

for services rendered in each case under this chapter.

"(b) TRANSPORTATION ALLOWANCES.—Under regulations prescribed by the Director of the Administrative Office of the United States Courts, a district court may reimburse arbitrators for actual transportation expenses necessarily incurred in the performance of duties under this chapter."

[SEC. 10.] SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out chapter 44 of title 28, United States Code, as amended by this Act.

[SEC. 11.] SEC. 12. CONFORMING AMENDMENTS.

(a) LIMITATION ON MONEY DAMAGES.—Section 901 of the Judicial Improvements and Access to Justice Act (28 U.S.C. 652 note), is amended by striking subsection (c).

(b) OTHER CONFORMING AMENDMENTS.—(1) The chapter heading for chapter 44 of title 28, United States Code, is amended to read as follows:

"CHAPTER 44—ALTERNATIVE DISPUTE RESOLUTION".

(2) The table of contents for chapter 44 of title 28, United States Code, is amended to read as follows:

"Sec.

"651. Authorization of alternative dispute resolution.

"652. Jurisdiction.

"653. Neutrals.

"654. Arbitration.

"655. Arbitrators.

"656. Subpoenas.

"657. Arbitration award and judgment.

"658. Compensation of arbitrators and neutrals."

(3) The item relating to chapter 44 in the table of chapters for Part III of title 28, United States Code, is amended to read as follows:

"44. Alternative Dispute Resolution ... 651".

AMENDMENT NO. 3784

(Purpose: To make technical modifications regarding the use of alternative dispute resolution processes in United States district courts, and for other purposes)

Mr. MCCAIN. Mr. President, Senators GRASSLEY and DURBIN have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. GRASSLEY, for himself, and Mr. DURBIN, proposes an amendment numbered 3784.

The amendment follows:

Page 6, line 17, strike "2071(b)" and substitute "2071(a)".

Page 8, line 1, strike "SEC. 5" and substitute "SEC. 6".

Page 9, line 12, strike "action" and substitute "program".

Page 9, line 13, strike "section 906" and substitute "Title IX".

Page 9, lines 14 and 15, strike "100-102" and substitute "100-702".

Page 9, line 15, strike "as in effect prior to the date of its repeal" and substitute "as amended by Section 1 of Public Law 105-53".

Page 13, line 10, after "arbitrators" insert "and other neutrals".

Mr. MCCAIN. I ask unanimous consent the amendment be agreed to, the committee amendments be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements appear in the RECORD.

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

The amendment (No. 3784) was agreed to.

The committee amendments were agreed to.

The bill (H.R. 3528) was considered read the third time and passed.

AUTHORIZING THE PRINTING OF THE "TESTIMONY FROM THE HEARINGS OF THE TASK FORCE ON ECONOMIC SANCTIONS"

Mr. MCCAIN. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 289 submitted earlier by Senator MCCONNELL.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 289) authorizing the printing of the "testimony from the hearings of the task force on economic sanctions."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

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

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

The resolution (S. Res. 289) was agreed to, as follows:

S. RES. 289

Resolved, that the "Testimony from the Hearings of the Task Force on Economic Sanctions", be printed as a Senate document, and that there be printed 300 additional copies of such document for the use of the Task Force on Economic Sanctions at a cost not to exceed \$16,311.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. MCCAIN. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 290, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 290) to authorize representation by Senate Legal Counsel.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

Mr. LOTT. Mr. President, this resolution concerns a pro se civil case brought against the CIA and other defendants by a state prisoner. Last month, the plaintiff served a subpoena for documents upon Senator JOHN F. KERRY, apparently because of the Senator's former role as Chairman of the Subcommittee on Terrorism, Narcotics and International Operations of the Foreign Relations Committee. After Senator KERRY objected to the sub-

poena and advised the plaintiff that the documents he sought were privileged by the Speech or Debate Clause, the plaintiff filed a motion asking the court to compel Senator KERRY to produce the documents. Accordingly, this resolution would authorize the Senate Legal Counsel to represent Senator KERRY in connection with this subpoena and to respond to the motion to compel.

Mr. MCCAIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear in the RECORD.

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

The resolution (S. Res. 290) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 290

Whereas, Senator John F. Kerry has received a subpoena for documents in the case of *Tyree v. Central Intelligence Agency, et al.*, Case No. 98-CV-11829, now pending in the United States District Court for the District of Massachusetts;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent Members of the Senate with respect to any subpoena, order, or request for documents relating to their official responsibilities;

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

Resolved, That the Senate Legal Counsel is authorized to represent Senator Kerry in connection with the subpoena served upon him in the case of *Tyree v. Central Intelligence Agency, et al.*

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. MCCAIN. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 291, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 291) to authorize representation by Senate Legal Counsel.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

Mr. LOTT. Mr. President, this resolution concerns a civil action commenced in the United States District Court for the District of Columbia on September 14, 1998, by the District of Columbia and a group of approximately fifty residents of the District. The action seeks a declaratory judgment that residents of the District of Columbia have a constitutional right to vote in elections

for Members of the Senate and the House of Representatives, and also asks the court to ensure that Congress fashion a remedy for this alleged deprivation of voting rights. The lead defendants are the Secretary of Commerce and the United States, who are being represented by the Department of Justice.

The complaint also names as defendants the Secretary of the Senate, Gary Sisco, and the Sergeant at Arms and Doorkeeper of the Senate, Greg Casey, as well as the Clerk and the Sergeant at Arms of the House of Representatives, because of their roles in paying and certifying the election of Members and in controlling access to the two Chambers.

