# SENATE—*Wednesday, January 22, 1997*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God who gave us life, gave us liberty. Can the liberties of a nation be secure when you remove the conviction that these liberties are a gift of God?

Dear God, we open this Senate with a resounding response to Thomas Jefferson's pointed question. We reaffirm our conviction that we are one Nation under Your sovereign authority.

You were the inspiration of our Constitution that makes our Nation distinctly different and the author of the liberties that distinguish our democracy. May our gratitude for these liberties stir up our patriotism and strengthen our leadership. Our motto, "In God We Trust," is more than a shibboleth; it exposes our deepest commitment to trust You to guide us as we seek to confront the problems of our secularized society with Your solutions, Your absolutes in a culture that relies on relativism. We ask You to begin a spiritual awakening in our land and begin with us. In the name of our Lord and Saviour. Amen.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

Mr. LOTT. I thank the Chair.

## THANKING THE CHAPLAIN

Mr. LOTT. Mr. President, again we thank our Chaplain for his words of wisdom in his morning prayer.

## SCHEDULE

Mr. LOTT. Today there will be a period for morning business until 12 o'clock noon, with Senators to speak for up to 5 minutes each, with the following exceptions: Senator GRASSLEY for 60 minutes—and I see he is here and prepared to proceed—Senator FEINSTEIN for 30 minutes, and Senator DASCHLE 30 minutes.

At 12 noon today, following morning business, the Senate will proceed to executive session to consider the nomination of Madeleine Albright to be Secretary of State. Under the order that has been agreed to, there will be 2 hours and 10 minutes for debate on the nomination, with the vote to occur at the conclusion or yielding back of the debate time.

So I presume that will be around 10 minutes after 2 or so. It is my hope that some of that debate time will be yielded back so the Senate may vote on the nomination early enough to accommodate our colleagues who wish to attend the wake of former Senator Paul Tsongas.

Following the vote on the Albright nomination, I expect an additional period of morning business to allow Senators to introduce legislation they have been working on or perhaps to make comments on bills that were introduced yesterday.

Finally, I will announce that, if available later this week, the Senate may consider the nomination of our former colleague, Senator Bill Cohen, to be Secretary of Defense. We are not sure exactly how that will proceed. The committee is scheduled to have a hearing today. We are looking at the possibility of whether or not it could be taken up either later today or, if not today, then late tomorrow after our delegation returns from Massachusetts.

I had indicated to the President our desire to cooperate with him in getting his foreign policy and defense Cabinet nominees in place as soon as possible. So I would really like to see us get that done this week. I know there will be support for that on both sides of the aisle.

Therefore, additional rollcall votes may occur today or this week and Members will be notified accordingly. I think at this point there does not appear to be a necessity for us to have votes on Friday, although I am not making that commitment yet. Just be prepared to have more votes possibly today and tomorrow, on Thursday.

I yield the floor, Mr. President.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond 12 noon with Senators permitted to speak therein for not to exceed 5 minutes. Again, under the previous order, the Senator from Iowa [Mr. GRASSLEY] is recognized to speak for up to 60 minutes.

Mr. GRASSLEY. Mr. President, I yield from my time the Senator from Texas 5 minutes for her to use any way she wants. I thank her for being one of the 54 cosponsors of the legislation I am going to speak on and introducing this morning.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair. I thank the Senator from Iowa for allowing me to introduce two more bills and also thank him for his leadership on the bill that he will talk about later to give some much needed and appropriate relief for the farm families of our country.

Mr. President, I send a bill to the desk and ask that it be referred to the appropriate committee.

The PRESIDING OFFICER. The bill will be referred to the appropriate committee.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 179 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 180 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY, Mr. GRAMS, Mr. ABRAHAM, and Mr. CAMPBELL pertaining to the introduction of S. 181 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that I might be able to speak for 5 minutes, not on the time of the Senator from Iowa.

The PRESIDING OFFICER. The 5 minutes would have to come out of the time from the Senator from Iowa.

Mr. LEAHY. Mr. President, if nobody else on his list is seeking recognition, I wonder if I might continue.

Mr. GRASSLEY. Can we extend my time for 5 minutes to 11:05?

I will yield to the Senator from Vermont 5 minutes out of my time.

Mr. LEAHY. I thank the Senator from Iowa for his normal courtesy. Obviously, if someone from his group



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comes to the floor seeking recognition. I will yield the floor.

## BIPARTISANSHIP IN THE 105TH CONGRESS

Mr. LEAHY. I just have heard so much, Mr. President, about a desire to return to less partisanship and more comity at both ends of Pennsylvania Avenue. I hope that might happen for the sake of this country.

I go back to an experience my father used to tell me about when I was a child. It was in 1936. I was not yet alive. But my father was born, raised in Vermont. At that time it was probably the most Republican State in the Union, one of only two States, for example, that voted for Alf Landon in the Franklin Roosevelt landslide.

President Franklin Roosevelt came to Vermont in 1936, actually August 1, 1936. He went in an open car down State Street in Montpelier. The National Life Insurance Building had its headquarters at that time there. My family had their home almost across the street where they had the Leahy Press. My father, who was probably the only Democrat in Montpelier at the time, was standing in front of the National Life Building.

You must understand, National Life was sort of an adjunct to the Republican Party. They would determine, along with a couple other companies, who would be Governor this year to the next year and the next year at a time when we were solely a one-party State. I must say, as a Democrat I will have to admit they came up with some pretty good Governors too, but very, very much a Republican hierarchy place.

As the car went by, the President of the National Life took off his hat, stood at attention holding it over his heart. My father, standing next to him, said, "I never thought I'd see the day that you would take off your hat to Franklin Roosevelt."

He turned to my father and said, "Howard, I didn't take off my hat to Franklin Roosevelt. I took off my hat for the President of the United States of America." My father told me that story so many times growing up, and I had met the man who did that and I knew the facts of it. I recounted the story to a number of people, people writing books or speaking on this, as an example of a different era. Now, this man would never have voted for Franklin Roosevelt. He would have supported whoever ran against him, but he respected the office of the Presidency, as he respected the office of the Congress.

