should not narrowly define the word ''usually.'' Nor should HCFA make unsupported determinations that a drug or biological is usually self-administered. In addition, HCFA should assume, as it did for many years, that Medicare patients do not usually administer injections or infusions to themselves, while oral medications usually are self-administered. HCFA should also continue to take into account the circumstances under which the drug or biological is being administered. For example, products that are administered in emergencies should be covered even though self-administration is the usual method of administration, in a non-emergency situation.

I believe that to implement Congressional intent on this provision, HCFA must promptly issue a memorandum to inform its contractors (e.g. carriers and intermediaries) of the change in the law.

I commend the efforts of the bipartisan sponsors of this provision for correctly clarifying the intent of the Medicare reimbursement coverage policy for injectable drugs and biologicals. This issue is of vital importance to thousands of our citizens that are afflicted with debilitating illness such as multiple sclerosis. As Congress and the nation continue to engage in a discussion on expanding prescription drug coverage under Medicare, this is an important step to provide our seniors and persons with disabilities with the life-saving prescription drugs and biologicals that they deserve. I look forward to continue working with the Administration and HCFA to ensure that our seniors and persons with disabilities receive coverage for injectable drugs and biologicals.

FAREWELL TO MANUS COONEY

Mr. HATCH. Mr. President, I would like to take just a moment to offer my public thanks and appreciation to the Judiciary Committee's chief counsel and staff director, Manus Cooney, for all his dedicated work over the last 7 years he has served on my staff, and for his exemplary 12-year career in the Senate.

Manus has been my right hand. I want to state that for the RECORD so that 10 years from now his daughters—Caitlin, Claire, and Tara—will know why their father was hardly ever home for dinner. Let me say to them that, without his tremendous efforts, we could not have accomplished half as much for our country.

Let me also say to my colleagues that I know Manus was tenacious. Senators and staff alike always took it seriously when Manus was on a mission. Believe me, I got as many orders and assignments as you did.

Seriously, though, it was amazing to me how Manus always kept the faith—he believed in what we were doing and never gave up.

I am going to miss him. He will be leaving my office at the end of the year for a new, exciting opportunity to develop corporate strategy and to head Napster's new Washington office. He is the right guy for this job. He has the energy and the know-how to help Congress understand and connect with the complex and rapidly changing high-tech world. Manus is the kind of person who does not face the challenges of an unknown future with dread, but rather with enthusiasm.

So, as we close out this extraordinary 106th Congress, I hope my colleagues will join me in expressing appreciation to Manus for his loyalty and his tremendous contribution to the Senate and to public service. I wish him all the best in the future.

THE INTERNATIONAL CRIMINAL COURT

Mr. LEAHY. Mr. President, I rise today to voice my strong support for the International Criminal Court, ICC. Like all Senators, indeed like all Americans, I understand the need to safeguard innocent human life in wartime, at the same time that we ensure that the rights of our military personnel are protected. The Rome Treaty establishing the International Criminal Court will achieve both those goals, and I urge President Clinton to sign the Treaty before the December 31 deadline.

The Treaty was approved overwhelmingly two years ago by a vote of 120 to 7. Since then, 117 nations have signed the Treaty—including every one of our NATO allies except Turkey, all of the European Union members, and Russia. Regrettably, the U.S. joined a handful of human rights violators like Libya and Iraq in voting against it. Only one of our democratic allies voted with us, and it is quite possible that we will end up as the only democratic country that is not a party to the Court.

During the last century, an estimated 170 million civilians were the victims of war crimes, crimes against humanity, and genocide. Despite this appalling carnage, the response from the international community has been, at best, sporadic, and at worst, non-existent.

While there was progress immediately following World War II at Nuremberg and Tokyo, the Cold War saw the international community largely abdicate its responsibility and fail to bring to justice those responsible for unspeakable crimes, from Cambodia to Uganda to El Salvador.

In the 1990s, there was renewed progress. The U.N. Security Council established a tribunal at The Hague to prosecute genocide and other atrocities committed in the Former Yugoslavia. A second tribunal was formed in response to the horrific massacre of more than 800,000 people in Rwanda.

In addition, individual nations have increasingly taken action against those who have committed these crimes.

Spain pursued General Pinochet, and he may yet be prosecuted in Chile. The Spanish Government has requested Mexico to extradite Richardo Miguel Cavallo, a former Argentine naval officer who served under the military junta, on charges that include the torture of Spanish citizens.

