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No. 18

## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, February 29, 2000, at 12:30 p.m.

## Senate

THURSDAY, FEBRUARY 24, 2000

The Senate met at 11:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Rev. Allen Fisher, Presbyterian Church, Fredericksburg, VA. We are pleased to have you with us.

### PRAYER

The guest Chaplain, Rev. Allen Fisher, offered the following prayer:

We rejoice to thank and praise You this day, O God our Maker, Creator of the ends of the universe. You are the source of every good and perfect gift, the Fount of every blessing, the Heart of every noble thought, every kind deed, or merciful act.

We thank You today for all those whom we rarely notice, people who share Your care, who reflect Your faithfulness. We thank You for the people who bus our tables, who haul our trash, who clean our offices, who drive our children, who deliver our mail, with little thought for the great issues of our age but with deep gratitude for the abiding gifts You give. For food and drink, heartbeat and breath, laughter and tears, for covenants kept and promises lived in humility and service to others, we praise You, O God of steadfast love.

Remind us, faithful God, that we who lead may also serve after the example of one who came not to be served but to serve. Use the service of our lives and the work of this body for the building up of the common good in this most blessed Nation. Speed us toward the day when "all Your works shall

give thanks to You, O Lord, and all Your faithful shall bless You." In the gracious name of the one, holy, righteous, and eternal God, our Creator, Redeemer, and Sustainer, we pray. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Kansas is recognized.

Mr. BROWNBACK. I thank the Chair.

### SCHEDULE

Mr. BROWNBACK. Mr. President, today the Senate will immediately proceed to a rollcall vote on final passage of H.R. 1883, the Iran Nonproliferation Act of 1999. Following the vote, the Senate will resume consideration of S. 1134, the education savings account legislation. It is hoped that an agreement regarding relevant amendments will be made in order to have a substantive debate on that tax legislation.

In addition, the Senate may consider other legislative or executive items available for action; therefore, Senators can expect further votes this afternoon. As previously announced, there will be no votes on Friday. I thank my colleagues for their attention.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the roll is called, I would like to make a comment.

Representative James Garfield, who later became President of the United States, in trying to get a bill through Congress, said in a letter to an adviser:

When the shadow of the Presidential and Congressional election is lifted, we shall, I hope, be in a better temper to legislate.

I hope that we would all keep that in mind. We have congressional elections and we have a Presidential election upcoming. I hope we can work our way through to get to some of the issues we need to be talking about. I hope that the majority would allow us, if we are going to talk about education, to go to an education bill and offer amendments and work our way through the process. The fact that we are in the midst of Presidential primaries and congressional elections coming should not prevent us from going to the things we need to be doing. Education is certainly one of them. I hope we could do that in a full and fair debate on education.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

### IRAN NONPROLIFERATION ACT OF 1999—Resumed

Mr. BROWNBACK. Mr. President, I ask for the yeas and nays on the passage of H.R. 1883.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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a sufficient second? There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. GORTON. Mr. President, I want to express my ardent support for passage of the Iran Nonproliferation Act. It is very likely that this legislation will pass the Senate by a margin matching or nearing the unanimous 419 to 0 vote in the House of Representatives last September.

The importance of this legislation should not be lost amid the widespread acclamation with which it will be sent to the President. This bill is aimed at controlling the transfer or sale of technology and expertise to Iran, especially from Russia, that will assist in its development of weapons of mass destruction and missiles designed to deliver these weapons.

This is a very real, very well-documented and very serious security concern for the United States and Israel, our nation's most-trusted ally in the Middle East. The Central Intelligence Agency has reported Iran has the capability to launch a missile that will reach Israel, and it is well known that Iran is pursuing development of nuclear, chemical and biological weaponry.

The Iran Nonproliferation Act provides for biannual reports on who around the world is transferring prohibited technology or information to Iran, and allows the President to take action against persons or entities found to be engaged in such activity. This bill also includes new steps to ensure the Russian Space Agency, which is a partner with NASA in the International Space Station project, is complying with Russia's official Iran anti-proliferation policy.

Media reports on the Iran election, held only days ago, show an encouraging shift in the attitudes of the Iranian people, a trend that we should applaud and encourage. Unfortunately, the structure of the Iranian government and its police services may well frustrate the will of the Iranian people, and the quest of its armed forces for weapon and missile technology proceeds apace. I look forward to the day on which Iran will be a good and peaceful neighbor. That day may be closer, but it has not yet arrived.

This bill is a necessary step towards our goal of nonproliferation and certainly merits a high level of bipartisan support, as well as the signature of President Clinton.

Ms. MIKULSKI. Mr. President, I rise to support the Iran Nonproliferation Act.

