

Mrs. HUTCHISON. I concur with the Senator and, if such disputes have not been resolved by March 1, 2002, would further request that the Inspector General promptly report back to the House and Senate Committees on Appropriations on FTA's assessment of (i) The reasons why such disputes remain unresolved, (ii) the cost impact of such disputes, and (iii) the IG's recommendation, if appropriate, for a more cost effective dispute resolution process.

#### EXPLANATION OF ABSENCE

Mr. LIEBERMAN. Mr. President, I inform the Senate that due to the funeral in New Haven, Connecticut of a long-time Connecticut aide and close friend, I was unable to be present for the votes scheduled on December 5, 2001.

James "Jimmy" O'Connell passed away on Saturday at the age 53. Jimmy, a former New Haven police officer, was like a brother to me. We worked together for over 30 years. I enjoyed his extraordinary intelligence, his warm wit and his wonderful loyalty. I will miss him dearly and believe it was only fitting for me to attend his funeral in New Haven.

Had I been present, I would have voted as set forth below. On none of the votes would my vote have affected the outcome.

On the motion to waive the Budget Act with regard to Daschle amendment No. 2170, I would have voted in favor. On the final passage of H.R. 10, I would have voted in favor of the bill. On cloture on the motion to proceed to S. 1731, I would have voted in favor of cloture.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred November 11, 2001 in Milwaukee, WI. A lesbian woman, Juana Vega, was brutally assaulted and shot five times at point-blank range. Pablo Parrilla, the brother of Vega's then-girlfriend, has been arrested in connection with Vega's murder. Mr. Parrilla objected to his sister's relationship with Vega, and reportedly threatened to kill Vega for "turning his sister gay."

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

#### HOLD ON NOMINATION

Mr. GRASSLEY. Mr. President, I have placed a "hold" on the nomination of General Claude Bolton, Jr. for the position of Assistant Secretary of the Army for Research, Development, Acquisition, and Technology as questions asked by the Iowa/Illinois Senate delegation remain unanswered.

#### MILITARY BUILD-UP IN BURMA

Mr. McCONNELL. Mr. President, the Senate Appropriations Committee yesterday marked-up H.R. 3338, the FY 2002 Department of Defense Appropriations Bill. I authored language in the report accompanying that bill requiring the Pentagon to report to Congress on Thailand's defense needs in the wake of Burma's recent purchase of 10 MiG-29 fighter aircraft from Russia. I did so because of my grave concerns with regional security and stability—and with the welfare of the people of Burma who endure hardships and indignities under the oppressive misrule of the State Peace and Development Council (SPDC). In terms of oppressive regimes, the SPDC ranks right up there with the Taliban.

My colleagues should take note of the November 28 edition of Jane's Defence Weekly which states that Burma has "significantly expanded the country's military strength while most other [countries] in the region are pursuing force reductions . . . military modernization since 1988 has been heavily tied to China as the principal source of equipment—variously valued at between \$1 billion and \$2 billion. [The purchase of the MiGs from Russia] following up its 1996 purchase of Mi-17 helicopters, suggests that a new dimension could dominate the next phase of development . . . [the SPDC] has stated publicly that armed forces strength has been targeted to expand by a further 25 percent, to 500,000."

Lest my colleagues fail to understand what is happening in Rangoon today, let me sketch a quick outline:

The legitimately elected leader of Burma—Daw Aung San Suu Kyi of the National League for Democracy (NLD)—continues to be under house arrest in Rangoon, with up to 1,800 political prisoners languishing in Burmese prisons. While SPDC thugs and Suu Kyi are engaged in "talks", the junta is building up its military strength and purchasing billions of dollars of military hardware from Russia and China. To say that the defense build-up sends conflicting messages to the NLD and the world is a gross understatement.

Meanwhile, the people of Burma suffer from neglect and abuse at the hands of the SPDC who attached absolutely no importance to the welfare of Burmese citizens. None. And to make matters worse, Japan appears to be rewarding the SPDC by providing a grant aid to Burma for the repair of the Baluchaung Hydroelectric Power Plant in Karen State. The Japanese govern-

ment must understand that such assistance is not only premature, it is also misguided. Money is certainly the language of the thugs and thieves in Burma, but it cannot buy peace and stability in that mafia state.

I encourage my colleagues to read Fred Hiatt's excellent op-ed in Monday's edition of the Washington Post, and ask that it appear in the RECORD following my remarks.

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

[From the Washington Post, Dec. 3, 2001]

#### EYES WIDE OPEN

(By Fred Hiatt)

One inevitable reaction, as we hear now of the depredations of the Taliban regime, is: Where were we all while this was going on?

