

jokes or cheap shots. Instead, she announced her retirement by encouraging young Americans to choose politics as a future endeavor.

"Politics is the lifeblood of democracy," she explained. "We have become a great nation because so many Americans before us chose to be involved in shaping our public life, focusing our national priorities, and forging consensus to move forward."

Now, as NANCY KASSEBAUM moves forward to the next phase in her life—as she says, "to pursue other challenges, including the challenge of being a grandmother"—I, and every Member of this Chamber, wish her the best.

FAREWELL TO SENATOR BROWN

Mr. DASCHLE. Mr. President, I have had the good fortune to know Senator HANK BROWN for some time.

Since being elected to the Senate in 1990, he has been a tenacious advocate for the principles he holds, especially on matters of fiscal restraint. His service on the Senate Judiciary, Veterans' Affairs, and Budget committees were all marked by his consistent support of conservative-Republican causes.

But, I point out, Mr. President, that while few people can be as vigorously partisan in pursuit of the causes in which they believe, even fewer people could be more respectful or more polite in their opposition.

Senator BROWN is genuinely liked and admired by Members on this side of the aisle, many of whom he has worked with during his service on the Senate Budget, Judiciary, Foreign Relations, and Veterans' Affairs committees. This also includes those he worked with under difficult, strenuous circumstances like the Clarence Thomas hearings and the BCCI scandal. Furthermore, he has worked with Democrats to help preserve our precious, but limited environment, through efforts like getting the Rocky Mountain Arsenal declared a national wildlife refuge. Working with HANK BROWN has been a pleasure.

Although he is leaving us after only one term, this worthy adversary, and the qualities he brought with him to the Senate, will be missed by Democrats and Republicans alike.

In announcing his retirement, Senator BROWN said that he was looking "forward to being full time in Colorado." I can understand and appreciate that. Colorado is a beautiful State filled with wonderful people. I wish him the best.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

FOOD AND DRUG ADMINISTRATION REFORM LEGISLATION IN THE 104TH CONGRESS

Mr. HATCH. Mr. President, as the 104th Congress winds to a close, I wanted to take this opportunity to comment on the demise of the Food and

Drug Administration reform legislation.

It has been extremely disappointing to me that efforts to prod the FDA into meaningful reform have not been fruitful. It is doubly disappointing because, our colleague, Senator KASSEBAUM, and her staff have spent countless hours crafting a solid reform bill, a bill that won overwhelming, bipartisan support from the Labor and Human Resources Committee.

In remarks before this body earlier this year, I outlined my views on the need for FDA reform and the principles which should be embodied in any reform legislation. I continue to believe that reform of this tiny, but important, agency is sorely needed, reform that will both streamline its operations and preserve its commitment to ensuring the public health.

I know that many who have worked on the FDA issues are discouraged, but we can be proud of three significant reforms to food and drug law this year: the first being the drug and device export amendments I authored with Representative FRED UPTON; the Delaney clause reform embodied in the pesticide legislation the President recently signed; and the animal drug amendments so long championed by Senator KASSEBAUM. It seems, therefore, that the revolutionary course we charted for FDA reform at the beginning of the 104th Congress, evolved into a path evolutionary in nature, but still productive nonetheless.

Much more remains to be done, and I will continue to work with my colleagues next year to advance the work we started this year. There are many priorities for further action, among them—speeding up generic drug approvals, clarifying how tissue should be regulated, expediting medical device approvals, deficiencies in the foreign inspections program, and rigorous oversight of the Dietary Supplement Health and Education Act's implementation.

Another issue that I would like to see addressed next year is one that has been periodically on the FDA radar screen: the issue of national uniformity in regulation of products that fall within the FDA's purview.

In 1987, FDA Commissioner Frank Young, in response to California's Proposition 65, was on the verge of issuing an FDA regulation that would have acted to preempt certain warning statements required by the State of California. In fact, in August of that year, Commissioner Young wrote the Governor of California to underscore his concerns about the potential negative effect of Proposition 65 on "the interstate marketing of foods, drugs, cosmetics and other products regulated by the FDA."

Further, Commissioner Young pointed out that "the agency has adequate procedures for determining their safety and taking necessary regulatory action if problems arise."

Although ultimately this regulation was not issued, the 1991 Advisory Com-

mittee on the Food and Drug Administration, chaired by former FDA Commissioner and Assistant Secretary for Health, Dr. Charles Edwards, examined this issue. The panel recommended that Congress enact legislation, "that preempts additional and conflicting State requirements for all products subject to FDA regulation."

