

Whereas other major stationary sources have already implemented maximum achievable control technology standards for mercury and other air toxics, as required by the Clean Air Act (42 U.S.C. 7401 et seq.);

Whereas effective mercury and other heavy metal removal techniques have been demonstrated and are available on an industrial scale in the major stationary source categories;

Whereas the lack of effective emission control standards in other countries can give foreign industries a competitive advantage over United States businesses;

Whereas alternatives and substitutes have been demonstrated and are available to reduce or eliminate mercury use in most products and processes;

Whereas the European Commission reports that mercury mining, the closing of mercury cell chlor-alkali facilities, and the phasing out of other outmoded industrial processes in the United States and Europe are contributing significantly to imports of mercury in the developing world;

Whereas the Department of Defense announced in April 2004 that it will consolidate and store its stockpile of approximately 5,000 tons of mercury rather than allow the surplus to enter the global marketplace;

Whereas from 1996 through 2004, the Environmental Council of the States adopted or renewed 9 resolutions highlighting the importance of substantially reducing mercury use and releases in the United States and around the world, and of managing excess supplies of mercury so that they do not enter the global marketplace;

Whereas many States, including California, Connecticut, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and Wisconsin, are already implementing their own laws, regulations, and other strategies for tracking or reducing various forms of mercury use and pollution, and the Governors of States in New England have set a goal of virtually eliminating mercury emissions in that region;

Whereas the European Commission is developing a mercury strategy that is aimed at comprehensively addressing all aspects of the mercury cycle, including the use, trade, and release of mercury;

Whereas the United States is a party to the Protocol on Heavy Metals of the Convention on Long-Range Transboundary Air Pollution, done at Aarhus, Denmark on June 24, 1998, which entered into force in December 2003 and commits the United States to a basic obligation to limit air emissions of mercury and other heavy metals from new and existing sources, within 2 and 8 years respectively, using the best available techniques;

Whereas the current parties to the Convention and the Protocol represent only a portion of anthropogenic emissions of heavy metals annually that are subject to transboundary atmospheric transport and are likely to have significant adverse effects on human health or the environment;

Whereas the 22nd session of the United Nations Environment Programme Governing Council concluded that there is sufficient evidence in the Programme's Global Mercury Assessment of significant global adverse impacts to warrant international action to reduce the risks to human health and the environment from releases of mercury;

Whereas the United Nations Environment Programme invited submission of governmental views on medium- and long-term actions on mercury and other heavy metals, which will be synthesized into a report for presentation at the 23rd session of the Gov-

erning Council occurring February 21 to 25, 2005, with a view to developing a legally binding instrument, a non-legally binding instrument, or other measures or actions; and

Whereas the United States has taken no position on any such instrument: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should engage constructively and proactively in international dialogue regarding mercury pollution, use, mining, and trade; and

(2) the President should prepare a comprehensive strategy—

(A) to advance and enter into international negotiations on a binding agreement that would—

(i) reduce global use, trade, and releases of mercury to levels sufficient to protect public health and the environment, including steps to—

(I) establish specific and stringent targets and schedules for reductions in mercury use in the United States, and emissions below levels for calendar year 2000, beyond current domestic and global efforts;

(II) end primary mercury mining in the near future and establish a system to ensure excess mercury supplies do not enter the global marketplace; and

(III) require countries to develop regional and national action plans to address mercury sources and uses;

(ii) include all countries that use, trade, or release significant quantities of mercury into the environment from anthropogenic sources;

(iii) require the application of the best available control technologies and strategies to control releases from industrial sectors in the very near future, including minimizing releases from coal-fired power plants and replacing obsolete mercury products and processes, including the mercury cell chlor-alkali process;

(iv) contain mechanisms for promoting and funding the transfer and adoption of less emitting technologies and mercury-free processes, and for facilitating the safe clean-up of mercury contamination;

(v) establish a standardized system to document and track the use, production, and trade of mercury and mercury-containing products, including a licensing requirement for mercury traders; and

(vi) incorporate explicit mechanisms for adding toxic air pollutants with similar characteristics in the future;

(B) to delineate the preferred structure, format, participants, mechanisms, and resources necessary for achieving and implementing the agreement described in subparagraph (A);

(C) to enter into bilateral and multilateral agreements to align global mercury production with reduced global demand and minimize global mercury releases, while negotiating the agreement described in subparagraph (A);

(D) to initiate and support a parallel international research effort that does not delay current or planned mercury pollution or use reduction efforts—

(i) to collect global data to support the development of a comprehensive inventory of mercury use, mining, trade, and releases; and

(ii) to develop less emitting technologies and technologies to reduce the need for, and use of, mercury in commerce;

(E) to review monitoring capabilities and data collection efforts of the United States for domestic mercury use, trade, and releases to ensure there is sufficient information available for any implementing legislation that may be necessary for compliance with

existing protocols and future global mercury agreements;

(F) to work through existing international organizations, such as the United Nations, the International Standards Organization, and the World Trade Organization, to encourage the development of programs, standards, and trade agreements that will result in reduced use and trade of mercury, the elimination of primary mercury mining, and reductions in releases of mercury and other long-range transboundary air pollutants; and

(G) to present at the 23rd session of the United Nations Environment Programme Governing Council a plan for carrying out immediate and long-term actions to reduce global mercury pollution and global exposure to mercury in order to advance the goal of achieving a binding international agreement on mercury.

