

govern other areas in which the proliferation of local rules may interfere with effective federal law enforcement. The Rules Enabling Act process is the ideal one for developing such rules, both because the federal judiciary traditionally is responsible for overseeing the conduct of lawyers in federal court proceedings, and because this process would best provide the Supreme Court an opportunity fully to consider and objectively to weigh all relevant considerations.

The problems posed to federal law enforcement investigations and prosecutions by the current McDade law are real with real consequences for the health and safety of Americans. I urge the Chairmen of the House and Senate Judiciary Committees, and my other colleagues, to work with me to resolve those problems in a constructive and fair manner.

**REMEMBERING THOSE WHO DIED
ON D-DAY**

Mr. ROBB. Mr. President, as we approach the 56th Anniversary of D-Day, June 6th, 1944, we should pause to reflect on the valor and sacrifice of the men who died on the beaches of Normandy. In the vanguard of the force that landed on that June morning, was the 116th Infantry Regiment, 29th Infantry Division. In 1944 the 116th Infantry Regiment, as it is today, was a National Guard unit mustering at the armory in Bedford, Virginia. They drew their members from a town of only 3,200 people and the rich country in central Virginia nestled in the cool shadows of the Blue Ridge Mountains.

On the morning of June 6th, 1944, Company A led the 116th Infantry Regiment and the 29th Infantry Division ashore, landing on Omaha Beach in the face of withering enemy fire. Within minutes, the company suffered ninety-six percent casualties, to include twenty-one killed in action. Before nightfall, two more sons of Bedford from Companies C and F perished in the desperate fighting to gain a foothold on the blood-soaked beachhead. On D-Day, the town of Bedford, Virginia gave more of her sons to the defense of freedom and the defeat of dictatorship, than any other community (per capita) in the nation. It is fitting that Bedford is home to the national D-Day Memorial. But we must remember that this memorial represents not just a day or a battle—it is a marker that represents individual soldiers like the men of the 116th Infantry Regiment—every one a father, son, or brother. Each sacrifice has a name, held dear in the hearts of a patriotic Virginia town—Bedford.

Mr. President, in memory of the men from Bedford, Virginia who died on June 6th, 1944, I ask unanimous consent that their names be printed in the RECORD at the end of my statement as a tribute to the town of Bedford, and every soldier, sailor, airman, and Marine who has made the supreme sacrifice in the service of our country.

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

COMPANY A

Leslie C. Abbott, Jr., Wallace R. Carter, John D. Clifton, Andrew J. Coleman, Frank P. Draper, Jr., Taylor N. Fellers, Charles W. Fizer, Nick N. Gillaspie, Bedford T. Hoback, Raymond S. Hoback, Clifton G. Lee, Earl L. Parker, Jack G. Powers, John F. Reynolds, Weldon A. Rosazza, John B. Schenk, Ray O. Stevens, Gordon H. White, Jr., John L. Wilkes, Elmere P. Wright, Grant C. Yopp.

COMPANY C

Joseph E. Parker, Jr.

COMPANY F

John W. Dean.

**10TH ANNIVERSARY OF THE FREE
AND FAIR ELECTIONS IN BURMA**

Mrs. FEINSTEIN. Mr. President, as an original co-sponsor of Senator MOYNIHAN's resolution commemorating the 10th anniversary of the free and fair elections in Burma which were overturned by a military junta, I rise today to mark that event and to discuss the repressive conditions that have dominated the lives of the Burmese people for the past 37 years and that continue to define the terms of their existence to this very day.

For the past 12 years, a brutal authoritarian regime has denied the Burmese people the most basic human freedoms, including the rights of free speech, press, assembly, and the right to determine their own political destiny through free and competitive elections.

In 1988, the government led by General Ne Win—who overthrew the popularly elected government of Burma in 1962—brutally suppressed popular pro-democracy demonstrations. In September of that same year, the Government, in a futile public relations gambit to deflect international censure, reorganized itself into a junta of senior military officers and renamed itself the State Law and Order Restoration Council (SLORC).

The SLORC seemed to bow to international opinion in 1990, when it permitted a relatively free election for a national parliament, announcing before the election that it would peacefully transfer power to the elected assembly.

Burmese voters overwhelmingly supported anti-government parties, one of which, the National League for Democracy (NLD)—the party of Aung-San Suu-Kyi—won more than 60 percent of the popular vote and 80 percent of the parliamentary seats.

SLORC's public promises were a fiction. The military junta nullified the results of the elections and thwarted efforts by NLD representatives and others elected in 1990 to convene the rightfully elected parliament.