I hope, Mr. President, that all of us who serve in the Congress, in both parties, would stop trying to figure out how best to tear down these institutions. We are the most powerful democracy history has ever known. We are the only superpower in the world today. That brings with it certain responsibilities—to stay both a democracy and so powerful a country. We did it because of the genius of our three-part Government—the executive branch, legislative branch, and the judicial branch.

In recent years, with both Democrat and Republican Presidents, it has become a sport in this Nation to find every conceivable way to tear them down no matter what they do. I would ask myself and the public, is it conceivable that any person, man or woman, Democrat or Republican, could ever, anywhere in this Nation of 260 million people, reach the level of virtue and be the paragon that we seem to insist our President should be? If so, then that person is not a representative of 260 million Americans. But we try every which way to diminish the power of the Presidency, the leader of the most powerful nation on Earth. In the Senate and in the House we do it to ourselves, so that, again, the respect of the Nation is diminished. Now we see more and more attempts to do it to the judiciary.

Mr. President, let us stop and think. If we destroy, either by our actions or others', the respect that these institutions of Government must have, how long do we remain a democracy and how long before the checks and balances that have been so carefully built up, and built up based on the trust of the American people, how long before that trust is destroyed, the checks and balances fail, and suddenly you have an opening for a person on horseback to come in and take over the reins of power of the last great nuclear superpower, with the largest economy in the world, the most powerful nation on Earth, a nation that can justify its power and its position in this world only if it remains a democracy, only if it represents its own people, only if the reins of power maintain the respect of the people.

So I go back to that August day in Montpelier, VT, when that man was holding his hat over his heart as President Roosevelt went by, and as my father, a loyal long-time Democrat, may God rest his soul, took his hat off and held it over his heart when President Eisenhower honored the State of Vermont and drove through, and as I did, as a young prosecutor, for President Johnson and President Nixon and President Bush and President Clinton, stand at attention, thinking how honored our State was that they came and brought with them the symbols of the office of the Presidency.

Let us try. It is difficult in the time of the 30-second sound bites and special interest groups on the right and left. It is difficult when partisan feelings run high. But let us step back and say: Respect this country; respect the institutions; respect the integrity and the independence of our judiciary; respect the good will and patriotism of the men and women who have the opportunity to serve in the U.S. Senate and the House of Representatives; respect the fact that we, as a Nation, elect our President, a President who constitutionally can serve only 4 years at a time and no more than 8; respect the fact that we have those checks and balances. Maybe we ought to work at making Government work and earn the respect of our people and not try in so many ways to tear Government apart.

Mr. President, I thank my good friend from Iowa for his courtesy, and I yield the floor.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Mr. President, I ask the distinguished Senator from Iowa if he would have any objection if I continue on another matter, with the understanding that, of course, I will yield the floor when one of his speakers comes on the floor.

Mr. GRASSLEY. No objection, assuming that if some of my cosponsors come to the floor, he will yield to me.

Mr. LEAHY. Yes.

The PRESIDING OFFICER. The Senator from Vermont.

## MADELEINE ALBRIGHT

Mr. LEAHY. Mr. President, there are few jobs on Earth more demanding, or where the stakes are greater, than the Secretary of State of the United States. The daily business of most heads of state around the world pales in comparison.

The President has made an outstanding nomination. Madeleine Albright brings to this job a lifetime of experience. She has proven her toughness and her fairness many times over. She has been an unwavering champion of the fundamental ideals our Nation stands for.

She has been a strong voice for international human rights and the dignity of all people. She is going to be looked at by millions of people all over the world—in democracies and countries that are not democratic—as our voice in foreign affairs.

My wife Marcelle and I have been privileged to know Madeleine Albright for over 20 years. We have traveled with her and we have worked with her. I also had the privilege to be appointed as a congressional delegate to the United Nations, when I joined with her in introducing resolutions on landmines. I have always found her to be a person of the highest integrity, the greatest ability, wide-ranging knowledge, and one real tough ambassador

when she has to be, to protect the interests of the United States.

On an issue dear to my heart, the abolition of antipersonnel landmines, we could not ask for a more forceful or passionate advocate for an international ban. Her trip to Angola last year and her poignant descriptions of what she saw there gave a great boost to the effort to ban landmines not only in this country, but worldwide.

The recent United Nations vote, with 156 nations in favor and none opposed, for a U.S. resolution calling for urgent negotiations on a treaty to ban antipersonnel mines, was made possible in no small part because of Madeleine Albright's active role.

I ask unanimous consent to have printed in the RECORD a letter she wrote to the editor of the Christian Science Monitor about her Angola trip.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Oct. 11, 1996]

ALBRIGHT VIEW OF LAND MINES

The author of "A Sower of Land Mines Pleads to End Them," Oct. 2, eloquently describes the horrific impact of land mines around the world. Ending the devastation of what I have called "weapons of mass destruction in slow motion" is a high priority. As President Clinton told the United Nations General Assembly just a few days ago, "our children deserve to walk this earth in safety."

This is why the United States is at the forefront of efforts to end the use of land mines and their stockpiling, production, and transfer. In the last few months, dozens of countries have joined a moratorium on these activities and in a few weeks, at the direction of President Clinton, I will introduce a resolution in the UN that will commit the world community to negotiating and concluding an international agreement designed to end the scourge of these dreadful weapons forever.

At the same time, as the author discusses, tens of millions of land mines are already in the ground and they go on killing and maiming long after the conflict has ended. Along with other countries, we have contributed more than $90 million to demining efforts, and we are working hard to develop new technology to lower the costs of clearance and to reduce the danger to those heroes involved in this perilous work.

Finally, we are helping prevent greater suffering by alerting and educating on the hazards those millions of civilians, particularly children, whose lives are not only under threat everyday but whose ability to rebuild their communities is circumscribed by the hidden danger under roads, beneath playgrounds, or in unsown fields.