A number of human rights cases have also been heard in U.S. civil courts. In August, 2000, $745 million was awarded to a group of refugees from the Balkans who accused Radovan Karadzic of conducting a campaign of genocide, rape, and torture in the early 1990s. Also that month, an organization representing Chinese students who are suing the Chinese Government for its brutality during the 1989 Tiananmen Square protests, successfully served papers on Li Peng, the former Chinese Premier, as part of an ongoing lawsuit.

They are important steps towards holding individuals accountable, deterring future atrocities, and strengthening peace. But the ICC would fill significant gaps in the existing patchwork of ad hoc tribunals and national courts. For example:

A permanent international court sends a clear signal that those who commit war crimes, crimes against humanity, and genocide will be brought to justice.

By eliminating the uncertainty and protracted negotiations that surround the creation of ad hoc tribunals, the Court will be more quickly available for investigations and justice will be achieved sooner.

International crimes tried in national courts can result in conflicting decisions and varying penalties. Moreover, sometimes governments take unilateral actions, even including kidnaping, to enforce prosecutorial and judicial decisions. The Court will help to avoid these problems.

The Court will act in accordance with fundamental standards of due process, allowing the accused to receive fairer trials than in many national courts.

In the past, when the international community established war crimes tribunals, the United States was at the forefront of those efforts. The performance of the U.S. delegation at Rome was no different. The U.S. ensured that the Court will serve our national interests by being a strong, effective institution and one that will not be prone to frivolous prosecutions.

Why then did the United States oppose the Treaty, despite getting almost everything it wanted in the negotiations? Many observers feel that it was because the Administration could not get iron-clad guarantees that no American servicemen and women would ever, under any circumstances, come before the Court. A related concern was that the Treaty empowers the Court to indict and prosecute the nationals of any country, even countries that are not party to the Treaty.

The legitimate concern about prosecutions of American soldiers by the Court, while not trivial, arises from a misunderstanding of the Court's role.

The U.S. has been successful in obtaining important safeguards to prevent political prosecutions:

First, the ICC is neither designed nor intended to supplant independent and effective judicial systems such as the U.S. courts. Under the principle of ''complementarity'', the Court can act only when national courts are either unwilling or unable to prosecute.

Second, the Court would only prosecute the most atrociousinternational crimes such as genocide and crimes against humanity. The U.S. was instrumental in defining the elements of these crimes and in establishing high thresholds to ensure that the Court would deal with only the most egregious offenses.

Third, the Court incorporates the rigorous criteria put forth by the United States for the selection of judges, ensuring that these jurists will be independent and among the most qualified in world. Further, the Rome Treaty provides for high standards for the selection of the prosecutor and deputy prosecutor, who can be removed by a vote of the majority of states parties.

Finally, the Court provides for several checks against spurious complaints, investigations, and prosecutions. Before an investigation can occur, the prosecution must get approval from a three-judge pre-trial chamber, which is then subject to appeal. Moreover, the U.N. Security Council can vote to suspend an investigation or prosecution for up to one year, on a renewable basis, giving the Security Council a collective veto over the Court.

Because of these safeguards, our democratic allies—Canada, England, France, Ireland—with thousands of troops deployed overseas in international peacekeeping and humanitarian missions, have signed the Treaty.

The Pentagon has, from day one, argued that the United States should not sign the Treaty unless we are guaranteed that no United States soldier will ever come before the Court. In other words ''we will sign the Treaty, as long as it does not apply to us.'' That is a totally untenable position, which not surprisingly has not received a shred of support from other governments, including our allies and friends.

There is no doubt that further negotiations can improve the ICC, but it is unrealistic to expect to single out one's own citizens for immunity, in every circumstance, from the jurisdiction of an international court. If that were possible, what would prevent other nations from demanding similar treatment? The Court's effectiveness would be undermined.

Moreover, as the United States—which has refused to sign the treaty banning landmines, or to ratify the comprehensive test ban treaty, or to pay our U.N. dues—is perceived as acting as if it is above the law, nations may begin to think ''why should we honor our international commitments?'' If the U.S. becomes increasingly isolated, our soldiers will face greater, not less, risk.

Such increasing risk is wholly unnecessary. Our Armed Forces are known globally for their strict adherence to international humanitarian law and conventions governing the conduct of a military in wartime. Signing the Rome Treaty would be the clearest indication possible that we are proud of this record, and are working every day to uphold it.

Mr. President, I too am troubled by the precedent of exerting jurisdiction over non-party nationals. While this is a key component of the Treaty which prevents rogue nations from shielding war criminals from the Court's jurisdiction by refusing to become a party, it could also invite mischief in the future. What if, for example, a dozen states were to join in a treaty that asserts jurisdiction over non-parties for the explicit purpose of targeting the citizens of the United States and its allies? Will the Rome Treaty set a precedent that could make this more likely?

