now the Congress of the United States is going to come along and repeal section 907? What message does that send to these brave people who are challenging their own authoritarian government on its practices?

The Senator is absolutely right. It would send absolutely the wrong message; would it not?

Mr. ABRAHAM. It would.

I say to the Senator from Maryland, I obviously do not know, with respect to each and every one of those issues that was raised by opposition parties, the full story, but I also would suspect that very few of our colleagues know the full story or have examined that aspect of this debate.

It seems to me, in the absence of a fuller examination, it would really be a

mistake for the Members of the Senate to vote to remove, effectively repeal section 907 unless they know more of the background that the Senator just discussed.

I know the Senator from Maryland plans to discuss some of the other issues today, but I urge colleagues who are not on the floor and maybe are not following this as closely to just take note of that list and other similar kinds of lists of concerns that have been raised and very serious charges that have been leveled against the government that we would now, in effect, set in motion a potential plan to support. It seems to me this is the kind of issue that requires far greater scrutiny by the Members of the Senate before we would take that action.

I appreciate the Senator from Maryland raising those issues at this time.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. If I could pick right up on the comments made by the Senator from Maryland and the Senator from Michigan, we are talking about a major change in American foreign policy in this amendment. This is a very serious change in our policy toward that part of the world. It is not as if, as the Senator from Maryland has pointed out and as the Senator from Michigan has pointed out, the United States has no relationship with Azerbaijan.

The administration already, without the repeal of 907, can do Export-Import Bank loan guarantees and support. It can do OPIC insurance and support. It can do Trade Development Agency feasibility studies and support. It can do any activities sponsored by the U.S. Foreign Commercial Service. It can do election and democracy support. It can do Nunn-Lugar nonproliferation support. And last but not least, it can do humanitarian support, which includes food, medicine, and related relief.

In other words, 907 has basically been stripped down over the last few years so that all of those activities between our Government and Azerbaijan can take place. So there is not much left of 907.

But as the Senators from Maryland and Michigan have pointed out, what is left is significant because without it there is no real reason for Azerbaijan to pursue the much-needed peace with Armenia that the citizens of both countries richly deserve.

So I thank both Senator SARBANES and Senator ABRAHAM for their contributions to this important debate.

I yield the floor.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I have noted in my opening statement, and I have noted later, the human rights issues that exist throughout the region. There is no doubt that they

exist. I think the same standards should be applied to Azerbaijan as apply to the other countries in the region. And those do stay in place.

This is talk of a major shift in U.S. foreign policy. I, again, remind people that we are simply providing the President with waiver authority. If he determines that human rights abuses are such that any of the sanctions should not be lifted, they will not be lifted. The administration is given that authority. We do not lift those sanctions. The President maintains that.

I also note, in the human rights area—because this is an area of key concern, as it should be an area of key concern to everybody—we recently had a coffee for the Israeli Minister of Trade and Industry, Natan Sharansky. That name should be familiar to some Members. He is one of the leading human rights voices in the world. This is a person who understands the connection between the U.S. position and human rights problems.

He was here specifically to support the Silk Road Strategy Act of the bill. He said this:

Look at the human rights situation and weigh this against the importance of the threat that is facing us. It is very important to engage and to continue to encourage a positive process and the way to do this is to strengthen the role we are playing in the region.

Strengthen the U.S. role played in the region. Sharansky is clearly a person who understands the importance of tying legislation to human rights. He is a clear beneficiary of that having been done in the past. This is one of the clearest voices in the world. That is not to deny that human rights abuses have occurred. But we are not lifting the standards of human rights. We are not saying that Azerbaijan has a lower standard than everybody else. We are saying everybody has the same standard. And we provide the President the national waiver authority. This does not shift U.S. policy if the President determines it is not in our national interest, which is the same standard we put to all countries.

I plead with my colleagues to look seriously at this because while we can get down here in the weeds of some particular issues, we are talking about a region of the world that the Iranians are aggressively playing in now. All these Silk Road countries that I am talking about, the Iranians are there. They are providing aid, they are providing hate, and they are trying to overturn these governments. They can say that the authors of the amendment are saying: OK, let's just pull this 907 provision out. The rest is fine.

Azerbaijan is a key part of this Eurasian connection of connecting this region together for democracy, for a growing competitive economy that can stand against the threat of the Iranians and the militant fundamentalists expanding in this region that is taking place now.

The notion that we have not looked at this enough—I bet we have had nearly 10 hearings in the Foreign Relations



Committee between this Congress and last Congress on this issue. It passed the Foreign Relations Committee last Congress and this Congress. We have looked at it and looked at it. I wish we studied most issues as much as we have studied this one. We have. This one has been around. People have looked at it. This 907 provision has been in place for a number of years and it has not helped Armenia.