Whether in Cambodia, Angola, Bosnia, or in many other places, I have seen first hand the heartbreaking devastation of land mines and the continuing tragedy that they inflict. At the UN and around the world, as well as at the just-concluded Ottawa Conference, we will continue doing all we can to end this horror and make our earth safe once again.

Mr. LEAHY. As Secretary of State, Madeleine Albright and I will have many conversations on a wide range of foreign policy issues. I know Secretaries have traditionally steered clear of budgetary issues. As the budget for foreign assistance has fallen sharply in recent years, I hope she will become more directly involved in reversing this dangerous trend. Secretary Christopher called the decline in funding for foreign assistance "the biggest crisis we are facing in foreign policy today." Not Bosnia. Not the Middle East. Not the fate of democracy in Russia. Not North Korea. Not renewed violence in Northern Ireland. Not the simmering conflict between India and Pakistan—both nuclear powers. Not the danger of plutonium ending up in the hands of terrorists. Not war and hunger in Africa.

No, all of those things. Because we cannot deal with these problems unless we are willing to pay the price. Leadership costs money. Ambassador Albright knows that.

I believe she will make the foreign policy budget a high priority and keep it at the top of the agenda. There have already been a number of Senators, both Republicans and Democrats, who have said strongly and forcefully—respected voices in this Chamber—that they will work to ensure that the administration has the funding necessary to effectively carry out its foreign policy. We need her active and sustained support in this.

She is going to have her plate full. I urge her to give special attention to the needs of our own hemisphere, and I know that she will. We have seen real progress toward democracy and free markets in Latin America, but the future is far from certain.

We have a compelling interest in stopping the flow of drugs and refugees, in strengthening civilian governments and seeing human rights respected in places where they are not, and in broadening our trade relations. I know of nobody who would give a better voice to that.

So I think Madeleine Albright was a superb choice. She will make us all proud, as she already has as our representative to the United Nations. And I think the fact that we are hearing such strong voices on both sides of the aisle commending this choice bodes well for her as Secretary of State, and for all Americans. She will be confirmed overwhelmingly.

It truly is the American dream when the daughter of a Czechoslovakian escaping communism becomes America's Ambassador to the United Nations, and the Secretary of State of this great Nation.

Mr. President, again, I thank my dear friend from Iowa for his customary courtesy, and I yield the floor.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask that I be recognized in morning business for approximately 30 minutes.

The PRESIDING OFFICER. Under the previous order, the Senator from California controls the time until 11:30.

Mrs. FEINSTEIN. I thank the Chair.

## FEDERAL GANG VIOLENCE ACT OF 1997

Mrs. FEINSTEIN. Mr. President, I rise today to discuss the Federal Gang Violence Act of 1997 which was introduced yesterday by Senator HATCH on behalf of himself and this Senator from California. I also believe my sentiments and cosponsorship are joined by Senators HARKIN, REID, and D'AMATO.

Mr. President, this legislation makes the Federal Government a much more active partner in the war on criminal activity that, I am regretful to say, has become violent and deadly and is perpetrated by organized street gangs. This bill was introduced with some differences in the last Congress, but the need for the legislation has only increased, and today I hope to lay out the case for the need for the legislation.

Gang violence has become a problem in the United States of America of epic proportions, and I think few people really understand the degree to which street gangs are crossing State lines and perpetrating violence.

Today, the Department of Justice reports that in the United States there are some 25,000 different street gangs. There are more than 652,000 members of these gangs. And they are not loosely organized. They are not the street kids glamorized in West Side Story.

Today's gangs are very different. They are organized. They are sophisticated. They are traveling crime syndicates much like the Mafia. They regularly cross State lines to recruit new members. They traffic in drugs and weapons, they smuggle illegal aliens, they steal, and they murder. In just one city, Los Angeles, consider this: Nearly 7,300 of its citizens were murdered in the last 16 years from gang warfare—7,300 citizens. This is more people than have been killed in all of the fighting in Northern Ireland.

Gangs were responsible for 43 percent of all homicides in Los Angeles in 1994. They were responsible for 41 percent of homicides in Omaha, NE, in 1995; more than half of all violent crimes in Buffalo, NY, in 1994. In Phoenix, gang-related homicides jumped 800 percent between 1990 and 1994. In Wichita, KS, drive-by shootings jumped from 8 in 1991 to 267 in 1993. That is a 3,000 percent increase in just 2 years. And this

is a smaller city—300,000 people. A Justice Department survey found that gang problems are worsening in 48 percent of the responding communities.

These are just a few examples of the alarming rise in gang terror. The problem is we have become numb to it. Let me give you an example. In Los Angeles, on a Monday last February, with Mayor Dick Riordan, I announced this legislation at a news conference. The Los Angeles city councilwoman who is in charge of the public safety committee, Laura Chick, reported that just that weekend six people had been murdered by gangs on the streets of Los Angeles, and you know what? Not one was reported in the press. We have become so numb because this kind of violence has become so commonplace all across the United States.

Last September, a member of the Crips from Los Angeles was arrested in Dayton, OH, with two other men for conspiracy to distribute cocaine. Police seized approximately $1 million in cash in the raid.

A 1995 study of gang members by the National Gang Crime Research Center found that three-quarters of all gangs exist in more than one geographic area. One-half of gang members belong to gangs that did not arise locally but arose with contact from a gang outside the area. One-half of gang members had contact with the same gang in another city. And this is the clincher: 61 percent of gang members indicated their gang was an official branch of a larger national gang.

Sergeant Jerry Flowers of the gang crime unit in Oklahoma City captured the migration instinct of these gangs when he said, "The gang leaders realized that the same ounce of crack cocaine they sold for $300 in Los Angeles was worth nearly $2,000 in Oklahoma City."

Let me now tell you about the size and scope of some of America's most prominent street gangs. The Los Angeles Times recently conducted one of the most intensive investigative reports of major gang activity ever conducted by a newspaper in the United States.

Let me begin with the 18th Street Gang and the picture the L.A. Times painted. The 18th Street Gang has as many as 20,000 members in southern California alone—20 times the size of the notorious Bloods and Crips.