In fact, there is nothing to prevent that from happening today, and it is highly unlikely that such treaties would achieve legitimacy. They would almost certainly not become recognized parts of international law and convention. While it is essential that we do everything possible to protect the rights of American citizens, we also want an effective Court. Indeed, there are almost certainly to be circumstances when we would support ICC jurisdiction over non-party nationals.

Critics argue that the United States should ''block'' the ICC. They are misinformed. That is not an option. The requisite 60 countries are going to ratify the Treaty, and the Court will have jurisdiction over citizens of non-parties, whether or not the U.S. signs.

The real issue is whether we sign the Treaty and enable the U.S. to continue to play a crucial role in shaping the ICC, ensuring that it serves its intended purpose of prosecuting the most heinous crimes—not the U.S. Air Force pilot who mistakenly bombs the wrong target, a tragic but inevitable consequence of war. It is instructive, for those who raise the specter of political prosecutions, that the Tribunal for the Former Yugoslavia—which, like the ICC, the U.S. had a key role in shaping—declined to investigate allegations of war crimes resulting from NATO bombing of Serbia. We will be in a far better position to protect the rights of American citizens if the Court must answer to the U.S. for its actions.

We can sign the Treaty and make clear that if the Court strays from its intended purpose, we will take what steps are needed, from refusing to ratify to withdrawing from the Treaty. I sincerely doubt, however, that will become necessary. A key part of the Court's ability to function is its legitimacy. As others have said, ''the politicization of the Court would quickly end its relevance.''

We all know that it is simply not possible to be part of an international regime and get absolutely everything one wants. Nay sayers can always invent implausible scenarios that pose some risk. The key question is: do the benefits of signing the Rome Treaty and throwing our weight and influence behind it, outweigh the risks? I believe the answer is clearly yes.

Mr. President, the Treaty provides an adequate balance of strength and discretion to warrant signature by the United States. On the one hand, the Court is strong enough to bring war criminals to justice and provide a deterrent against future atrocities. On the other, there are important checks in place to minimize the risks of sham prosecutions of American troops. Yet, without the active participation and support of the United States—the oldest and most powerful democracy on Earth committed to the rule of law—the Court will never realize its potential.

I agreed with President Clinton when he stated that, ''nations all around the world who value freedom and tolerance [should] establish a permanent international court to prosecute, with the support of the United Nations Security Council, serious violations of humanitarian law.''

Those words reminded me of the President's speech at the United Nations six years ago, when he called for an international treaty banning antipersonnel landmines. Two years later, when many of our allies and friends were negotiating such a treaty, the Administration, bowing to the Pentagon, chose to sit on the sidelines. They assumed, wrongly, that without U.S. support the process would run out of steam, and they even tried, at times, to undermine it.

Only in the final days, when the Administration finally realized the mine treaty was going to happen with or without the U.S., did they make several ''non-negotiable'' demands. Essentially, they said ''okay, we will sign the treaty, as long as it does not apply to our landmines.'' Predictably, that was rejected. Today, 138 nations have signed that treaty and 101 have ratified, including every NATO member except the United States and Turkey, and every Western Hemisphere nation except the United States and Cuba.

One would have thought we would have learned from that experience. The fact is that the United States can no longer singlehandedly determine whether an international treaty comes into force. If we do not sign the Rome Treaty, there is a strong possibility that the Court, its prosecutors and judges will develop from the beginning an unsympathetic view towards the United States and its official personnel. That is especially so if we end up opposing the Court and its legitimacy. Do we want a Court that views itself in opposition to the United States? Or do we want a Court whose prosecutors and judges are selected

with the influence of the United States, and a Court that must answer to the United States, as its most significant state party, for its actions? The answer should be obvious to anyone.

Mr. President, it is unacceptable that the world's oldest democracy—the nation whose Bill of Rights was a model for the Universal Declaration of Human Rights, the nation that called for the creation of a permanent, international criminal court and did so much to make it a reality, has shrunk from this opportunity. The President should sign the Rome Treaty.

TRIBUTE TO BOY SCOUTS AND GIRL SCOUTS

Mr. L. CHAFEE. Mr. President, it is with great pleasure that I today pay tribute to the accomplishments of the Girl Scouts and Boy Scouts of Rhode Island. These fine organizations include an admirable group of young men and women who have distinguished themselves as leaders in their communities.