My final point here is, I am seeking, by this, to help all the countries in this region and U.S. policy. I am seeking, by this, to help Armenia as well. I realize that the people that are in opposition on this would not see that as such. But has our past policy helped Armenia? Has that been of any help?

I talked with the Foreign Minister 3 or 4 months ago, and he talked about how terrible the situation was in Armenia. And I agree, it probably is. But that is suffering under the law we put in place. Let's try something that can lift the whole region up and build stakeholders who can say: We ought to cooperate and work together.

Let's try something that can work instead of this failed policy that is a unilateral sanction. Let's provide to the President the authority to be able to do that, to move that peace process forward. This is the time to do that. I hope we can get to a vote here quickly.

I inquire of my colleague from Kentucky, I know he would like to move this bill, it would seem to me that probably we have had sufficient time. If there is a chance to move forward and vote, I think we are probably getting to that point.

Mr. McCONNELL. I say to my friend from Kansas, we are going to try to process a lot of other amendments. But we have not been offered a time agreement on this yet.

I see my colleague from Maryland is on his feet. If he would like to—

Mr. SARBANES. I want to ask the Senator from Kansas a question, if he would yield for a question.

Mr. BROWNBAC. Yes. And then I would like to yield to Senator HUTCHISON of Texas.

Mr. SARBANES. Were any other countries encompassed within your Silk Road strategy that are imposing a blockade on their neighbors the way Azerbaijan is on Armenia?

Mr. BROWNBAC. Yes.

Mr. SARBANES. Who?

Mr. BROWNBAC. Armenia.

Mr. SARBANES. On whom?

Mr. BROWNBAC. Azerbaijan. I think the Senator and I talked about this earlier today. The Senator will agree that Armenia has taken about 20 percent of the territory of Azerbaijan. The U.N. has condemned that. And what effectively you have in place is a mutual battle line that has existed between those two. The U.N. has condemned this action and told Armenia: Let's hold this back.

Mr. SARBANES. The Minsk group is trying to resolve that issue. The war began because Azerbaijan moved into

an aggressive mode. Does the Senator dispute that?

Mr. BROWNBAC. Would you dispute who is occupying whose territory?

Mr. SARBANES. Let's do it step by step. Does the Senator dispute that Azerbaijan began the war by moving into an aggressive mode?

Mr. BROWNBAC. I don't think that would necessarily be the case. I am not going to start to debate the origins of that war.

Mr. SARBANES. It becomes a highly relevant question, doesn't it?

Mr. BROWNBAC. I think the relevant question is how we move forward in this region of the world. That is the issue that we debate.

Mr. SARBANES. The argument the Senator made about trying to move forward was responded to by the committee in the past with the Exim exception, with the OPIC exception, with the encouraging democracy exception, all of the provisions that provide some aid. Now the Senator wants to lift any limitations altogether. I think any chance of getting this situation resolved will simply be gone.

I know the pressures that exist. The Silk Road strategy involves tremendous oil interests. We ought to put that out on the table, I guess. Someone ought to lay that out as an important consideration. But it ought not to result in overturning what has been an established policy in the way we are trying to do it today, particularly in a situation when, last fall, we thought we would be able to move this peace process. Had Azerbaijan participated in the peace process last fall, we would have been able to move forward. They refused to do so.

Mr. BROWNBAC. Mr. President, if I could reclaim my time, my colleague from Texas is here and desires to address this overall issue. I yield to my colleague from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

I appreciate Senator BROWNBAC giving me a little time to talk about this, because I think it is a very important issue. There are a number of American investments being made in Azerbaijan right now. There are a number of American jobs that will be dependent on our keeping a good relationship with Azerbaijan.

I have been able to visit Azerbaijan. I was there at the same time as the distinguished chairman of the subcommittee. He knows this issue very well.

I look at this a different way. I talked to the President of Azerbaijan while I was in his country and then when he visited our country to sign agreements with several American companies to do business in his country. It is of utmost concern to him that we are beginning to make investments in his country. He welcomes us. He wants to do business with us. Yet we have sanctions on his country because of internal conflicts.

This is not a policy that is evenhandedly put forward by our country. We do business with other countries where we don't agree with the way they are treating certain people within their own country. There are border disputes with other countries, but we don't put sanctions on them in order to impose our will.

I hope Senator BROWNBAC's amendment will pass, at least this part of the amendment, because I think it is important that we send a message to the President of Azerbaijan and to the people of Azerbaijan that we want to be partners with them, that it is an important relationship to this country, and that we should continue to be able to help them work out this internal problem. But I don't think imposing our will on them is the right thing to do.