The 18th Street Gang is so influential in narcotics trafficking that the gang now deals directly with Mexican and Colombian drug cartels. The 18th Street Gang actually rents street corners to nongang dope peddlers, forcing them to pay so-called taxes of up to $1,000 a day.

The gang is growing and spreading. They have become the largest and fastest growing gang in Oregon, where they gunned down a 15-year-old member who wanted out of the gang. Utah officials say the 18th Street Gang has arrived there with a vengeance.

Even internationally, the 18th Street Gang is fighting for turf. In El Salvador, 18th Street is warring with rival gangs. Honduran authorities have sought advice from Los Angeles law enforcement on the gang. 18th Street has a cell in Tijuana, where they often flee to escape arrest and prosecution. On the average, someone in Los Angeles County is assaulted or robbed by the 18th Street Gang every single day of every month of every year.

While currently the deadliest and most prolific on the streets in southern California today, the 18th Street Gang is not the only gang. Let us talk for a moment about Bloods and Crips.

The Bloods and Crips that originated in Los Angeles in the late 1960's are the Nation's two largest street gangs. They are also continuing to expand, and you see this expansion as they move across the United States. Local police and the FBI have traced factions of these gangs to more than 119 cities in the West and Midwest. Some of those cities are on this map. They have more than 60,000 members nationally. According to the FBI, narcotics trafficking is their principal source of income.

Let me give another one, the Chicago-born Gangster Disciples. The Gangster Disciples, according to the authorities, is a Chicago-based, 30,000-member, multimillion-dollar gang operation spanning 35 States. They traffic in narcotics and weapons and are said to operate much like a Fortune 500 company, with two boards of directors, one in prison and one outside, a layer of governors and regents, a tax collector, and some 6,000 salespersons. Their income is estimated by Chicago authorities to be $300,000 daily.

Let me talk for a minute about Russian gangs. Russian organized crime activity in the United States has been expanding for the past 20 years, but its most significant growth has occurred during the past 5 years. Mr. President, 29 States now report activities by Russian crime groups. FBI Director Louis Freeh stated that more than 200 of Russia's 6,000 crime gangs operate with American counterparts in the United States, so they flow from Russia to the United States and back.

Russian gangs tend to be more loosely organized than other gangs, but they have formed networks that operate and shift alliances to meet particular needs. The California attorney general indicates that the most common activities by Russian organized crime gangs are fraud schemes involving fuel taxes, insurance, and credit card fraud. But they also engage in more common organized crime activities: extortion, loan sharking, drug trafficking, auto theft and prostitution.

Asian gangs: The Department of Justice indicates that among ethnic gangs, Jamaican and Asian gangs are considered by law enforcement officials to pose the largest threat. Asian gangs have been identified as major threats in more than 17 cities. In Los Angeles alone, there are more than 100 Asian gangs with 10,000 members. Illegal activities include alien smuggling, murder, kidnapping, extortion, home-invasion robberies, high-technology heists, and firearms trafficking.

Vietnamese gangs, in particular, have become a serious threat in many of our cities. They tend to be very violent. They are more sophisticated organizationally, and they specialize in stealing multimillion-dollar quantities of computer chips. At least 400 Silicon Valley companies in my State that deal in computer chips have been hit in the last year and a half. That is almost one a day. And they are losing tens of millions of dollars. Computer firms lose as much as $1 million a week in thefts, according to the Justice Department.

The legislation Senator HATCH and I have introduced does this: It doubles the sentence for any member of an organized criminal gang who commits a Federal crime. It expands the scope of gang-related criminal acts to include activities such as carjacking and drive-by shootings, and significantly increases penalties for those crimes. It checks the growth of gangs by making the recruitment of minors into criminal gangs a Federal offense with stiff penalties.

Specifically, this legislation doubles the actual sentence for any member of an organized criminal street gang who commits a Federal crime. Current Federal law increases the penalties for organizers, leaders, managers and supervisors of criminal activity, including gang leaders. However, members of known criminal street gangs currently are not subjected to higher penalties when a Federal crime is committed. Many prosecutors and law enforcement officials indicate that gang members, in addition to the leaders and supervisors of gangs, should see their penalties increased to provide a stronger deterrent for children to stay away from street gangs.

This legislation amends the sentencing guidelines so that individual gang members convicted of felonies would have their sentencing level approximately doubled. For example, currently, if a first-time offender who is a member of a gang is convicted of trafficking in 30 stolen guns, he or she would receive a minimum sentence of 4¾ to 6 years in jail. Under this legislation, that sentence would be increased to 9 to 11¼ years.

This legislation makes it a Federal offense to engage in a pattern of criminal gang activity, subject to severe and certain penalties. Under this legislation, if a person commits two or more predicate gang crimes, which include carjacking, drive-by shooting, drug

dealing and obstruction of justice, in furtherance of a criminal street gang's activities within a 5-year period, that gangster is engaging in a pattern of criminal gang activity and he can be prosecuted federally. This is the Federal-local partnership we envision, to get at gang activity that crosses State lines. And this individual, if convicted, will be sentenced to at least 10 years in prison, up to life imprisonment for a first conviction of this offense; will be sentenced to at least 20 years imprisonment up to life imprisonment for a second or later conviction of this offense; and would be subject to asset seizures and forfeitures.

This legislation expands the definition of criminal street gangs in Federal law to better reflect modern-day gang activity. So it broadens the definition of criminal street gangs in title 18 of the criminal code to include State crimes such as drive-by shootings, rape, torture, carjacking, kidnapping, and assault with a deadly weapon.

It doubles the penalties for interstate gang-related crimes, and it expands the Travel Act to respond more effectively to the growing problem of highly sophisticated, mobile and organized street gangs. As most of us know, the Travel Act was written in 1961 and it had Mafia-style activity in mind. While the Travel Act as it is now written allows prosecutors to target some gang activities such as drug trafficking, the list is not complete. Law enforcement leaders and prosecutors, including U.S. attorneys, have recommended to us that the act be modernized to better reflect current crimes by gang members.