Since the beginning of this century, the Girls Scouts and Boy Scouts of America have provided thousands of youngsters each year with the opportunity to make friends, explore new ideas, and develop leadership skills, along with a sense of determination, self-reliance, and teamwork.

These awards are presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love for community service. The Silver and Gold Awards represent the highest awards attainable by junior and high school Girl Scouts. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills.

I ask my colleagues to join me in congratulating the recipients of these awards. Their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, Scout leaders and countless others who have given generously of their time and energy in support of Scouting.

It is with great pride that I submit a list of the young men and women of Rhode Island who have earned this award.

Mr. President, I ask that the list be printed the RECORD.

The list of follows:

GIRLS SCOUT SILVER AWARD RECIPIENTS

Barrington, RI: Sarah E. Oberg, Alison Orlando, Shannon Johnston, Sarah Tompkins.

Charlestown, RI: Hillary Gordon.

Chepachet, RI: Margaret Pepper, Rebecca Thurber, Jennifer Tucker.

Coventry, RI: Mandy L. Ponder.

Cranston, RI: Laura R. Gauvin, Tara Tomaselli, Lindsay Wood, Susan Papino, Sarah Watterson.

Exeter, RI: Karissa D'Ambra, Kim McCarthy, Meghan McDermott, Erin Klingensmith.

Foster, RI: Shannon R. Casey.

Glendale, RI: Emily Beauchemin.

Harrisville, RI: Kristin Bowser.

Hope, RI: Meaghan McKenna.

Hope Valley, RI: Jennifer Gregory, Nichole Piacenza.

Kingston, RI: Elizabeth Tarasevich.

Mapleville, RI: Tia Sylvestre, Jessica Wilcox.

Middletown, RI: Kellie Di Palma.

North Kingstown, RI: Kelly-Ann Brooks, Kellie Fitzpatrick, Brittany Kenyon, Elizabeth Mackler, Kelley Barr, Rachel Glidden.

Pascoag, RI: Erin Boucher, Sarah Gautreau, Heather Hopkins, Jennifer Robillard.

Pawtucket, RI: Stephanie Bobola, Emma Locke, Brittany Smith, Allison Arden, Feliscia Facenda, Melissa Perez, Jessica Theroux.

Portsmouth, RI: Rachel Andrews, Laura Cochran, Melissa Baker, Kathryn E. Powell, Sabrina A. Richard.

Wakefield, RI: Lauren Behie, Emily Franco, Kate Danna, Jessica Piemonte.

Warwick, RI: Stephanie Brock, Amanda Miller, Jessica Ogarek, Nicole Patrocelli, Michelle Poirier, Danielle Dufresne, Sarah Pennington.

West Warwick, RI: Kaylin Kurkoski, Alyssa Lavallee, Capria Palmer, Stephanie Danforth.

Woonsocket, RI: Kayla Berard, Erica Laliberte, Melissa Notorango.

Wyoming, RI: Chantal Gagnon.

GIRLS SCOUT GOLD AWARD RECIPIENTS

Cranston, RI: Bethany Lavigne, Sarah Lavigne.

East Greenwich, RI: Elissa Carter, Rosanna Longenbaker.

Harrisville, RI: Carissa Leal.

Middletown, RI: Merideth Bonvenuto.

North Providence, RI: Bonnie Bryden, Alison Kolc, Bethany Bader, Laura Di Tommaso.

Pawtucket, RI: Alyssa M. Nunes, Nicole D. Gendron.

Warwick, RI: Amanda Cadden, Jeniece Fairbairn, Sara Berman, Dawn Armitage, Kristen Giza, Kathryn Marseglia, Justine Evans, Carolyn Beagan.

West Warwick, RI: Jennifer L. Malaby.

West Kingston, RI: Audra L. Criscione.

Westerly, RI: Heather Norman, Karen McGarth.

EAGLE SCOUT RECIPIENTS

Ashaway, RI: Steven Derby, Paul Dumas.

Barrington, RI: Chris Browning, Vincent Crossley, Chris Dewhirst, Jr., David Drew, John Dunn, Jr., Daniel Fitzpatrick, Chris Gempp, Chris Josephson, Patrick Kiely, Brian Mullervy, Anthony Principe, Evan Read, Adam Resmini, Timothy Ryan, Robert Speaker.

Blackstone, RI: Daniel Aleksandrowicz.

Bradford, RI: William Briggs, Jr., Thomas Foley.

Bristol, RI: Chris Cameron, Jason DeRobbio, Thomas DuBios, Matthew Frates, John Maisano IV, Timothy Pray.