The issue of Federal preemption is extremely important for several industries, especially over-the-counter drugs, cosmetics, and foods. I was heartened when the Labor and Human Resources Committee approved Senator GREGG's amendment on national uniformity for over-the-counter drugs during consideration of the FDA reform legislation, S. 1477, but was disappointed that Senator GREGG did not extend the concept further in his amendment.

Let us take the cosmetics industry as a case in point.

In the United States, the cosmetics sector of the economy represents an estimated \$21 billion in annual sales, a significant amount by almost any measure. It consists of over 10 billion individual packages that move through the stream of interstate commerce annually. These include soap, shampoo, mouthwash, and other products that Americans use daily. These hundreds and hundreds of product lines, and thousands and thousands of products are each subject to differing regulation in the various States—even though all must meet the rigorous safety, purity and labeling requirements of Federal law.

Given this volume of economic activity, it is imperative that manufacturers be able to react quickly to trends in the marketplace; they must have the ability to move into new product lines and move in to and out of new geographic areas with a minimum—but adequate—level of regulation to ensure the products are not adulterated and are made according to good manufacturing practices.

Today, cosmetics manufacturers are competing more and more in a global economy, and are making products consistent with the international harmonization of standards in such large marketing areas as the European Union. A single nationwide system for regulating the safety and labeling of cosmetic products would be a great step in helping that industry move toward the international trends in marketing. At the same time, it would be a more efficient system, since allowing individual States to impose varying labeling requirements inevitably leads to higher prices.

In other words, the time has more than come for enactment of a national uniformity law for cosmetic regulation. It is my hope that this issue will be high on our congressional agenda next year.

In closing, Mr. President, I want to offer my great respects to Chairman KASSEBAUM for the hours, weeks and months of time she has devoted to the

FDA reform issue. Although I have paid tribute to Senator KASSEBAUM in separate remarks here, I must reiterate again how much her reputation for equilibrium and fairness have lent to development of an FDA reform proposal which cleared the committee in such a bipartisan fashion.

Finally, I must also pay tribute to the lead staffer on FDA issues, Jane Williams, who has worked virtually round-the-clock to try to fashion a good, fair, bipartisan reform bill. Jane more than exceeded that goal, and I think this body should give her some much-deserved recognition.

I yield the floor.

PRESIDENT CLINTON'S CODDLE A CONVICTED CRIMINAL CAMPAIGN, PART II

Mr. HATCH. Mr. President, an administration's crime policies are a web of many factors. They include, for example, the kind of judges a President will appoint. They include an administration's prosecutorial policies and its outlook on the drug problem and how to combat it. And they include the scope and nature of prisoners' rights an administration asserts against State and local government prisons and jails.

I have spoken several times about soft on crime Clinton administration judges. President Clinton has been soft on drugs. After years of declining use, the drug problem is on the rise—on President Clinton's watch. And there is no way that he can avoid the criticism.

Today, I wish to speak again about the Clinton administration's coddle a convict program. The President is responsible for protecting the constitutional rights of convicted criminals and arrestees incarcerated in State and local prisons and jails. This is pursuant to the Civil Rights of Institutionalized Persons Act [CRIPA].

I might add that I was the deciding vote on that act, and was the prime co-sponsor, along with Senator Bayh, of that act many years ago.

Convicted criminals do have some constitutional rights and we provided for them in that act; but, understandably, those rights are very sharply circumscribed. And, to my mind, the Clinton administration takes a very liberal view of these rights and reads the rights of the accused and of convicted criminals more favorably than the Constitution requires or even permits.

On June 4, 1996, I drew the Senate's attention to some of the constitutional violations the Clinton administration claimed the State of Maryland was committing at its Supermax facility. This facility holds the worst of the most vicious criminals in the Maryland State prison system—murderers, rapists, and other hardened criminals.

Now, is the Clinton administration citing the State of Maryland because it beats the convicts at Supermax? No. Is the Clinton administration citing Maryland because it tortures or starves these vicious criminals? No.

Mr. President, the Clinton administration is citing the State of Maryland, in part, because "food is served lukewarm or cold" to these murderers and rapists.