Senator BROWNBAC is trying to give the President the ability to maneuver in the interest of the United States. I think it is a reasonable request. It is a good amendment. I hope that the Senate will support it.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, in light of the comments of the Senator from Texas, I want to reemphasize something I said earlier. Section 907 is not a sanction. There is no provision currently in place that prevents American companies from trading or doing commerce in Azerbaijan. The only thing section 907 limits is it doesn't allow foreign assistance direct from the U.S. Government to Azerbaijan unless Azerbaijan—listen to this—takes demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh. So it is an absolute misrepresentation of the current situation to assert that this is a sanction. There are no trade sanctions. In fact, as the chairman of the subcommittee indicated, there are a number of Government programs that are operating in Azerbaijan.

The only thing not now permitted is direct foreign aid. There is not an entitlement to foreign aid. All we have said—I think, quite reasonably—is that you can't get any foreign aid unless you take demonstrable steps to cease all blockades against Armenia. That is what 907 provides.

Why should we give them foreign aid and allow them to continue the blockade? We want the blockade to cease.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. SARBANES. Certainly.

Mr. McCONNELL. The Senator from Maryland makes a very good point. I visited these countries. American business is there. The American oil companies are there. I do not know why the American oil companies are so interested in the repeal of 907 because it is certainly not inhibiting their ability to do business in Azerbaijan or to drill in the Caspian Sea. Some of us have had an opportunity to see those offshore wells. I might say that the American

oil industry is doing a wonderful job, very environmentally sound drilling practices in the Caspian Sea. It is high time because the Russians committed a number of environmental atrocities both onshore and offshore in Azerbaijan during their decades there.

No American business I am aware of is being inhibited from doing business in Azerbaijan by what little remains of 907. I think the Senator from Maryland is correct in his interpretation of what remains of section 907.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, not to delay this extraordinarily, because I think we should move to a vote, we have had an extended debate. We have had extended hearings on this. It is time to go ahead and move forward to a vote.

Mr. McCONNELL. We do not yet have an agreement to move to a vote on this amendment. That may come later in the day. We do have a number of amendments we hope to be able to accept momentarily. So I can inform the Senate, I hope we are down to just a handful of remaining amendments that might require rollcall votes. Obviously, the Brownback amendment, as amended by the McConnell-Abraham amendment, is one that is going to require a rollcall vote. Before we get to that, we are going to dispose of a number of amendments by consent very shortly.

Mr. BROWNBACK. Mr. President, if I could just reclaim my time, I want to correct one assertion that this is just about oil. I hope we would look at the people who live in this area of the world which is affected by this Silk Road Strategy Act. It is interrelated. It does all tie together to create this Eurasian corridor.

If you pull Azerbaijan out of it and you say, okay, we will work with everybody but not with them, the corridor and its work towards lifting all of their economies in their countries doesn't work, we are talking a total of nearly 72 million people in this region. If you look at a map of it, you need to work on this together. They have a lot of pressure on them from various areas.

You really need to have this all hooked in together. We need to replace 907 with a national interest waiver that the President can put, and then have a coherent U.S. policy so that we meet our interests in the region. It is clearly to have this engaged, not fall in the hands of the Iranians or back to the Russians, so we can build and grow with them and not force them to become militant fundamentalist countries.

I yield the floor.

Mr. KENNEDY. Mr. President, I just want to join in expressing real reservations about the Brownback proposal that effectively would provide discretionary provisions to the President of the United States. Obviously, it has been represented by a number of those who have spoken on this issue that the

U.S. does have interests in this particular part of the world. But it does seem to me, as someone who has followed this situation closely over a number of years, for the United States now to be in a position where we are seeing a significant alteration of the balance of power by taking unilateral action, rather than trying to add to a resolution of the dispute, I think, only makes it more complicated, more difficult to try to reach some real chance for peace.

I think in many different parts of the world, ultimately, the people who do have responsibility, authority, and power have to be willing to come to the negotiating table and be prepared to make tough and difficult decisions. To think that the United States, by somehow changing and altering its position in terms of effectively siding with one side in this, thinks that we can really advance the cause for peace in that area, I think, is shortsighted. I think it really misunderstands the region and the historical and significant political forces at play in that region.

All of us see there is a different opportunity in that part of the world currently. As we have seen the change in history in different parts of the world, whether in Northern Ireland, or perhaps even today in terms of the Middle East, or in other parts of the world, we have seen, with the change of circumstances by outside forces, progress made. But for the United States now to be in a position where it moves unilaterally in terms of its interests, I don't feel it really advances the cause of peace. There are those who have advanced different options about moving this whole political process forward, who can advance the country's interest in that part of the world in a positive and constructive way. But I fail to see how this change will advance that interest. I don't believe it does.