(Mr. BROWNBACK assumed the chair.)

Mrs. FEINSTEIN. Mr. President, under this legislation, the list of unlawful activities in the Travel Act will be expanded to include the following crimes: drive-by shooting; robbery; burglary; assault with a deadly weapon; intimidation of witnesses, victims, jurors or informants; assault resulting in bodily injury; possession and/or trafficking of stolen property; alien smuggling; and firearms trafficking.

In addition, the maximum penalties would be doubled, from 5 to 10 years, for those who commit nonviolent violations of these provisions. A conspiracy provision is also added to the statute.

We double the base offense levels under the sentencing guidelines for traveling in interstate or foreign commerce in aid of a street gang. This is to get at those gangs that come from other countries and States and operate back and forth. So traveling in interstate or foreign commerce in aid of a street gang would increase from 6 to 12 in sentencing levels, which increases the base sentencing range from a low of 0 to 6 months and a high of 12 to 18 months, to a new low of 10 to 16 months and a new high of 30 to 37 months. Committing violent crimes in aid of a street gang or racketeering activity would increase from 12 to 24, which increases the base sentencing range from a low of 10 to 16 months and a high of 30 to 37 months, to a new low of 51 to 63 months and a new high of 100 to 125 months.

One of the most insidious tactics of today's gangs is the way they target children to do their dirty work, and they indoctrinate them into a life of crime. Let me give you an example.

According to the Los Angeles Times, the 18th Street Gang, which I described earlier, "resembles a kind of children's army," with recruiters who scout middle schools for 11- to 13-year-old children to join the gang. The gang's real leaders are middle-age veteranos, longtime gang members who direct this criminal activity from the background.

Chicago's Gangster Disciples recruit not just at high schools, but even at elementary schools. One of the gang's members told a Federal court about his preference for children 17 and under as armed guards, "because they can go to jail and get out quicker."

This pattern is not unusual. A report by the National Gang Crime Research Center found, "The term 'youth gang' is itself somewhat of a misnomer when it comes to the major gangs in America today * * * the real leaders at the top of these major gangs are in fact older adults, many in their forties and even older * * * 84.8 percent"—85 percent—"of the gang members in our sample indicated that their gang does in fact have such older adult leaders."

Current Federal law contains no penalty for recruiting minors to participate in gang activity, and this is a critical part of our legislation. This legislation makes the recruitment or solicitation of persons to participate in gang activity subject to a 1-year minimum and a 10-year maximum penalty, or a fine of up to $250,000. If a minor is recruited or solicited, the minimum penalty is increased to 4 years.

In addition, the person convicted of this crime would have to pay the costs of housing, maintaining and treating the juvenile until the juvenile reaches the age of 18.

This act also makes violation of this section a predicate offense under the racketeering statutes, known as RICO statutes.

It is now a crime to knowingly transfer a firearm to be used to commit a violent crime or a drug trafficking crime. This legislation adds a mandatory minimum penalty of 3 years if the gun to be used in crime is transferred to a minor.

This legislation increases penalties for transferring handguns to minors. The Youth Handgun Safety Act, passed by Congress as part of the 1994 crime bill, does not contain sufficient penalties against juveniles who possess handguns for criminal purposes. In fact, one provision of this act requires only probation for first-time juvenile offenders who possess a handgun.

Such a weak penalty has meant that prosecutors don't bother to target and prosecute gang members. I have been told this by U.S. attorneys and by district attorneys, and we aim to correct that problem with this language. In addition, current law sets different penalties for juveniles and adults who transfer a weapon to a minor. The Federal Gang Violence Act toughens the penalties against juveniles and adults who transfer a firearm to a minor—and subjects juveniles and adults to the same penalties for violating this law.

This legislation changes the Youth Handgun Safety Act by:

First, setting a one-year minimum sentence for anyone—adult or juvenile—who provides a minor with a handgun.

Second, holding juveniles accountable when they unlawfully give another minor a firearm by applying the same 5-year maximum sentence now given to adults.

Third, setting a 1-year minimum sentence and applying the same 10-year maximum sentence to adults and juveniles who give a firearm to a minor and should have known the gun would be used in a crime of violence. Currently, the 10-year maximum sentence only applies to adults.

Juveniles under 13 years old, however, would not be subject to these mandatory minimum sentences.

The Armed Career Criminal Act provides that if a person has three or more prior convictions for certain crimes—is a "career criminal"—and he possesses, ships, transports or receives a gun or ammunition—is armed—he will be subject to a mandatory minimum 15 year penalty and fine of up to $25,000.

Serious drug offenses are already in the list of crimes which count toward the three-conviction minimum; this bill would allow juvenile convictions for serious drug offenses to also count toward that three-conviction minimum.

This would not apply to nickel-and-dime possession offenses, but to drug dealing which is punishable by 10 or more years in prison.

Many police officers around the country are confronting heavily-armed gang members who are wearing bullet-proof vests.

This legislation increases Federal sentences if a person wears body armor in the commission of a Federal offense, by directing the Sentencing Commission to provide for a sentencing enhancement under the Guidelines of at least two levels.

Presently, a 30-day time limit exists for bringing juveniles to trial. With crimes being committed by juveniles becoming increasingly violent and complex, prosecutors need additional time to adequately develop cases. This

legislation increases the time limit to 45 days.

This bill adds firearms trafficking violations to the list of crimes that can be attacked by prosecutors under RICO. Currently, firearms violations are not RICO predicate acts. Prosecutors and law enforcement officials indicate an increasing use of firearms by criminal street gangs to commit home robberies, business invasions, and attacks on rival gangs.

Since most of the firearms have moved in interstate commerce—and because firearms are such an integral part of the gang's activity—law enforcement officials have suggested that firearms violations become predicate acts under RICO.

Finally, this legislation authorizes $100 million over the next 5 years for hiring additional Federal prosecutors to prosecute violent youth gangs.