Instead, SLORC convened a government-controlled body, the National Convention, with the goal of approving a constitution to ensure that the armed forces would have a dominant role in the nation's future political

structure. The NLD has declined to participate in the National Convention since 1995, perceiving it to be nothing more than a tool of the ruling military elite.

SLORC reorganized itself again in 1997, changing its name to the State Peace and Development Council (SPDC). But an oppressive regime by any other name remains an oppressive regime. Burma continues to be ruled by a non-elected military clique, this time headed by General Than Shwe. And, even though Ne Win ostensibly relinquished power after the 1988 pro-democracy demonstrations, in reality, he continues to wield informal, if declining, influence.

To this day, Burma continues to be ruled by fiat, denied both a valid constitution and a legislature representing the people.

To solidify its hold on power and suppress Burma's widespread grassroots democracy movement, the military junta—whether it be named SLORC or the SPDC—has engaged in a campaign of systematic human rights abuses throughout the 1990s. It has been aided in this effort by the armed forces—whose ranks have swelled from 175,000 to 400,000 soldiers—and the Directorate of Defense Services Intelligence (DDSI), a military and security apparatus that pervades almost every aspect of a Burmese citizen's life.

For many in Burma, the prospect for life has become nasty, brutish, and short. Citizens continue to live a tenuous life, subject at any time and without appeal to the arbitrary and too often brutal dictates of a military regime. There continue to be numerous credible reports, particularly in areas populated mostly by ethnic minority, of extrajudicial killings and rape. Disappearances happen with sickening regularity. Security forces torture, beat, and otherwise abuse detainees. Prison conditions are harsh and life threatening. Arbitrary arrest and detention for holding dissenting political views remains a fact of life. Since 1962, thousands of people have been arrested, detained, and imprisoned for political reasons, or they have "disappeared". Reportedly, more than 1,300 political prisoners languished in Burmese prisons at the end of 1998.

The Burmese judiciary is an SPDC tool. Security forces still systematically monitor citizens' movements and communications, search homes without warrants, relocate persons forcibly without just compensation or due process, use excessive force, and violate international humanitarian law in internal conflicts against ethnic insurgencies.

The SPDC severely restricts freedom of speech and of the press, and restricts academic freedom: since 1996, government fear of political dissent has meant the closing of most Burmese institutions of higher learning. And even verbal criticism of the government is an offense carrying a 20-year sentence.

And while the SPDC claims it recognizes the NLD as a legal entity, it refuses to recognize the legal political status of key NLD party leaders, particularly General-Secretary and 1991 Nobel Laureate Aung San Suu Kyi and her two co-chairs. The SPDC constrains their activities severely through security measures and threats.

The SPDC restricts freedom of religion. It exercises institutionalized control over Buddhist clergy and promotes discrimination against non-Buddhist religions. It forbids the existence of domestic human rights organizations and remains hostile to outside scrutiny of its human rights record. Violence and societal discrimination against women remain problems, as does severe child neglect, the forced labor of children, and lack of funding and facilities for education.

In sum, as the latest biannual State Department report on:

Conditions in Burma and U.S. Policy Towards Burma notes, over the last six months the SPDC has made no progress toward greater democratization, nor has it made any progress toward fundamental improvement in the quality of life of the people of Burma. The regime continues to repress the National League for Democracy . . . and attack its leader, Aung San Suu Kyi, in the state-controlled press.

Burma's political repressiveness is matched only by its poverty. Burma's population is thought to be about 48 million—we can only rely on estimates because government restrictions make accurate counts impossible. The average per capita income was estimated to be about \$300 in 1998, about \$800 if considered on the basis of purchasing power parity.

Things do not have to be this way. Burma has rich agricultural, fishing, and timber resources. It has abundant mineral resources—gas, oil, and gemstones. The world's finest jade comes from Burma. But the economic deck is stacked against Burma.

Three decades of military rule and economic mismanagement have created widespread waste, loss, and suffering. Economic policy is suddenly reversed for political reasons. Development is killed by overt and covert state involvement in economic activity, state monopolization of leading exports, a bloated bureaucracy, arbitrary and opaque governance, institutionalized corruption, and poor human and physical infrastructure. Smuggling is rampant; the destruction of the environment goes on unabated. Decades of disproportionately large military budgets have meant scant spending on social development and economic infrastructure.