This resolution authorizes the Senate Legal Counsel to represent the Secretary of the Senate and the Senate Sergeant at Arms in this matter to seek dismissal of the case against them. The Legal Counsel will argue that the Senate officers are not proper defendants in this matter.

Mr. McCAIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear in the RECORD.

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

The resolution (S. Res. 291) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 291

Whereas, the Secretary of the Senate, Gary Sisco, and the Sergeant at Arms and Doorkeeper of the Senate, Gregory S. Casey, have been named as defendants in the case of *Clifford Alexander, et al. v. William M. Daley, et al.*, Case No. 1:98CV02187, now pending in the United States District Court for the District of Columbia;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent officers of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the Secretary of the Senate and the Sergeant at Arms and Doorkeeper of the Senate in the case of *Alexander, et al. v. Daley, et al.*

ESTABLISHING A PROGRAM TO SUPPORT A TRANSITION TO DEMOCRACY IN IRAQ

Mr. McCAIN. I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4655, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4655) to establish a program to support a transition to democracy in Iraq.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. LOTT. Mr. President, I am pleased the Senate is about to act on H.R. 4655, the Iraq Liberation Act of 1998. I introduced companion legislation, S. 2525, last week with 7 co-sponsors. Last Friday, the House International Relations Committee marked up the legislation and made only minor, technical changes. On October 5, the House passed H.R. 4655 by an overwhelmingly bipartisan vote of 360 to 38. That vote, and our vote in several moments, is a strong demonstration of Congressional support for a new policy toward Iraq—a policy that overtly seeks the replacement of Saddam Hussein's regime through military and political support for the Iraq opposition.

The United States has many means at its disposal to support the liberation of Iraq. At the height of the Cold War, we support freedom fighters in Asia, Africa and Latin America willing to fight and die for a democratic future. We can and should do the same now in Iraq.

The Clinton Administration regularly calls for bipartisanship in foreign policy. I support them when I can. Today, we see a clear example of a policy that has the broadest possible bipartisan support. I know the Administration understands the depth of our feeling on this issue. I think they are beginning to understand the strategic argument in favor of moving beyond containment to a policy of "rollback." Containment is not sustainable. Pressure to lift sanctions on Iraq is increasing—despite Iraq's seven years of refusal to comply with the terms of the Gulf War cease-fire. Our interests in the Middle East cannot be protected with Saddam Hussein in power. Our legislation provides a roadmap to achieve our objective.

This year, Congress has already provided \$5 million to support the Iraqi political opposition. We provided \$5 million to establish Radio Free Iraq. We will provide additional resources for political support in the FY 1999 Foreign Operations Appropriations Act, including \$3 million for the Iraqi National Congress.

Enactment of this bill will go farther. It requires the President to designate at least one Iraqi opposition group to receive U.S. military assistance. It defines eligibility criteria such a group or groups must meet. Many of us have ideas on how the designation process should work. I have repeatedly stated that the Iraqi National Congress has been effective in the past and can be effective in the future. They represent the broadest possible base of the opposition. There are other groups that are currently active inside Iraq: the Patriotic Union of Kurdistan, the Kurdish Democratic Party and the Supreme Council for the Islamic Revolution in Iraq. The State Department seems to believe there are more than 70 opposition groups, many of which do

not meet the criteria in H.R. 4655. Many barely even exist or have no political base. They should not be considered for support. We should also be very careful about considering designation of groups which do not share our values or which are simply creations of external forces or exile politics, such as the Iraqi Communist Party or the Iraqi National Accord.

I appreciate the work we have been able to do with the Administration on this legislation. But we should be very clear about the designation process. We intend to exercise our oversight responsibility and authority as provided in section 4(d) and section 5(d). I do not think the Members of Congress, notified pursuant to law, will agree to any designation that we believe does not meet the criteria in section 5 of the Iraq Liberation Act of 1998.

This is an important step. Observers should not misunderstand the Senate's action. Even though this legislation will pass without controversy on an unanimous voice vote, it is a major step forward in the final conclusion of the Persian Gulf war. In 1991, we and our allies shed blood to liberate Kuwait. Today, we are empowering Iraqis to liberate their own country.

Mr. HELMS. Mr. President, I am an original co-sponsor of H.R. 4655, the Iraq Liberation Act, for one simple reason: Saddam Hussein is a threat to the United States and a threat to our friends in the Middle East.

This lunatic is bent on building an arsenal of weapons of mass destruction with a demonstrable willingness to use them. For nearly eight years the United States has stood by and allowed the U.N. weapons inspections process to proceed in defanging Saddam. That process is now in the final stages of collapse, warning that the U.S. cannot stand idly by hoping against hope that everything will work itself out.

We have been told by Scott Ritter and others that Saddam can reconstitute his weapons of mass destruction within months. The Washington Post reported only last week that Iraq still has three nuclear "implosion devices"—in other words, nuclear bombs minus the necessary plutonium or uranium to set them off. The time has come to recognize that Saddam Hussein the man is inextricable from Iraq's drive for weapons of mass destruction. For as long as he and his regime are in power, Iraq will remain a mortal threat.

This bill will begin the long-overdue process of ousting Saddam. It will not send in U.S. troops or commit American forces in any way. Rather, it harkens back to the successes of the Reagan doctrine, enlisting the very people who are suffering most under Saddam's yoke to fight the battle against him.

The bill requires the President to designate an Iraqi opposition group or groups to receive military drawdown assistance. The President need not look far; the Iraqi National Congress once flourished as an umbrella organization for Kurds, Shi'ites and Sunni