I don't mean to go into detail, but I really want this body to understand that in this Senator's opinion, and I think Senator HATCH's and our cosponsors', this Nation's No. 1 criminal threat comes from organized street gangs now moving vociferously across State lines and across international lines. If we don't move now, I think we surrender the independence of this Nation to a kind of underground world of street gangs connected in Russia, connected in Asia, connected in Japan, connected in Latin America, and Central America.

What we aim to do is up the penalties and create some new penalties which can really be effective in dealing with crime. The addition of the RICO statutes, the use of asset seizures and forfeitures, treating street gangs today the way mafia organized crime was treated 10 to 15 years ago can make a big dent and deter gangs. Most important to me is that it becomes a Federal offense for anyone to go out there and recruit a member of a gang that moves their stolen goods, illegal immigrants, drugs, guns, murder, extortion, witness intimidation across State lines.

Mr. President, I would like to make one last comment on another subject before I yield the floor.

## END THE BOMBINGS

Mrs. FEINSTEIN. Mr. President, this morning, on my way to work, on Connecticut Avenue, I ran into the fact that another bomb had been placed at a Planned Parenthood center. This is just January, and the number of these bombings and attempted bombings are already over six.

I rise today really to deplore these acts, and I rise today to say to the right-to-life movement: Please, make clear that terrorism is not part of your agenda. If you fail to do so and fail to do so now, I believe we are in for a terrible siege this year, if the month of January is any indication.

I am also hopeful that the Attorney General will join in the investigation and the subsequent prosecution as our legislation of the last session provides.

I thank the Chair, and I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent that I be permitted to speak for not more than 5 minutes and that my remarks be included with the group of speakers, including the Senator from Iowa, [Mr. GRASSLEY], on alternative minimum tax relief.

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

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 181 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota, Senator Dornan, is controlling the time until 12 noon.

Mr. DORGAN. Mr. President, I think the President said, "Mr. Dornan." Mr. Dornan is no longer serving in the House. I am Senator DORGAN from North Dakota. I would observe—I know the Senator knows the difference—but there is a substantial difference between former Congressman Dornan and Senator DORGAN.

The PRESIDING OFFICER. And the President apologizes for that. Mr. DORGAN, I do apologize. You are recognized, and you control the time until noon.

Mr. DORGAN. The President need not apologize. I was just calling attention to it.

Let me yield a couple minutes——

Mr. REID. How about 3 minutes.

Mr. DORGAN. Three minutes to the Senator from Nevada, Senator REID.

The PRESIDING OFFICER. The Senator from Nevada.

## ABORTION AND VIOLENCE

Mr. REID. Mr. President, prior to coming to this body I was an attorney, practiced law. I have great respect for the law. I tried dozens and dozens of cases before juries. I did not always agree with the result of the verdicts that the jury came to, but I always respected what they did, their obligation to do what they felt was right. The U.S. Supreme Court, and other courts—I do not always agree with their decisions, but I respect the United States being a body that follows the law. We respect the law. We follow the law.

Mr. President, on the 24th anniversary of the Roe versus Wade decision, I feel it is appropriate that I come and offer a few words today about what is taking place in our country. My record—as you know, is that I am personally opposed to abortion. But, Mr. President, I am also opposed to what is going on in this country today where certain people feel that they are above the law, that the law is something that they can interpret on their own.

There is no justification for what is taking place in America today where violence is almost a way of life in some areas. Today on the news it had appeared that a bomb went off near an abortion clinic here in Washington, DC. It is not clear whether the bomb was meant to destroy the clinic, but all over the country there are abortion clinics that are being bombed. I think that is abhorrent and wrong.

Mr. President, if someone respects life, you cannot choose which life you respect. You cannot only respect the lives of those who agree with you politically or those who agree with certain decisions surrendered by the Supreme Court.

I am adamantly opposed to the use of violence to show one's displeasure with the law. I was the first Member of this body to come to the floor and denounce the killing of Dr. David Gunn in Florida. I am compelled to come to the floor again today, given the most recent bombings of abortion clinics.

It is incumbent upon the leaders of this country to condemn these shameful acts. It is incumbent upon the religious leaders that they condemn these shameful tactics. Yet we need more than people saying, well, I disagree with violence. We need people speaking out against this violence. We need people denouncing these acts. Through their silence, I believe there is an acquiescence to this violence.

The people who perpetrate these bombings are wrong. They are a fringe element. They are extremists who advocate violence as an alternative to meaningful debate and discussion. They believe, I assume, Mr. President, that they are above the law.

Let us continue to have passionate and vigorous debate on this subject and all other subjects, but do not take the law into our own hands. I repeat, those who respect life cannot choose which lives they respect. You cannot only respect the lives of those who agree with us.

Religion teaches us tolerance. This does not mean tolerance for only those people who agree with us. It means tolerance for all. If your message is to protect life, then you do not put other lives in jeopardy by your acts.

We have been told in Holy Scripture, Mr. President, as you have heard it said, that it is no longer appropriate that we have an eye for an eye and a tooth for a tooth. In fact, we have been told to turn the other cheek when we are struck. We have been told to love your enemies, bless those who curse you, do good to those who hate you.

I do not know how people have been lost in this debate, Mr. President, how they feel that they can come and bomb places of business, hurting innocent people.

So I say, we must stop this violence. And the very first way of stopping the violence is to speak out against it. We must all speak out against these horrendous acts that are taking place in our country.

I express my appreciation to the Senator from North Dakota for allowing me to speak out of order.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield myself such time as I may consume and ask unanimous consent that following my presentation the Senator from Florida, Senator GRAHAM, be yielded 10 minutes from my time.

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

(The remarks of Mr. DORGAN pertaining to the introduction of S. 181 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## THE AGENDA

Mr. DORGAN. Mr. President, I just finished testifying before the Senate Judiciary Committee on the issue of a constitutional amendment to balance the budget. When I appeared before the committee, there was a debt clock the chairman put up in the back of him. He hung it up in the room. It showed the debt increasing every second as we were there testifying. It was a fairly effective prop, I thought, because we ought to be concerned about the debt. And we are on the right subject when we are talking about eliminating the deficit and trying to reduce the Federal debt.