There is no price stability. The Burmese currency, the Kyat, is worthless. There is a telling anecdote about this: one year, Burma asked the U.K., then its primary foreign aid donor, to give it paper so that it could print more Kyat because the Kyat was so devalued that Burma could not afford to buy the paper needed to print it. Imagine, the paper was worth more as paper than as

money. I don't know if the story is true or not. The point is that in Burma's case, it easily could have been. In 1998-1999, the official exchange rate was 6 Kyat to one dollar; the black market rate was 341 Kyat to the dollar. This says it all.

I could go on and on. But I don't need to. We all know that Burma's economy is a basket case. We all know that, for the Burmese people, mere existence, not life, is the norm. We all know that Burma cannot expect to begin the road to recovery, prosperity, and long term economic stability as long as the basic human rights and political will of the Burmese people are denied.

The questions before us now are: what tools do we have for stopping this government's inhumanity toward its own citizens and for giving hope to the Burmese people? Are the tools we are now using the correct ones?

The debate over unilateral sanctions represents a fundamental question in the conduct of U.S. foreign policy: Are U.S. interests advanced best by deepening relations or diminishing relations with a country that is not acting as we would like?

I do not endorse sanctions as a panacea. Each case must be considered on its own merits.

In Burma, I believe the United States government had a responsibility to respond to a situation in which the democratically-elected leaders had been summarily thrown out of office, assaulted, and imprisoned by renegade militarists.

Consequently, in 1996, then-Senator Cohen and I coauthored the current sanctions legislation on Burma. The Cohen-Feinstein amendment required the President to ban new investment by U.S. firms in Burma if he determined that the Government of Burma has physically harmed, rearrested for political acts, or exiled Aung San Suu Kyi or committed large-scale repression or violence against the Democratic opposition.

Shortly after Congress passed the Cohen-Feinstein Amendment, President Clinton implemented sanctions against Burma.

Unfortunately, since Cohen-Feinstein went into effect on October 1, 1996 there appears to be little improvement in human rights conditions in Burma: The SPDC continues to implement its repressive policies.

Nevertheless, until the SPDC shows a willingness to make progress towards democracy and improved human rights, the Cohen-Feinstein sanctions must remain in place.

The sanctions make us a leader on Burma and in forging a common international position. I believe, for example, that the European Union would have a much softer line on Burma if not for U.S. policy. The EU has no economic sanctions in place, but has taken some other measures, such as a visa ban for members of the SPDC government and support of the U.S. in introducing the annual United Nations

Human Rights Committee resolution on Burma. The United States must continue trying to develop a multilateral approach, particularly with the ASEAN nations, to bring additional pressure to bear on the SLORC.

There is some indication that the sanctions are causing some hardships for the SPDC. For example, last year the SPDC let the International Committee of the Red Cross back into Burma under conditions the ICRC found acceptable, including access to prisons and prisoners. Although there was no clear link to the impact of sanctions in getting the ICRC back in, some analysts contend that the SPDC is heeding international pressure. This may indicate that the SPDC could be willing to make some positive changes, even though it is still an open question if they will change the "core behavior" that triggered the sanctions to begin with.

The bottom line is that the current sanctions should not be lifted without some major concession by the SPDC. To lift any sanctions without a concession would send the wrong signal and give the SPDC the message that they could continue to stifle democracy.

We should make it clear that the United States stands on the side of democracy, human rights, and the rule of law in Burma. We should make it clear that the United States stands on the side of Aung San Suu Kyi and the National League of Democracy and that we support their efforts to return Burma and its government to the people.

I am pleased to co-sponsor Senator MOYNIHAN's resolution which commemorates the 10th anniversary of the free and fair elections in Burma, and calls on the SPDC to: guarantee basic freedoms to the people of Burma; accept political dialogue with the National League for Democracy; comply with UN human rights agreements; and reaffirms U.S. sanctions as appropriate to secure the restoration of democracy.

I look forward to the day when the United States has cause to lift the Cohen-Feinstein sanctions and welcome Burma into the community of free nations. In the interim, I urge my colleagues to support the Moynihan resolution.

CONFIRMATION OF NICHOLAS G. GARAUFIS, OF NEW YORK

Mr. MOYNIHAN. Mr. President, I rise to express great appreciation for the confirmation of Nicholas G. Garaufis to be United States District Court Judge for the Eastern District of New York. I want to thank my colleague from New York, Senator SCHUMER, and Senator LEAHY, Chairman HATCH, Senator LOTT, Senator DASCHLE, and all Senators for confirming the nomination of Judge Garaufis. Hailing from Bayside, New York, he is a graduate of both Columbia College and Columbia School of Law and for the last five years has served as Chief Counsel for the Federal