Oh, some feminists and human rights activists tried to call our attention to Afghanistan's gender apartheid. Journalists, including The Post's Pam Constable, reported from Kabul. We took note briefly when religious minorities were ordered to wear identifying marks and when those ancient statues were destroyed.

But for most of us, the recent revelations of Taliban brutality—of forced conscription, point-blank murder, scorched-earth destruction and merciless impoverishment of widows and children—have been just that, revelations. As the Bush administration rails righteously against a regime it barely seemed to notice before Sept. 11, we have to ask: Where were they—where were we—these five long years? How could we have let it happen?

One way to answer the question is to look at places where it is happening still.

This week past Nobel Peace Prize winners will gather in Oslo to honor one missing laureate Aung San Suu Kyi, the rightful leader of the Southeast Asian nation of Burma, wasn't allowed to pick up her prize in 1991, and a decade later she remains under house arrest and cut off from the world. Her countrymen—some 48 million of them, more or less double Afghanistan's population—are preyed upon by their leaders much as Afghans were by theirs.

The facts are depressingly familiar to the relatively few who follow events in Burma (renamed Myanmar by the junta). A promising, resource-rich nation with a well-educated and peaceable population has been ground gradually toward poverty and ignorance by a succession of malevolent and misguided rulers.

In 1990 the ruling junta, apparently deluded about its popularity, as dictators frequently are, staged elections. The National League for Democracy, led by Aung San Suu Kyi, won four out of every five parliamentary seats, even though she was already under house arrest. Instead of letting the parliament meet, the generals put many of the winners in jail, where some remain to this day.

Among juntas, Burma's is particularly famous for its use of forced unpaid labor. As many as 1 million Burmese, by the estimate of the International Confederation of Free Trade Unions, have been press-ganged into building roads, railroads and military installations. Many of the conscripted are children. Many are forced to act as porters for the army, often in dangerous circumstances.

The generals, fearing the people they rule, maintain an army of 400,000. They have shuttered the country's universities for most of the past decade. People are jailed for possession of unlicensed fax machines. Media are controlled by the state. Some 1,500 people

are in prison for political crimes, mostly for having sought to peacefully express opinions of which the regime did not approve. In a country where one in three children is malnourished, the generals recently agreed to buy from Russia a dozen advanced MIG-29 fighter jets.

The combined effect of repression and the military's incompetence is ever-worsening poverty. In the past year, the local currency has lost half its value. The only export on an upward curve is heroin. Vast acreages of rain forest have been destroyed to feed the generals' corruption. Just in the past two months, the BBC recently reported, food prices have doubled, and power outages have become routine. HIV-AIDS is spreading fast.

Despite democracy's advances around the world in recent years, the Burmese assuredly are not the only people still enmeshed. North Koreans, Chinese, Belarusians, Iraqis, Cubans—all are denied their freedoms, yet none is about to be liberated by U.S. bombing. There's a limit to what we can do, and what we should do.

Yet in all of those places the United States can and should press for freedom. In Burma, economic sanctions are beginning to have some effect. Concerned about their image and the economy, the generals have released some 200 political prisoners and at least entertained the efforts of a U.N. envoy, now on his sixth trip to the nation. If other countries remain steadfast in supporting Aung San Suu Kyi—refusing to provide aid, for example, except in consultation with her—there's some hope for more progress.

Burma, after all, would require no nation-building, no Bonn conferences, no search for a viable opposition. A qualified and democratically elected leader waits quietly in her lakefront Rangoon house, still committed after a decade to human rights and non-violent change. When she finally moves to the prime minister's office that belongs to her, and the Burmese people cheer their liberation as many Afghans have been cheering theirs, it would be nice if we could say at least: We're not surprised. We knew that terrible things were happening. We were with you all along.

#### ANDEAN TRADE PREFERENCE ACT

Mr. MCCAIN. Mr. President, the Andean Trade Preference Act (ATPA) expired yesterday. Signed into law in 1991 by the former President Bush, this Act established a unique approach to combating the War on Drugs in Latin America. Rather than assisting Bolivia, Colombia, Ecuador, and Peru solely through military assistance or direct financial aid, the supporters of ATPA sought to reduce drug trafficking through economic expansion. It was believed that increased trade would promote healthy economies, diversify export bases, and create jobs outside of the drug trade. Unlike other forms of aid, the expansion of free trade benefits everyone. American consumers benefit from a wider variety of lower-priced goods, while the citizens of Andean nations benefit from the creation of legitimate jobs outside of the drug trade.