But I pointed out to the chairman of the committee that if we pass his proposed constitutional amendment to balance the budget, if we pass it right now, and then pass the proposed budget that will balance the budget in the year 2002, it doesn't stop the debt clock. The debt clock doesn't become a stopwatch on debt, because they are defining a balanced budget as a budget that takes all the money in the Social Security system that is coming in and uses it as other revenue to balance the Federal budget. The result is, in the year 2002, when they claim the budget will be in balance and they will comply with the constitutional requirement to balance the budget, the debt in America will increase by $130 billion.

I went to a small school, a high school class of nine. We didn't take the most sophisticated arithmetic in the world, but I guarantee you nobody in the country teaches that if you claim you balance the budget, it is OK for your debt to continue to increase. Let me say it again. They will enshrine in the U.S. Constitution a practice that takes dedicated trust funds that can be used only for Social Security to be used now as other revenue, and then claim they have balanced the budget, even as the Federal debt will continue to increase by $130 billion a year after they say the budget is balanced.

It is not budgeting that is correct, it is budgeting that—if you were in the private sector saying, by the way, in my business, I am going to take the workers' pension funds and use them to cover my operating loss in the business, it would get you sent off to 2 years of hard tennis in a minimum security prison. That is illegal. In Congress, they can simply change the definition so it allows them to say they have balanced the budget, even when they have not balanced the budget and are still borrowing $130 billion a year more. That is not a good recipe for my children or yours. And it is not an honest way to balance the budget.

We will introduce tomorrow, a group of us, a constitutional amendment to balance the budget that says, yes, we support it. Let us do it the right way, the honest way. If we are going to balance the budget, let us do it the old-fashioned way. In fact, putting the provision in the Constitution won't balance the budget. It will be men and women who vote for a combination of taxing and spending changes that ultimately will balance the budget.

We have made progress, and I am proud to say that I am part of the team that has allowed us to make that progress year after year, reductions in appropriations in program after program, year after year, biting the bullet to do the tough things, make the hard choices, to bring the budget deficit down 4 years in a row, down by 60 percent. I am pleased to be a part of the group in this body that says that is the right course, it's the responsible thing, a thing we ought to do for our children's future.

Now, Mr. President, let me make a final point. We are going to introduce that tomorrow with eight or nine of us as original cosponsors. I hope that will be considered whenever there is consideration of a constitutional amendment to balance the budget. That is an important first topic for this Congress—again, how to get our fiscal house in order. But there is much more to be done.

The convening of a new Congress is not just about trumpeting by elephants or parading by donkeys; it is about people representing men and women of good will across the country who send us here to do the public's business and to try to do the things that improve the future of this country.

We care about education because that is America's future. What do we do to improve education in this country? That is a topic that we need to address. We can address that in a bipartisan way, in my judgment.

What about health care? What about 10 million kids who don't have health care? What about a 2-year-old that is crying with an ache in his stomach, but his parents don't have money in their wallets and can't take him to a doctor they believe in? We should address health care. That is the right subject.

What about the environment? Nobody in America would have predicted that in the past 20 years we have doubled our use of energy, but we now have cleaner air and cleaner water. Why did we end up with cleaner air and water when we doubled our use of energy? Because this Congress said to those who pollute this country, "You can't do that anymore." We are not done with that job. There is more to do. But that is the right topic as well, to improve the future of this country.

Crime. Yes, crime. They say statistics show that crime has diminished. We have a lot to do on crime. I am somebody who believes we ought to say to people in this country: If you commit a violent act, you stay in jail until the end of your time, and no time off for good behavior. You go to prison and stay there. We have a lot to do on crime. We can do that, I hope, in a bipartisan way.

Trade. I hope in the next few days my distinguished colleague from West Virginia and I will introduce, once again, a piece of legislation we introduced toward the end of the last session, which says, what about the other deficit, the deficit that is increasing at an alarming rate, the merchandise trade deficit, which was the largest in the history of this country last year, breaking records 3 years in a row. What about the other deficit? How does this country get its trade in balance? Because the trade deficit, after all, must be repaid in the future with a lower standard of living in this country. That is why it is dangerous for our future. That represents an export of American jobs. Jobs that used to be here are there. Jobs that used to be ours are theirs. We must confront this trade deficit. It is dangerous for this country to proceed without dealing with the other deficit, the merchandise trade deficit, which, after all, in my judgment, is the deficit that will inexorably weaken this country.

No country will long remain a world economic power unless it retains a strong manufacturing base. The merchandise trade deficit represents the erosion of America's manufacturing base, the loss of American jobs, jobs that pay well, jobs that have good benefits. That is why it is so critically important to the future of our economy. I will be introducing again some days ahead, with Senator BYRD, the distinguished Senator from West Virginia, a piece of legislation that establishes an emergency commission to make recommendations in how to address this vexing, dangerous merchandise trade deficit.

Mr. President, I know the Senator from Florida is waiting for the floor. I yield the floor to him.

The PRESIDING OFFICER. The Senator from Florida is recognized for 10 minutes.

Mr. BYRD. Mr. President, will the distinguished Senator yield for a unanimous-consent request?

Mr. GRAHAM. yes.

Mr. BYRD. Mr. President, I ask unanimous consent that at conclusion of the remarks by the distinguished Senator from Florida [Mr. GRAHAM], I be recognized for not to exceed 5 minutes in morning business for the purpose of introducing a bill and making some comments thereon.

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

## RETIREMENT SECURITY FOR AMERICANS

Mr. GRAHAM. Mr. President, this morning, I appreciate the opportunity to speak on behalf of an important set of provisions in the Democratic program of putting families first—in this case, the provision that gives families some additional security for their pension and retirement. There is no generation in American history which needs to plan more carefully for their retirement years than that which is currently in America's work force. Two fundamental things have occurred.

First, people are living longer. One of the great successes of our generation has been its capacity to extend life and extend the quality of life. Today a person who retires can look forward to almost 18 years of quality of life after they leave the workplace.

