

secret and under direct control of the executive branch. These "faceless judges" have also punished, without proper recourse or due process, and in direct violation of international law, those who challenge or call attention to their actions. According to the State Department's most recent human rights report the Peruvian government has eliminated the use of faceless tribunals, but much damage has already been done and many condemned by the faceless judges remain incarcerated.

I am especially concerned about the failure to respect due process in one case in particular. One individual who has directly suffered from the transgressions of Fujimori's authoritarian government is American journalist Lori Berenson. Her journalistic coverage of Peru's economically and politically disaffected was not popular with the Peruvian government. While working in Peru in January of 1996 she was arrested and charged with involvement with terrorist organizations. According to human rights groups, she was tried without due process, little evidence, and without being allowed a defense. She was convicted of "treason against the fatherland" and sentenced to imprisonment for life.

The handling of this case has drawn widespread condemnation from human rights groups, the U.S. State Department, and even high ranking Peruvian officials. Many have pointed out that, by depriving Ms. Berenson of her right to defend herself in a fair trial by an impartial jury, the Peruvian government was in direct violation of numerous international treaties guaranteeing the legal rights of prisoners. The Commission of International Jurists, the Inter-American Court of Human Rights and the United Nations Human Rights Committee are among the many respected organizations who have condemned Peru's actions and have urged that immediate measures be taken to abolish these practices which undermine internationally recognized fair trial standards.

Today, Lori Berenson remains incarcerated in a country with notoriously harsh prison conditions where she has been held in the total isolation of solitary confinement since October 7 of last year. According to her father she is suffering serious health problems. Amnesty International charges that the conditions under which she is imprisoned contravene the U.N. Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment, a Convention to which Peru is a party.

I wanted to take this opportunity to urge President Fujimori to grant Lori Berenson a fair, open, and just trial as prescribed under international conventions. And I call on him to honor his pledge to all the Peruvian people to make the respect of basic legal, civil, and human rights a priority in his government.●

1998 KANSAS WHEAT MAN OF THE YEAR

● Mr. BROWNBACK. Mr. President, today, I rise to recognize the 1998 Kansas Wheat Man of the Year, Dr. Rollie Sears. Dr. Sears is a world-renowned wheat breeder and a Professor in the Department of Agronomy at Kansas State University. His colleagues describe him as much more than a college professor.

Throughout the wheat industry, Mr. Sears is known for his many contributions to the development of new wheat varieties. Dr. Sears was again in the spotlight in 1998 when he released two new varieties of hard white wheat along with the indication that shortly there was more to come.

Mr. President, today I join with the Kansas Wheat Association in honoring a man who works to develop, and improve the wheat industry. I congratulate Dr. Sears for his outstanding contributions to wheat growers and I wish him continued success.●

TRIBUTE TO MONSIGNOR JOHN QUINN OF MANCHESTER, NH

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Monsignor John P. Quinn of Manchester, New Hampshire, on his retirement from Catholic Charities. Monsignor Quinn has been Diocesan Director of New Hampshire Catholic Charities since 1976.

Monsignor Quinn was ordained on May 18, 1969 and has served many functions in the Diocese. He first served as Associate Pastor at St. Anne's Parish in Manchester. Most recently he served as Secretary to the Bishop in charge of Community Service and Director of New Hampshire Catholic Charities. He leaves these posts to occupy the position of Secretary to the Bishop in charge of Finance and Real Estate and to become the Finance Officer of the Diocese.

Furthermore, Monsignor Quinn has continuously exhibited his unselfish dedication to the community. Having volunteered in various organizations such as the Trinity High School Board, the Manchester Police Department and the New Hampshire Social Welfare Council, Monsignor Quinn is an exemplary model for community service.

As a lifelong Catholic, I would like to congratulate Monsignor Quinn on all of his accomplishments and thank him for his service to Catholic Charities and his continued service to the Diocese. I wish him well in all of his future endeavors. I am honored to represent him in the United States Senate.●

EDUCATION FLEXIBILITY ACT OF 1999

● Mr. JEFFORDS. Mr. President, on January 27th, the Committee on Health, Education, Labor, and Pensions approved S. 280, the Education Flexibility Partnership Act of 1999.