I strongly support the position my friend and colleague, Senator SARBANES, has mentioned. We find out now there are indirect contacts that are available and accessible. We have the private sector already engaged. There are indirect lines of support to Azerbaijan at the present time. But for the United States now to be in a position which effectively would commit itself to one side in this, after all of the various situations and the current situations, I think would be enormously counterproductive.

So I certainly hope we will not take that action at this time. I don't think it is warranted. It is not justified, and I think it would be counterproductive in terms of the interests of the people in that region. There have been initiatives for the cause of peace in that part of the world. The Armenians have indicated a willingness to move that process forward, and those have been rejected, as I understand it, by the Azerbaijanis. For the U.S., under these circumstances, to be in a situation where we could effectively—and we understand what is really at the bottom

of this, and that is effectively coming down on one side—I think there fails to be a persuasive argument about trying to advance this process for peace and real prosperity, and freeing that region from the kinds of tensions it has faced in the past.

I hope when the Senate comes to deal with this issue, we will maintain what I think has been a sound policy in the past and, with the new initiatives out there in terms of advancing peace, try to find ways to move the process forward rather than interfering in these negotiations by favoring one side over another.

Mr. KENNEDY. Mr. President, I strongly support the amendment to the Silk Road Strategy Act. I support the many worthwhile provisions in the Act, but I oppose the waiver of Section 907 of the Freedom Support Act, which was enacted by Congress in 1992. Section 907 restricts U.S. assistance to Azerbaijan because of Azerbaijan's continuing economic blockade of Armenia. This blockade has led to great suffering by the people of Armenia, who have had to endure years of shortages of vital commodities.

Azerbaijan's cut off of fuel supplies had a devastating effect on Armenia's industry. Factories were unable to operate, throwing tens of thousands of people out of work. Malnutrition increased because of the shortage of food. Schools and hospitals had to shut down or operate under dire circumstances for only a few hours a day.

Over the years, the humanitarian needs have been so great in Armenia. The 1988 earthquake, followed by the blockade, has resulted in continuing devastating circumstances for the people of Armenia. I can remember talking to doctors about the humanitarian needs of the Armenian people. I worked with the Department of Defense airlifting goods donated by the people of Massachusetts and other states to help alleviate the suffering.

Although conditions are somewhat better today than they were a few years ago, Armenia still suffers from the effects of this blockade. It continues to obstruct Armenia's ability to import food, fuel, medicine and other important commodities and items.

Unfortunately, the Silk Road Strategy Act contains no provision requiring Azerbaijan to lift this blockade as a condition of receiving additional U.S. aid. It makes no sense to reward Azerbaijan while that nation continues this inhumane blockade. Azerbaijan already receives \$24 million a year in indirect U.S. assistance. Current law allows the Overseas Private Investment Corporation and the U.S. Trade and Development Agency to provide support to the private sector, and USAID is authorized to provide humanitarian aid and democracy-building assistance to Azerbaijan.

Section 907 is an important incentive for Azerbaijan to come to the negotiating table to resolve the continuing controversy between Azerbaijan and



Armenia. The amendment offered by Senator MCCONNELL, Senator ABRAHAM, and Senator SARBANES will retain this essential lever of sanctions, and I urge the Senate to adopt it. Unless the waiver of Section 907 is removed, it would be a serious mistake for the Senate to approve the Silk Road Strategy Act.

Mr. LEVIN. Mr. President, I rise to support the McConnell amendment striking the provision in the Brownback amendment, also called the Silk Road Act, which would grant the President authority to waive Section 907 of the Freedom Support Act. Section 907 is an important provision of our law which prohibits U.S. Government assistance to the Government of Azerbaijan until it takes "demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh." For the last 10 years, the Government of Azerbaijan has resisted taking such simple steps and instead has maintained its blockade of the transportation of food, medicine, fuel and other important items to Armenia and Nagorno-Karabakh. The Azeri blockade has led to great human suffering while seriously hampering economic development of the region. I cannot support the Silk Road Act as offered because by allowing for the waiver of Section 907 we would be removing one of the last remaining incentives we have to induce the Azeris to enter into good faith negotiations over this conflict. I believe that we all have similar goals for the region which include: economic development and cooperation; fostering of democratic principles; and the adherence to universally recognized human rights standards. Allowing for the waiver of Section 907 runs counter to these important goals by rewarding a nation which has blockaded its neighbors, maintained an authoritarian government that took power in a nondemocratic fashion, and has a human rights record that has been recognized by the U.S. State Department as "poor." I urge my colleagues to support the continuation of Section 907.