SENATE RESOLUTION 65—CALLING FOR THE GOVERNMENT OF CAMBODIA TO RELEASE CHEAM CHANNY FROM PRISON, AND FOR OTHER PURPOSES

Mr. BROWNBACK (for himself and Mr. McCONNELL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 65

Whereas, on February 3, 2005, the Cambodian National Assembly voted in a closed-door session to strip the immunity of Sam Rainsy Party opposition parliamentarians Sam Rainsy, Cheam Channy, and Chea Poch;

Whereas local and national press, foreign diplomats, and other observers were refused entry into the National Assembly during the vote;

Whereas the stripping of the parliamentary immunity of Sam Rainsy, Cheam Channy, and Chea Poch places the fate of these opposition parliamentarians in the hands of a notoriously corrupt and politicized judicial system;

Whereas Sam Rainsy, Cheam Channy, and Chea Poch face trumped-up charges of a highly political nature that are intended to silence the democratic opposition;

Whereas Cheam Channy is currently imprisoned in a military jail and, in contravention of Cambodia law, is subject to the jurisdiction of the Military Court in Cambodia;

Whereas the National Assembly vote is yet another attempt to intimidate the democratic opposition in Cambodia, attempts which include the unsolved killing of political activists, including Chea Vichea and Om Radsady, and unsolved attacks against peaceful and legal demonstrations, including the grenade attack against the Khmer Nation Party in March 1997 during which an American citizen was injured;

Whereas the United States, United Nations, and other organizations and individuals have strongly condemned the National Assembly vote as a blow to the democratic development of Cambodia;

Whereas international donors acknowledged during a consultative group meeting in Phnom Penh, Cambodia, last month that accountability and transparency are vital to the country's economic and social development;

Whereas the National Assembly vote underscores the lack of commitment of Prime Minister Hun Sen and National Assembly President Norodom Ranariddh to democracy, accountability, transparency, and the rule of law in Cambodia; and

Whereas President George W. Bush issued a proclamation on January 12, 2004, that entry

into the United States should be denied to former and current corrupt public officials and their families: Now therefore be it

Resolved, That the Senate—

(1) calls upon the Government of Cambodia to immediately and unconditionally release Cheam Channy;

(2) calls upon the Cambodian National Assembly to reverse its recent action to strip the immunity of opposition parliamentarians Sam Rainsy, Cheam Channy, and Chea Poch;

(3) urges the Secretary of State, the Secretary-General of the United Nations, international financial institutions, and democracies around the world to continue to publicly and forcefully condemn the Cambodian National Assembly vote;

(4) urges international donors to consider imposing appropriate sanctions against the National Assembly and the Government of Cambodia unless and until it reverses its recent action;

(5) calls upon the Secretary of State to impose visa restrictions on members of the Cambodian National Assembly and their families who voted to strip the immunity of Sam Rainsy, Cheam Channy, and Chea Pok, consistent with the President's Proclamation of January 12, 2004, regarding the denial of visas to corrupt public officials and their families; and

(6) calls upon Prime Minister Hun Sen and Cambodian National Assembly President Norodom Ranariddh to cease and desist their efforts to undermine democracy, human rights, and the rule of law in Cambodia.

SENATE RESOLUTION 66—URGING THE GOVERNMENT OF THE KYRGYZ REPUBLIC TO ENSURE A DEMOCRATIC, TRANSPARENT, AND FAIR PROCESS FOR THE PARLIAMENTARY ELECTIONS SCHEDULED FOR FEBRUARY 27, 2005

Mr. MCCAIN (for himself and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 66

Whereas on August 31, 1991, the Kyrgyz Republic declared independence from the Soviet Union;

Whereas the Kyrgyz Republic has been ruled by a single President since gaining independence in 1991 after the collapse of the Soviet Union;

Whereas President Askar Akaev's initial years of power were marked by numerous democratic reforms, including the establishment of independent media and opposition party representation in a bi-cameral parliament;

Whereas in recent years, these democratic reforms have been scaled back or eliminated;

Whereas today in the Kyrgyz Republic, virtually all major television outlets are controlled or influenced by the President's family or the state;

Whereas the political system of the Kyrgyz Republic has been characterized by the Department of State as marred by "serious irregularities" and its human rights record has been described by the Department of State as "poor";

Whereas in 2002, Government forces shot 4 opposition demonstrators in the southern Aksy region;

Whereas in 2003, President Akaev called for a referendum, with little notice, on a group of Constitutional amendments, leaving both voters and the opposition unprepared to effectively participate in the vote;