Since the enactment of ATPA, positive changes have occurred within the region. Two-way trade between the United States and the Andean nations has doubled. Bolivia succeeded in eradicating 95% of its coca plantations.

Recently, Peru experienced a peaceful democratic transition from autocratic rule. In Colombia alone, ATPA helped to create over 140,000 new jobs. Today, farmers in the region are choosing to plant coffee beans, asparagus, and flowers instead of coca. With the expiration of ATPA, these successes are now in jeopardy.

While our nation remains engaged in a battle against terrorism, we must not lose sight of the critical security risks that remain not far beyond our borders. The Andean region is not only the world's primary source of coca, it is also a haven for terrorism and terrorist groups that thrive on funding derived from the drug trade. I am a staunch supporter of our war efforts, but I am also fearful of the consequences of neglecting this troubled region within our own hemisphere.

We are now at a critical juncture. Failing to extend ATPA sends a message to terrorist groups, drug traffickers, and counter-revolutionaries, that the United States is no longer committed to the region, and this inaction could impact our national security. Terrorism lurks in abandoned and hopeless regions, where good people resort to such measures out of desperation. As our nation's attention focuses on the war effort, we must not allow ourselves to neglect regions that still need our support and attention.

In March, Senator GRAHAM introduced S. 525, the Andean Trade Preference Expansion Act, of which I am a proud co-sponsor. That bill would expand and extend the current act, with the hope of furthering economic development and stability in the region. Unfortunately, that bill has yet to be debated on the Senate floor. While the Senate remains mired in partisan squabbling, the House of Representatives successfully passed a good bill on November 16 to extend and to expand ATPA. The expiration of ATPA should be a concern of all of us. I hope that the Majority leader will expeditiously move to schedule floor time for the consideration of an expansion of this important legislation before the fragile economies of the Andean region are left to falter.

#### EXECUTIVE SESSION

#### INTERNATIONAL CONVENTION FOR SUPPRESSION OF FINANCING TERRORISM

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed in Executive Session to the consideration of Executive Calendar No. 2, International Convention for Suppression of Financing Terrorism; that the treaty be considered as having advanced to its parliamentary status up to and including the presentation of resolution of ratification, and that the reservation, understandings, and conditions be agreed to.

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

The resolution of ratification is as follows:

INTERNATIONAL CONVENTION FOR SUPPRESSION OF FINANCING TERRORISM (TREATY DOC. 106-49)

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

**SECTION 1. ADVICE AND CONSENT TO RATIFICATION OF THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM, SUBJECT TO A RESERVATION, UNDERSTANDINGS, AND CONDITIONS.**

The Senate advises and consents to the ratification of the International Convention for the Suppression of the Financing of Terrorism, adopted by the United Nations General Assembly on December 9, 1999, and signed on behalf of the United States of America on January 10, 2000 (Treaty Document 106-49; in this resolution referred to as the "Convention"), subject to the reservation in section 2, the understandings in section 3, and the conditions in section 4.

**SEC. 2. RESERVATION.**

The advice and consent of the Senate under section 1 is subject to the reservation, which shall be included in the United States instrument of ratification of the Convention, that

(a) pursuant to Article 24(2) of the Convention, the United States of America declares that it does not consider itself bound by Article 24(1) of the Convention; and

(b) the United States of America reserves the right specifically to agree in a particular case to follow the arbitration procedure set forth in Article 24(1) of the Convention or any other procedure for arbitration.

**SEC. 3. UNDERSTANDINGS.**

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the United States instrument of ratification of the Convention:

(1) EXCLUSION OF LEGITIMATE ACTIVITIES AGAINST LAWFUL TARGETS.—The United States of America understands that nothing in the Convention precludes any State Party to the Convention from conducting any legitimate activity against any lawful target in accordance with the law of armed conflict.

(2) MEANING OF THE TERM "ARMED CONFLICT".—The United States of America understands that the term "armed conflict" in Article 2(1)(b) of the Convention does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

**SEC. 4. CONDITIONS.**

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) TREATY INTERPRETATION.—The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997 (relating to condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988).

(2) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall not transfer any person, or consent to the transfer of any person extradited by the United States, to the International Criminal Court established by the Statute adopted in Rome, Italy, on July 17, 1998 unless the Rome Statute has entered into force for the United States, by and with the advice and consent of the Senate, as required by Article II, Section 2, Clause 2 of the United States Constitution.

(3) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes the enactment of legislation or the