Mr. KERRY. Mr. President, I strongly oppose the amendment of the Senator from Kansas. This amendment gives the President authority to provide assistance for the countries of the South Caucasus and Central Asia—that is, Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. The purpose of this amendment is to reestablish the ancient Silk Road trading route and to gain access to the oil and gas resources of the region. In so doing, it has serious implications for Armenia and for ongoing international efforts to promote a solution to the conflict between Armenia and Azerbaijan over Nagorno-Karabakh, because it allows the President to waive Section 907 of the Freedom Support Act, which I originally authored. That legislation prohibited aid to the Government of Azerbaijan as long as it maintains a blockade against Armenia.

One of the objectives of the Brownback amendment is to foster the development of regional economic cooperation. Yet, this amendment ignores some fundamental facts on the ground. First, Armenia continues to be blockaded to the east by Azerbaijan and to the West by Turkey. Second, Azerbaijan insists on establishing and maintaining east-west energy, rail and road corridors that deliberately bypass Armenia. Although Armenia is one of the countries that could benefit from this bill in theory, in reality it is totally isolated by the situation on the ground.

This bill does nothing to address these realities. There are no provisions requiring that blockades be lifted or that all borders be opened before aid is extended. By failing to include these requirements, the bill in effect legitimizes these blockades and helps Azerbaijan to continue to use them to marginalize Armenia and keep it weak.

The ten-year blockade of Armenia and Nagorno-Karabakh by the Azeri government has cut off the transport of food, fuel, medicine and other vital goods. This blockade has been strengthened by Turkey, which has had a similar blockade for the last six years.

Section 907 is not a sanction but rather an effort to use the leverage embodied in US aid to create a level playing field for Armenia and to encourage the government of Azerbaijan to take some of the basic steps necessary if a peaceful resolution of the conflict is to be found. Section 907, as formulated in current law, prohibits US government economic and military assistance to the Azeri government, but it permits humanitarian and democracy building aid.

All Azerbaijan must do to get section 907 lifted is to "take demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh." By allowing the President to waive Sec. 907, this bill legitimizes Azerbaijan's blockade and rewards its rejection of the 1998 OSCE compromise peace proposal. This only complicates efforts by the international community to foster a settlement to the conflict. The greatest weakness of this Brownback amendment is that it is totally silent on the peace process.

Mr. President, I will vote against the Brownback amendment and in support of the McConnell amendment, which removes the President's ability to waive Sec. 907.

Ms. MIKULSKI. Mr. President, our foreign policy must reflect our values. That's why I oppose the Silk Roads Strategy Act amendment.

The sponsors of this legislation say that we should build stronger ties with the nations of the South Caucasus and Central Asia. I agree. We must promote peace, democracy and economic growth in this important region. But to do this, we can't ignore basic human rights or fundamental American values.

The Silk Roads Strategy Act would enable the President to waive Section 907 of the Freedom Support Act. Section 907 prohibits most direct American aid to Azerbaijan until it takes demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh. Section 907 has been modified in recent years to enable humanitarian aid and aid provided by the Overseas Private Investment Corporation, the Trade Development Agency and the Export Import Bank. Yet Azerbaijan has done nothing to end the embargo and has been recalcitrant in the OSCE peace process.

American foreign aid is not an entitlement. We have a right to place conditions on our assistance. We have a right to demand that countries receiving US aid live up to certain basic humanitarian standards.

For almost ten years, Azerbaijan has maintained a blockade of Armenia. This blockade prevents the delivery of basic human needs—including food, medicine and fuel. What does this mean for the people of Armenia and Nagorno-Karabakh? It means terrible human suffering. It means a high infant mortality rate and poor maternal health. It means hunger. It means shortages of the basic needs of life—food, medicine and energy.

Senator MCCONNELL has offered a second degree amendment that would maintain Section 907. This is a reasonable approach. The McConnell amendment would enable us to strengthen relations with the Caucasus—without compromising our values.

I urge my colleagues to join me in supporting the McConnell amendment—and in opposing the Silk Roads Strategy Act.

#### SILK ROAD STRATEGY ACT OF 1999

Mr. DODD. Mr. President, I think there has been more heat than light evidenced by those who have attempted to characterize what the amendment offered by Senator BROWNBACK seeks to achieve with the proposed amendment or with legislation that he introduced earlier this year—the so called Silk Road Strategy Act.