Whereas the 2003 referendum vote on the Constitutional amendments was not transparent and contained numerous instances of fraud;

Whereas a genuinely free and fair democratic election requires a period of political campaigning in an environment in which administrative action, violence, intimidation, and detention do not hinder the parties, political associations, or the candidates from presenting their views and qualifications to the citizenry;

Whereas unimpeded access to television, radio, print, and Internet media on a non-discriminatory basis is fundamental to a genuinely free and fair democratic election;

Whereas a genuinely free and fair election requires that all eligible citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote, and the right to seek and acquire information upon which to make an informed vote, free from intimidation, undue influence, attempts at vote buying, threats of political retribution, or other forms of coercion;

Whereas the Government of the Kyrgyz Republic, as a participating state in the Organization for Security and Cooperation in Europe (OSCE), has accepted numerous specific commitments governing the conduct of elections, including the provisions of the Copenhagen Document;

Whereas reports indicate that authorities within the Kyrgyz government have stepped up repressive activities ahead of the parliamentary elections scheduled for February 27, 2005, including unfairly excluding opposition candidates from running for office, launching new restrictions on freedom of assembly, harassing opposition supporters and civil society activists, publicly warning against a "Ukraine scenario", and attempting to equate political opposition with subversion; and

Whereas the parliamentary elections scheduled for February 27, 2005, will provide an unambiguous test of the extent of the commitment of the Kyrgyz authorities to implementing democratic reforms and building a society based on free elections and the rule of law;

Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges and welcomes the strong relationship formed between the United States and the Kyrgyz Republic since the restoration of independence in 1991;

(2) expresses its strong and continuing support for the efforts of the Kyrgyz people to establish a full democracy, the rule of law, and respect for human rights in the Kyrgyz Republic;

(3) urges the Kyrgyz Republic to meet its Organization for Security and Cooperation in Europe commitments on democratic elections; and

(4) urges the Kyrgyz authorities to ensure—

(A) the full transparency of election procedures before, during, and after the 2005 parliamentary elections;

(B) the right to vote for all eligible citizens of the Kyrgyz Republic;

(C) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a non-discriminatory basis; and

(D) the right of opposition parties and candidates to assemble freely, campaign openly, and contest the upcoming elections on an equal basis as all other parties, including the party currently in control of the Parliament.

SENATE CONCURRENT RESOLUTION 14—EXPRESSING THE SENSE OF CONGRESS THAT THE CONTINUED PARTICIPATION OF THE RUSSIAN FEDERATION IN THE GROUP OF 8 NATIONS SHOULD BE CONDITIONED ON THE RUSSIAN GOVERNMENT VOLUNTARILY ACCEPTING AND ADHERING TO THE NORMS AND STANDARDS OF DEMOCRACY

Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. BURNS, Mr. BAYH, Mr. CHAMBLISS, Mr. SMITH, and Mr. DURBIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 14

Whereas the countries that comprise the Group of 7 nations are pluralistic societies with democratic political institutions and practices, committed to the observance of universally recognized standards of human rights, respect for individual liberties, and democratic principles;

Whereas in 1991 and subsequent years, the leaders of the Group of 7 nations, heads of the governments of the major free market economies of the world who meet annually in a summit meeting, invited then-Russian President Boris Yeltsin to a post-summit dialogue;

Whereas in 1998, the leaders of the Group of 7 nations formally invited President Boris Yeltsin of Russia to participate in an annual gathering that subsequently was known as the Group of 8 nations, although the Group of 7 nations have continued to hold informal summit meetings and ministerial meetings that do not include the Russian Federation;

Whereas the invitation to President Yeltsin to participate in the annual summits was in recognition of his commitment to democratization and economic liberalization, despite the fact that the Russian economy remained weak and the commitment of the Russian Government to democratic principles was uncertain;

Whereas under the leadership of President Vladimir Putin, the Russian Government has attempted to control the activities of independent media enterprises, nongovernmental organizations, religious organizations, and other pluralistic elements of Russian society in an attempt to mute criticism of the government;

Whereas under the leadership of President Putin, the Russian Government has suppressed the activities of independent journalists, international observers, and human rights monitoring organizations, and has blocked the renewal of the mandate of the Organization for Security and Co-operation in Europe (OSCE) to operate inside Chechnya in an attempt to block public scrutiny of the war in Chechnya;

Whereas the suppression by the Russian Government of independent media enterprises has resulted in widespread government control and influence over the media in Russia, stifling freedom of expression and individual liberties that are essential to any functioning democracy;

Whereas the arrest and prosecution of prominent Russian business leaders who had supported the political opposition to President Putin are examples of selective application of the rule of law for political purposes;

Whereas the courts of the United States, the United Kingdom, Spain, and Greece have consistently ruled against extradition warrants issued by the Russian Government after finding that the cases presented by the Prosecutor General of the Russian Federation have been inherently political in nature;