We are faced with an historic opportunity to send a strong message to nations around the world—we will not sit by idle as goods, services or technology are transferred to Iran that contribute

significantly to its ability to develop nuclear, chemical or biological weapons or ballistic or cruise missiles.

This legislation provides the Administration with useful tools to combat the spread of dangerous weapons technology and to discourage nuclear proliferation. It also enhances U.S. efforts to monitor Iranian proliferation.

This legislation demonstrates our commitment to prevent the proliferation of dangerous nuclear weapons to countries that threaten our national security as well as the security of allies—such as Israel and Europe. The Middle East is of vital strategic importance to the U.S.—and our interests and Israel's security are threatened by the continuing build-up of advanced conventional weapons by 'rogue regimes' in the region. For this reason, U.S. support for Israel must go beyond economic and military aid to Israel—it must meet the very real challenges that will face Israel and the United States in this new century, such as limiting the threats of weapons of mass destruction. It is well documented that technology provided to Iran increases its ability to develop its own intermediate range ballistic missile that is capable of reaching Israel as well as our European allies. By limiting Iran's access to such technology we can better protect these countries as well as our own troops in the Middle East and Europe.

The people of Iran demonstrated in their recent elections an overriding desire to move away from the extremism of the previous government toward reform and moderation in the future—but it is too early to tell what this change will mean in practice. I hope that it is a sign that Iran will end its missile program and its support for international terrorism. But despite this positive step, the Iran Nonproliferation Act is still vital to combat the spread of dangerous weapons technology and, in particular, to monitor nuclear weapons proliferation to Iran.

This legislation also sends a strong message to Russia that U.S. aid and scientific collaboration will be limited if Russia doesn't stop missile proliferation to Iran. U.S. funding will be substantially limited unless the President certifies that the Russian Space Agency is not transferring technology to Iran.

As the ranking member of the VA-HUD subcommittee that funds the space program, I have been a strong supporter of the International Space Station. I supported Russia's participation in the space program for three reasons:

One, their technical expertise;

Two, to build stronger links between the United States and Russia; and

Three, to ensure that Russian scientists and engineers had civilian work—so they would not sell their skills to rogue governments.

Russia has failed to live up to its promises on the space station. I have

no question of Russia's technical competence. But I have strong concerns about its failure to meet its end of the bargain. Russia has not adequately funded its share of the space station, resulting in delays and a cloud of uncertainty that hovers over the entire program.

Even more troubling is Russia's role in the proliferation of weapons of mass destruction. Russia has exported technology, material and expertise to help Iran develop ballistic missiles. These missiles could carry chemical, nuclear or biological weapons—which could reach any target within about 800 miles of Iran.

Russia's former Prime Minister Chernomyrdin promised to end this assistance. We need to make sure the new Russian government fulfills this promise. I recognize that Acting Russian President Vladimir Putin has been receptive to restricting companies that sell missile technology and equipment to Iran. I hope his intentions are translated into action. Otherwise, our cooperation with Russia—both in space and elsewhere—may end.

We live in a dangerous world—where terrorists and rogue nations are developing the most repugnant weapons of mass destruction. Our action today will send a clear message to our allies and to our adversaries. By coming together to support this bipartisan legislation, we will demonstrate our unified commitment to limit nuclear proliferation and to create a safer more stable world.

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on passage of H.R. 1883.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

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

[Rollcall Vote No. 12 Leg.]

YEAS—98

Abraham	Craig	Helms
Akaka	Crapo	Hollings
Allard	Daschle	Hutchinson
Ashcroft	DeWine	Hutchison
Bayh	Dodd	Inhofe
Bennett	Domenici	Inouye
Biden	Dorgan	Jeffords
Bingaman	Durbin	Johnson
Bond	Edwards	Kennedy
Boxer	Enzi	Kerrey
Breaux	Feingold	Kerry
Brownback	Feinstein	Kohl
Bryan	Fitzgerald	Kyl
Bunning	Frist	Landrieu
Burns	Gorton	Lautenberg
Byrd	Graham	Leahy
Campbell	Gramm	Levin
Chafee, L.	Grams	Lieberman
Cleland	Grassley	Lincoln
Cochran	Gregg	Lott
Collins	Hagel	Lugar
Conrad	Harkin	Mack
Coverdell	Hatch	McConnell

Mikulski  
Moynihan  
Murkowski  
Murray  
Nickles  
Reed  
Reid  
Robb  
Roberts  
Rockefeller

Roth  
Santorum  
Sarbanes  
Schumer  
Sessions  
Shelby  
Smith (NH)  
Smith (OR)  
Snowe  
Specter

Stevens  
Thomas  
Thompson  
Thurmond  
Torricelli  
Voinovich  
Warner  
Wellstone  
Wyden

## NOT VOTING—2

Baucus

McCain

The bill (H.R. 1883), as amended, was passed.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## EXECUTIVE SESSION

## UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Executive Calendar No. 407, Kermit Bye to be a United States Circuit Judge, and further, that a vote occur on the nomination, immediately to be followed by a vote on Calendar No. 409, George Daniels to be a United States District Judge, and following those back-to-back votes, the President be notified of the Senate's action and the Senate then resume legislative session.