I call attention to the language of the amendment and what it seeks to achieve support, the bill has even more expansive language in these areas.

Let me highlight for my colleagues just a few of these goals: to promote and strengthen independence, sovereignty, democratic government and respect for human rights; to promote tolerance, pluralism, and understanding and counter racism and anti-Semitism; to assist actively in the resolution of regional conflicts and to facilitate the removal of impediments to cross-border commerce; and to help promote market oriented principles and practices.

The assistance authorized by this legislation is intended to promote reconciliation, economic development, and broad regional cooperation.

Mr. President, I think we would all agree that these are appropriate goals

and programs that are worthy of U.S. support.

There is a great deal of misunderstanding about what the bill and the proposed amendment will do.

It does not supersede the Freedom Support Act nor does it repeal section 907 of the Freedom Support Act which restricts assistance to Azerbaijan. Rather it gives the President the ability to waive continued application of the restrictions if he determines they do not serve United States national interests.

I opposed last year's version of the Silk Road legislation because I believed it went further than was wise or necessary in superseding the Freedom Support Act and in the outright repeal of restrictions on assistance to Azerbaijan.

Having said that, I have made no secret of the fact that I am increasingly opposed to Congressionally mandated foreign policy restrictions that do not include Presidential waiver authority. I think that it makes the conduct of foreign policy extremely difficult and is not the most effective way to promote the goals that Congress is seeking in the legislation it enacts.

Senator BROWNBAC has struck the right balance in the legislation that is before us today. It recognizes the challenges we face in promoting democracy and respect for human rights in the region and it gives the President sufficient tools to make progress in these areas.

I believe it also gives an incentive for governments in the region to make progress in these important areas, knowing that if they do, they will improve relations with the U.S. and open the door to economic assistance which they need if they are to make progress to building democratic institutions in their countries.

For that reason I support the underlying Brownback amendment and do not believe that the perfecting amendment offered by Senator MCCONNELL is necessary.

Mr. FEINGOLD. Mr. President, I rise in opposition to the amendment offered by the Senator from Kansas, (Mr. BROWNBAC), the so-called "Silk Road Strategy Act." I certainly support the Senator's desire to promote peace and democracy in Central Asia and the South Caucasus region, but I remain concerned about the approach this legislation takes toward achieving these laudable goals.

In particular, I am troubled by the provision in the Silk Road Strategy Act which would allow the President to waive Section 907 of the Freedom Support Act. Section 907 prohibits United States assistance to the government of Azerbaijan until it takes demonstrable steps to end the blockade of Nagorno-Karabakh. No such steps have been taken, Mr. President. The blockade continues, as do human rights violations against the Armenian population in the region. I am concerned that the waiver of Section 907 would, in effect,

reward the Azeri government for its refusal to end the blockade.

For those reasons, I opposed prior versions of the Silk Road Strategy Act in the Committee on Foreign Relations in the 105th and 106th Congresses, and I signed on to the minority views contained in the committee report both times. Those views stated, in part, that "to waive [Section 907] in the absence of any progress toward a lifting of the blockade would reward the Government of Azerbaijan for its intransigence and remove a major incentive for good-faith negotiation from one side in the conflict."

Mr. President, a decision not to provide foreign assistance to a government is not a sanction. The United States Congress has the responsibility to prohibit the provision of bilateral assistance to governments with which we have serious concern. This is not a sanction; rather, it is a means of making our foreign policy goals clear. Foreign assistance is not an entitlement. Section 907 plainly states that there will be no U.S. assistance to the government of Azerbaijan until the blockade is lifted. Period. As my colleagues well recall, this body has placed numerous conditions on bilateral assistance to a variety of countries. Section 907 is a condition, not a sanction. Moreover, many types of bilateral assistance are exempt from Section 907, and U.S. trade with Azerbaijan has been unaffected by this provision.

I will support the McConnell-Abraham second degree amendment to strike the waiver authority for Section 907 from the bill, and I will oppose the Brownback amendment in its current form. I urge my colleagues to do so as well.

Mrs. FEINSTEIN. Mr. President, I rise in support of the 2nd degree Amendment offered by the Senator from Kentucky. Without the McConnell Amendment, I find that I must oppose the underlying Amendment offered by the Senator from Kansas.

Although I think that many of the goals and objectives of Senator BROWNBAC's Amendment are worthwhile—I too believe in establishing a policy of greater U.S. engagement with the countries of the Caucasus and Central Asia—I find that I must oppose this Amendment because it contains a fatal flaw: I do not think that Congress should get rid of Section 907 of the Freedom Support Act, which this Amendment does, so long as Azerbaijan continues its decade-long blockade of Armenia and Karabakh.