This is not all. The Clinton administration insists that Maryland provide these killers and rapists "one hour of out-of-cell time daily. At least five times per week, this out of cell activity should occur outdoors, weather permitting." [Letter of Mr. Patrick, May 1, 1996, to Governor Parris N. Glendening, page 12]. That is right Mr. President, the hardened criminals who are the worst of the worst, who require special supervision, have a constitutional right to fresh air, to go outdoors. This does not represent law and order. This is the coddling of vicious criminals.

Mr. President, this coddling campaign does not end at Maryland's Supermax facility. While time does not permit a full airing of this little known Clinton administration campaign, let me share with my colleagues just some of its more egregious outrages.

Bear in mind, Mr. President, that certain penal policies may be desirable. But, the Constitution permits criminal prisoners to be afforded much less than the ideal. The Constitution certainly does not require States and localities to adopt model policies, as the Clinton administration seems to be trying to cram down the throats of State and local governments.

The Clinton administration sent a June 1, 1995, letter to the Lee County jail in Georgia, a jail which had 27 inmates at the time. Here is one of the unconstitutional conditions the Clinton administration found at this jail:

"Inmates receive only two meals a day, and crackers and soda for 'lunch.' They do not receive juice or milk * * *" [June 1, 1995 letter from Assistant Attorney General for Civil Rights Deval L. Patrick to John L. Leach, III; page 3].

Mr. President, doesn't your heart just bleed? The inmates of this county jail do not get juice or milk. So, let us make a Federal case out of it, at least according to the Clinton administration. Let us threaten to sue this Georgia county, let us use the vast power of the Federal Government to ensure that the 27 inmates at this county jail get their juice or milk.

I am confident of one thing, though: these crooks must get their cookies during the day. How do I know? Because if they didn't, the Clinton administration would be claiming a violation of their constitutional rights.

Moreover, Mr. President, according to the Clinton administration, those arrested and detained for crimes have a constitutional right to wear underwear. You don't believe me, Mr. President? Am I satirizing the Clinton administration policies?

Let me quote from the Clinton administration's April 16, 1996 letter to the Virginia Beach, VA city jail. Here is one of the "conditions [which] violate the constitutional rights of pris-

oners housed at the jail." Let me go into it again.

"* * * [the jail] fails to provide underwear to newly arrested people who are wearing 'unacceptable' underwear at the time of their arrest. Unacceptable underwear is defined by [the jail] as any underwear other than all white underwear devoid of any ornamentation or decoration * * *. As a practical matter, this practice results in inmates having no underwear for extended periods of time * * *." [April 16, 1996 letter from Mr. Patrick to Mayor Meyera E. Oberndorf, pages 2, 5.]

This is ridiculous. Can you imagine it, Mr. President? The Federal Government, led by the Clinton administration, is fighting for the alleged right of inmates to wear underwear, and in the name of the Constitution, no less. Some of these inmates include accused murderers and rapists. James Madison has got to be rolling over in his grave.

On October 18, 1993, the Clinton administration listed "conditions at the [Grenada City, MS] jail [which] violate the constitutional rights of the prisoners confined therein." [October 18, 1993 letter from Acting Assistant General Attorney General James P. Turner to Mayor L.D. Boone, page 2]. The Clinton administration noted that its inspection "revealed that inmates are not provided an exchange of clean linen, such as sheets, blankets, pillows, and pillow cases on a scheduled weekly basis." [page 4]. On July 21, 1994, the city signed a consent decree at the Clinton administration's behest, which codifies in a court decree this requirement of weekly linen service.

Just weeks later, however, the Constitution changed according to the Clinton administration: "Prisoners should have a clean clothes and linen exchange at least three times per week." [August 3, 1994 letter from Mr. Patrick to Sheriff Robert McCabe, Norfolk, VA city jail, page 8.]

Mr. President, I am sure it is sound penal policy to provide clean clothes and linen exchange once or even three times a week. But the Clinton administration has no business imposing its policy preferences as requirements on States and localities under the false guise of enforcing the Constitution. Inmates' clothing and linen have to become awfully wretched before a constitutional violation occurs. This is an extra-constitutional convenience, a Clinton administration coddle, and not the enforcement of the Constitution.

The Clinton administration's coddling of criminals does not stop there. The Clinton administration is compelling jails and prisons to "ensure that no inmate has to sleep on the floor." The Clinton administration told the Tulsa County Jail that it must "[p]rovide all inmates within twenty-four hours of their admission with a bunk and mattress well above the floor." [September 13, 1994 letter from Mr. Patrick to Lewis Harris, page 15.]

It is certainly preferable to give inmates a bunk to sleep in. But, jail and