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

Mr. LOTT. Mr. President, I ask unanimous consent that it be in order for me to ask for the yeas and nays en bloc on these confirmations.

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

Mr. LOTT. Mr. President, I know there are a number of Senators who wish to speak in morning business. After we have this en bloc vote, we will put in a time for morning business. I see Senator SPECTER, and Senator STEVENS wants to speak, and probably Senators on the other side do. We will put in probably an hour, from 12:30 until approximately 1:30, so Senators can speak on a number of subjects.

Mr. LEAHY. Mr. President, if the majority leader will yield, after the votes on the judges, may it be in order that Chairman HATCH and I be recognized for a couple minutes on the nominations that had been voted on?

Mr. LOTT. Is Senator HATCH here?

Mr. LEAHY. I was asking for myself, but I thought as a matter of courtesy I should include the chairman.

Mr. LOTT. I think that is a reasonable request. We need to have the vote as soon as we can. Senators are prepared to vote.

Mr. President, I amend my request and ask unanimous consent that we have 2 minutes for the chairman and 2 minutes for the ranking member following votes. I note that Senator INHOFE will probably have some com-

ments on these nominations, and he indicated he would make those after the vote.

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

Mr. REID. Mr. President, if the leader will yield, is the leader agreeable to extending morning business until 2 o'clock?

Mr. LOTT. Absolutely. I have no problem with that.

Mr. REID. I thank the majority leader.

Mr. LOTT. Mr. President, I ask for the yeas and nays on the nominations.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

## NOMINATION OF KERMIT BYE, OF NORTH DAKOTA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT

The PRESIDING OFFICER. The nomination will be stated.

The assistant legislative clerk read the nomination of Kermit Bye, of North Dakota, to be a United States Circuit Judge for the Eighth Circuit.

Mr. CONRAD. Mr. President, I rise today to recommend the confirmation of Kermit Bye for the Eighth Circuit Court of Appeals, and I ask my colleagues to join me and Senator DORGAN in supporting his nomination.

Kermit Bye is a native North Dakotan. He was born in the middle of a North Dakota blizzard, in a railroad section house in Hatton, North Dakota. He has distinguished himself in his career, and is widely recognized as one of the best trial lawyers in our state. Kermit Bye will be an excellent addition to the federal judiciary, and he has my strong support.

Kermit Bye would bring a wide range of experiences to the bench. Before receiving his law degree from the University of North Dakota in 1962, he worked as a milk truck driver, a radio advertising salesman, and in catalog sales at Montgomery Wards.

Soon after completing law school, Mr. Bye worked as North Dakota Deputy Securities Commissioner, and later served as Assistant United States Attorney for the District of North Dakota.

Since 1968, Mr. Bye has worked for the Vogel Law Firm and was named President of the firm in 1981. Mr. Bye has over 30 years of experience in Federal and state trial and appellate litigation. His long and distinguished career includes representing individual and corporate clients. He has tried more than 100 cases, representing both plaintiffs and defendants. He has also argued numerous appeals, including more than 20 before the Eighth Circuit. Mr. Bye has served on the Board of Governors and as the President of the State Bar Association of North Dakota.

Through his broad experience and success he has earned an excellent rep-

utation. As an experienced litigator, Mr. Bye also has a full understanding of the appropriate role of the judiciary.

My colleague, Senator DORGAN, and I have heard from individuals across our home state, from both sides of the aisle and from all sections of the legal community, recommending Mr. Bye for this position. According to his colleagues and fellow bar members, Mr. Bye is a man of great character and qualifications.

One of his supporters is Judge Frank Magill, who Mr. Bye has been nominated to succeed on the Eighth Circuit. Judge Magill has been on senior status since April 1, 1997, and was appointed to the Eighth Circuit by President Reagan in 1986. He states in a letter to Senator HATCH: "I have had a longtime professional association with Kermit Bye. His professional competence and integrity are of the highest order. He has several decades of trial experience. I know from personal experiences that he will be an easy fit for your criterion of judicial temperament."

Mr. President, I am confident that Mr. Bye will be an outstanding addition to the federal bench. I support his confirmation and yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Kermit Bye, of North Dakota, to be a United States Circuit Judge for the Eighth Circuit? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 98, nays 0, as follows:

[Rollcall Vote No. 13 Ex.]

## YEAS—98

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