The McConnell Amendment, which retains Section 907, would fix this flaw.

Expanding Azerbaijan's eligibility for assistance from the United States without seeking progress on the resolution of this issue runs the risk of legitimizing precisely the sort of behavior which the United States, on the cusp of a new century, must seek to discourage.

Azerbaijan is already eligible for U.S. humanitarian assistance, as well as

funds for democracy building and many trade benefits. All that Azerbaijan has to do under Section 907 to be eligible for the full range of U.S. assistance is to "take demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh."

In other words, all it has to do is end hostilities, end an act of war, and seek to settle this dispute peacefully. If Azerbaijan were to take these simple steps there would be no need to repeal Section 907—its restrictions would no longer apply. Is it too much to ask another country that it end a state of war before we provide it with additional foreign assistance?

In fact, given Azerbaijan's continued unwillingness to make an effort to peacefully resolve this issue, gutting Section 907 rewards Azerbaijan for continued bad behavior, and sends a very disturbing message to others who might behave likewise. Basically we would be saying that it is O.K. to attack your neighbor, impose a blockade, stop food, fuel, and medicine from getting through to those in need, the United States will simply look the other way. In fact, we will do more than look the other way, we will consider offering you military assistance. I do not think this is the sort of message we should be sending.

The nations of the region must solve their problems via direct negotiations and mutual compromise, not by acts of war. When Azerbaijan shows a willingness to end its blockade and seeks a peaceful resolution of the outstanding issues with Armenia then, and only then, should the United States provide it with the sort of assistance that this Amendment would allow.

I urge my colleagues to join me in support of the McConnell Amendment. And, unless the McConnell Amendment, which retains Section 907, is passed by this body, I would urge my colleagues to join me in opposition to the underlying Brownback Amendment.

#### SILK ROAD STRATEGY ACT

Mr. HATCH. Mr. President, I rise in support of Senator BROWNBAC's amendment to the FY 2000 Foreign Operations Appropriations bill, the aptly named "Silk Road Strategy Act." This act puts in place a much-needed strategy toward a much-overlooked part of the world, a part of the world that the U.S. would ignore at considerable risk.

I commend my colleague from Kansas for the extraordinary effort he has committed to shaping this policy and drafting this legislation. Senator BROWNBAC has spent several years studying this region, traveling through it, meeting with political leaders and economic decision makers and discussing his thoughts with the Administration. The fruits of this in-depth research and commitment are evident in this amendment.

I also thank my colleague for working with me to include language in this bill that strengthens the U.S. policy of opening these markets and raising

these countries' level of economic cooperation with the United States through bilateral investment treaties.

As the senior Senator from Utah, I am very fortunate to represent a State with many far-sighted international commercial ventures, and the language I proposed, which Senator BROWNBACk has thoughtfully accepted, supports those interests by requiring the Secretary of State to report annually on the progress that is being made in negotiating investment treaties with nations of the region. I believe this measure will, for the time being, be sufficient to monitor progress in these important negotiations and will alert these nations to the serious concerns that the U.S. Congress has in protecting U.S. investments abroad. U.S. companies investing in this region should have the protections of bilateral investment agreements.

This is entirely consistent with the strategy of the "Silk Road Act," which is posited on the accurate belief that increased U.S. participation in this region is fundamental to their development and our interests.

The economic component is only one part of the strategy of this amendment. By promoting infrastructure development, democratic political reforms, sovereignty, independence, and conflict resolution, the Brownback proposal will contribute to political stability and progress as well.

Last fall, during a visit to the region, I went to the Republic of Georgia and renewed an acquaintance with Edouard Shevardnadze. An artful negotiator as foreign minister in the last years of the Soviet Union, President Shevardnadze returned to his native Georgia, which became independent as a result of the demise of the Soviet Union. As President of Georgia, Edouard Shevardnadze has been a stalwart promoter of democracy and an open economy, and he has done so under very, very difficult circumstances.

Close to one-quarter of his nation's territory is not under central government control. Russian soldiers remain stationed on some of that territory, against the will of the Georgian government. President Shevardnadze has twice narrowly avoided assassination—one of his assassins freely resides in Russia today. In my discussions with President Shevardnadze, we discussed the need for increased U.S. attention to this region and increased participation by U.S. commercial interests. This "Silk Road Strategy Act" promotes these goals.

The region of the world that this act addresses remains rife with internal conflicts, cross-border incursions, and—perhaps most disturbing—continued challenges by radical Islamic interests, supported in many cases by the extremists in Iran. If these conflicts succeed in destabilizing the region, millions of people recently freed from nearly a century of communist totalitarianism will be denied their economic and political progress, nations

surrounding the region will be drawn into wider conflicts, and international markets will be affected.