Given the conflicts presented by meetings related to the impeachment trial, our Democratic colleagues were unable to attend the executive session.

When this legislation was considered in the last Congress, it was adopted on a 17-1 vote with Senator WELLSTONE in opposition. Senator WELLSTONE remains opposed to this legislation, and provided the committee with a proxy so that he could be so recorded again this year. However, due to a misunderstanding and the absence of the Ranking Democratic Member, I did not exercise his proxy. I do want the record to indicate that Senator WELLSTONE remains opposed to this legislation.●

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

● Mr. CAMPBELL. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the Committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On January 6, 1999, the Committee on Indian Affairs held a business meeting during which the members of the Committee unanimously adopted rules to govern the procedures of the Committee. Consistent with Standing Rule XXVI, today I am submitting for printing in the CONGRESSIONAL RECORD a copy of the Rules of the Senate Committee on Indian Affairs.

The rules follow:

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

COMMITTEE RULES

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Act are applicable to the Committee on Indian Affairs and supplemented by these rules, are adopted as the rules of the Committee.

MEETINGS OF THE COMMITTEE

Rule 2. The Committee shall meet on the first Tuesday of each month while the Congress is in session for the purpose of conducting business, unless for the convenience of the Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3. Hearings and business meetings of the Committee shall be open to the public except when the Chairman by a majority vote orders a closed hearing or meeting.

HEARING PROCEDURE

Rule 4(a). Public notice shall be given of the date, place and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

(b). Each witness who is to appear before the Committee shall file with the Committee, at least 72 hours in advance of the hearing, an original and 75 printed copies of his

or her written testimony. In addition, each witness shall provide an electronic copy of the testimony on a computer disk formatted and suitable for use by the Committee.

(c). Each member shall be limited to five (5) minutes in questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

(d). The Chairman and Vice Chairman or the Ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such time as the Chairman and Vice Chairman or the Ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request by a Member for such inclusion has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subject on the Committee agenda in the absence of such request.

(b). Notice of, and the agenda for, any business meeting of the Committee shall be provided to each Member and made available to the public at least two days prior to such meeting, and no new items may be added after the agenda is published except by the approval of a majority of the Members of the Committee. The Clerk shall promptly notify absent Members of any action taken by the Committee on matters not included in the published agenda.

QUORUM

Rule 6(a). Except as provided in subsections (b) and (c), eight (8) Members shall constitute a quorum for the conduct of business of the Committee. Consistent with Senate rules, a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

(b). A measure may be ordered reported from the Committee unless an objection is made by a Member, in which case a recorded vote of the Members shall be required.

(c). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the Committee.

VOTING

Rule 7(a). A recorded vote of the Members shall be taken upon the request of any Member.

(b). Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only for the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8. Witnesses in Committee hearings may be required to give testimony under oath whenever the Chairman or Vice Chairman of the Committee deems it to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Member, any other witness, shall be under oath. Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee, in executive session, determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hear-

ing tends to defame him or her or otherwise adversely affect his or her reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony of evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 12. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee; Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.●

NOMINATIONS

Executive nominations received by the Secretary of the Senate on February 3, 1999:

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, 628, AND 3064:

To be lieutenant colonel

TIM O. REUTTER, 0000
JOHN R. SWANSON, 0000

To be major

*DAVID A. ERICKSON, 0000
*JOHN M. GRIFFIN, 0000

EXECUTIVE NOMINATION RECEIVED BY THE SECRETARY OF THE SENATE FEBRUARY 4, 1999, UNDER AUTHORITY OF THE ORDER OF THE SENATE OF JANUARY 6, 1999:

COMMODITY FUTURES TRADING COMMISSION

THOMAS J. ERICKSON, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 2003, VICE JOHN E. TULL, JR., TERM EXPIRED.