Charlestown, RI: Christopher Hyer, Jonathan Lyons, David Piermattei, Jr., Thomas Schipritt.

Chepachet, RI: Eric Ahnrud, Donald Gorrie, Jr., Benjamin King.

Clayville, RI: Geoffrey Lemieux.

Coventry, RI: John Ahern, Nicholas Brown, Michael Camera, James MacDonald.

Cranston, RI: Anthony BaccariThomas Darrow, Erik Fearing, Peter Gogol, Gregory Johnson, Daniel Kittredge, Donald McNally, Gregory Norigian, Matthew Papino, Michael Parent, Ernest Rheaume, Mark Scott II, Marc Sherman, Jonathan Tipton.

Cumberland, RI: Michael DiMeo, Michael Dubois, Timothy Fabrizio, Gregory Hindle, Thomas Parrillo, James Twohey, John Valentine, John Wigmall, Christopher Young.

East Greenwich, RI: Matthew Kazlauskas, Thomas Carbone, Jr., Stuart Fields, Steven Fulks.

Exeter, RI: Warren Halstead III.

Foster, RI: Paul Copp, Robert Schultz, Jr.

Fiskeville, RI: Jonathan Burns.

Glocester, RI: Thomas Cavaliere.

Greene, RI: Steven Autieri, Ryan Hall.

Greenville, RI: Thomas Bowater, Benjamin Folsom, Jason Marrineau, Joseph Stockley.

Harrisville, RI: Davis Jackson, Matthew Kucharski.

Hope Valley, RI: Eben Conopask, John Duell, Nicholas Haberek, Lucas Marland.

Jamestown, RI: Thomas Kelly, Joshua Shea.

Johnston, RI: Jason Cantwell, Geoffrey Garzone, Christopher Lowrey, Anthony Pezza, Michael Wilusz.

Kingston, RI: Robert Dettman, Travis Morello.

Lincoln, RI: Bradford Avenia, Daniel Maynard, Jonathan Toft.

Manville, RI: Peter Rernaud.

Middletown, RI: John Greeley, Andrew Gustafson, Jay Parker, Jr., Alexander Schwarzenberg, Matthew Sullivan, David Tungett.

Newport, RI: Jason Kowrach, James Ross.

North Kingstown, RI: Christopher Nannig, David Piehler, Jason Simeone.

North Providence, RI: Adam Andolfo, Michael Chatwin, Jr., Matthew Konicki.

North Scituate, RI: Alan Campbell, Corey Charest, Jared Leduc, Jason Otto, Stephen Vigliotti.

North Smithfield, RI: Keith Gilmore.

Pawtucket, RI: Brian Gendreau, Peter Blair, Nicholas Cetola, Eric Frati, Christopher Gojcz, Benjamin Sweigart, Alejandro Tobon.

Portsmouth, RI: Mark Dragicevich, James Magrath, Paul Myslinski, Richard Quintal, John Silvia III, Adam Tucker.

Providence, RI: Ashley Oneal, Matthew Dorfman, Jonathan Goulet, Matthew Lynch, John Riley, Matthew Salisbury, Andrew Sawtelle, Stephen Winiarski.

Riverside, RI: Andrew Hurd, William Lange Phillip Olson, Chris Paiva.

Rumford, RI: Jesse Crichton, Chris Jamison.

Smithfield, RI: Charles Ashworth, Brian Twohey, Gerard Lariviere II.

Wakefield, RI: Paul Ayers IV, Joshua Honeyman, Joshua Lamothe, Joshua Rosen, Wyatt Messinger.

Warren, RI: Jonathan Faris, William Kemp IV.

Warwick, RI: Christopher Baker, Richard Agajanian III, Kenneth Arpin, Trevor Byrne-Smith, James Carolan III, Robert Chace III, Jason Christensen, Michael Dean, Timothy Goodwin, Michael Havican, Eric Hayes, Gregory Hughes, Aaron Hughes, Peter Izzi, Thomas Kelley, Daniel Linden, Jeffrey Machado, Robert MacNaught, John Mendonsa.

Westerly, RI: Jonathan Martin, Seth Merkel.

West Greenwich, RI: Jeffrey Bowen.

West Kingston, RI: Joshua McCaughey.

West Warwick, RI: Eric Calcagni, Craig Flanagan, Daniel Flynn, Warrick Monnahan, Chuck Moore.

Wood River Junction, RI: Timothy Brusseau, Scott Morey.

Woonsocket, RI: Michael Minot Matthew Piette, Matthew Soucy, Gary Turner.

Wyoming, RI: Stetson Lee.