Further, and most importantly, if this region slips toward instability, I am deeply concerned that the U.S. will see the Central Asian and Caucasus States become the source of many future conflicts. Some of these conflicts could have troubling transnational consequences that directly affect us, such as the spread of terrorism and international crime.

I commend Senator BROWNBACk for this valuable legislation, which makes a solid and important step in refocusing U.S. interests to a part of the world that is important to us now, and will be even more important in the future.

Mr. TORRICELLI. Mr. President, I rise today in support of this amendment and the preservation of Section 907 of the Freedom Support Act. It is important that we maintain our commitment to the Armenian people.

One of the greatest foreign policy priorities in the post-Cold War world is to assist former Communist countries in making the difficult transition to democracy. The fall of the Soviet Union was not the final victory of the Cold War. That will come only when all of these former adversaries embrace liberty, free markets, and the rule of law. Senator BROWNBACk's underlying amendment has the potential to further economic and political progress in the Caucasus and Caspian Sea regions. In its current form, however, it severely weakens one of Congress' central achievements of the post-Cold War era.

The 102nd Congress in 1992, passed the Freedom Support Act. This bill acknowledged that we can help countries make the transition to democracy both with the carrot of economic aid and the stick of withholding such assistance. It included a provision, Section 907, which mandated that Azerbaijan will not receive any direct economic aid until it ceases the blockade of neighboring Armenia and the Armenian enclave of Nagorno-Karabakh. Even still, the United States has supported the Azeri people with over \$180 million in humanitarian assistance through NGOs since 1992. The Foreign Operations Appropriations bill itself also allows OPIC and TDA activities in Azerbaijan which we approved last year.

The Azeri blockade of Armenia and of Karabakh is a direct result of the dispute between the two countries over the status of Karabakh. This is the longest-running ethnic conflict in the former Soviet Union. So far, the human cost has been 35,000 lives and 1.4 million refugees. Outside of the conflict, the brutality of the Azeri blockade has been equally devastating for Armenia. As a land-locked country where only 17 percent of the land is arable, its ties to the outside world are its lifeline. Humanitarian assistance cannot get to Armenia, which is still trying to rebuild from the devastating

earthquake of a decade ago. In Karabakh, the blockade has produced a critical shortage of medical equipment.

True regional cooperation is unrealistic as long as this conflict continues. By passing the underlying amendment in its current form, we are virtually guaranteeing that the OSCE peace process will fail. Armenia will have little incentive to participate in the future, and Azerbaijan will receive the message that its rejection of any future peace proposals is acceptable. I support Senator BROWNBACk's attempts to promote an East-West axis in the region, and I believe it is critical that we encourage these former republics to look westward. By allowing the blockade to endure, however, we are leaving Armenia with only North-South options. If our intent is to truly improve the quality of life in the Caucasus and the Caspian Sea, we must make a positive impact on the Caucasus without undermining our commitment to the Armenian people. I urge my colleagues to support the McConnell-Abraham amendment and allow Section 907 to remain in place.

#### VISIT TO THE SENATE BY THE PRESIDENT OF THE ARAB REPUBLIC OF EGYPT, MOHAMMED HOSNI MUBARAK

The PRESIDING OFFICER. The distinguished chairman of the Foreign Relations Committee, Senator HELMS, is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, I have the honor and privilege of presenting to Members of the Senate and to the Pages the distinguished and very popular President of the Republic of Egypt, Mohammed Hosni Mubarak.

#### RECESS

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate stand in recess for six minutes so we can greet President Mubarak.

I thank the Chair.

There being no objection, the Senate, at 4:13 p.m., recessed until 4:19 p.m.; whereupon, the Senate was called to order by the Presiding Officer (Mr. SESSIONS).

Mr. MCCONNELL. Mr. President, which amendment is pending?

The PRESIDING OFFICER. The pending amendment is No. 1165, offered by Senator BINGAMAN of New Mexico.

Mr. MCCONNELL. I ask the Bingaman amendment be set aside.

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

AMENDMENTS NOS. 1125, 1146, 1150, 1151, 1158, 1162, 1163, 1167, 1168, AND 1173 THROUGH 1177, EN BLOC

Mr. MCCONNELL. There are a number of amendments that have been cleared by both sides that I send to the desk:

Amendment No. 1125 by Senator SMITH of Oregon related to CDC; amendment No. 1146 by Senator LAUTENBERG related to war crimes; amendment No. 1150 by Senator HELMS related to Serbia; amendment No. 1151 by