A second thing that has occurred is tremendous mobility within the work force. Our grandparents had an expectation when they completed their formal education of finding a place of employment and in many instances staying in that one employment for the rest of their work careers. Today people are much more mobile and change their jobs at frequent intervals.

The chart behind me indicates what has happened just in the last decade in terms of job mobility. To focus on one group of Americans, American males between the ages of 35 and 44, in 1987 the average American male in that middle-age active employment group had been with their current employer for 7.6 years. Less than 10 years later, the average has dropped to 6 years. The same is true of virtually every other category of males and females from the beginning worker to the worker who is on the edge of retirement.

Workers can no longer expect to spend a career with a single employer. The work force patterns of the last hundred years have evolved as industries, technologies, and the American economy has evolved. According to the Bureau of Labor Statistics, if you are an average employee between the ages of 18 and 29 you have held 7.6 jobs in that brief work career. On the occasion of a 30th birthday, 40 percent of Americans have been in their current jobs less than 2 years, making it easier for working Americans to successfully save for their retirement in this context of extended age after retirement, and the mobility of the work force is a matter of tremendous national importance. It is obviously important to the individual and their families to be well prepared for those retirement years, but also it has important implications to the communities in which they will live and to the Nation as a whole.

A retiree who is financially well prepared will not risk being a financial burden to their children, or to State, local, or Federal Government social service providers. They will be able to strengthen the economy in their local communities with home purchases and a variety of leisure and recreation activities. They will be able to use their free time for volunteer efforts to help the next generation with things like the President spoke of in his inaugural address, helping young people to learn to read, building homes for Habitat for Humanity, all the ways in which that discretionary time has served the community and the Nation.

Financial security retirement is valuable to the retiree. It is valuable to the Nation.

Our Nation's businesses offer a variety of benefits to their workers to give them a secure retirement to help them start saving for their postemployment life. These range from the traditional defined benefit programs to profit-sharing to 401(k) retirement accounts. I am going to focus on that third area in which employers have assisted their employees in preparing for retirement; that is, through incentives and encouragement to persons to voluntarily save for their own retirement, and how can we make that a more expansive and a more stable source of retirement income.

Generally, the 401(k) retirement benefits become available to employees after they have worked 5 to 7 years with a particular company. If an employee leaves before that time, some or all of the benefits which they derived can be lost. I applaud the Democratic leadership and specifically Senator DASCHLE for a legislative response that will greatly assist hard-working Americans in continuing their ability to prepare for their retirement even as they undergo these dramatic changes in their employment career.

This legislation provides for more rapid vesting for the employer contribution to a 401(k) plan as retirement savings. 401(k) plans have grown tremendously over the past two decades. In 1984, there were 17,300 qualified plans. Today there are over 140,000 such plans. Currently, 22 million American workers contribute part of their salary to a 401(k) plan to help prepare for retirement. In the aggregate, 401(k) plans now hold $675 billion in assets for American workers.

Employees are contributing large sums to their 401(k) in part because many employers match the employee contribution. But under current law, if an employee terminates his or her employment with a company prior to 5 years of service, then the employee may not get any of the employer's contribution to the plan. In today's mobile work force, many employees switch jobs in less than 5 years. We should recognize this reality of the mobility of the work force. We should recognize that it is a strength of the American economy. We should mitigate the current practice of penalizing mobility at less than 5 years by vesting an employer match after 3 years. That is one of the proposals for reform in the 401(k) program. But faster vesting alone is not enough. We need to explore other proposals that will make it easier on employers to transfer pension funds with an employee when the worker changes jobs.

As an example, under current law, if a new employer accepts pension funds that came from a new employee's previous company, a worker who has worked at company A, they have accumulated savings in their 401(k) plan and they want to carry those funds to their new employer B, the new employer has to make certain that pension funds are part of a plan that meets all the Federal requirements. Failing to do so, they can be subject to Internal Revenue Service penalties. Many businesses, particularly small businesses, would like to let employees bring pension funds with them, but the regulatory hassle makes it not worthwhile. We need to assure employers that if they allow an employee to roll over his or her old pension plan to carry it with them to their new point of employment, that the new employer will not risk IRS penalties.

Mr. President, 5 million American workers participate in retirement savings plans and change jobs every year. Some will be completely vested and have a smooth transition. Some will put themselves, their family and their retirement security at risk by losing a portion of the company's matching contributions.

Mr. President, the next chart indicates the percentage distribution of worker by years of tenure in their current job. For instance, for American workers in the 35 to 44 age group, 14.7 percent have been in their current employment for less than 1 year, 29 percent for less than 4 years, which means that 29 percent of Americans within that age group would not be in a status in which an employer contribution to their retirement would be mandatory vesting. This issue of making it more

secure for employers to be able to provide a continuation of retirement benefits to their new employee, to give the new employee a greater assurance that their contribution and the employer contribution upon which they counted will be there when they reach retirement, are critical issues to the large population of Americans who will increasingly be looking to their own efforts in order to provide for their retirement years.

Mr. President, this planning for retirement will make a difference in the lives of millions of Americans today and in the future and in the communities in which they live. If we take steps today to secure the pension and retirement benefits of Americans, we will be making a contribution to the well-being of those families, communities, and the Nation.

I commend the leadership for having brought this important issue to such a level of priority in this 105th Congress and urge all of my colleagues to give it the appropriate consideration and support for the security of American families.

I thank the Chair.

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the Senator from West Virginia is recognized for 5 minutes.

Mr. BYRD. Mr. President, I thank the Chair.

(The remarks of Mr. BYRD pertaining to the introduction of S. 182 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD. Mr. President, I yield the floor.

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## NOVEMBER 1996 TRIP TO THE NORTH ATLANTIC ASSEMBLY AND THE MIDDLE EAST

Mr. SPECTER. Mr. President, as has always been my practice on return home from official travels overseas, I have sought recognition today to record for the information of our colleagues and my constituents in Pennsylvania the results of my recess trip, from November 16 to November 24, to the North Atlantic Assembly and to the Middle East.

As you know, the Senate delegation in November 1996 to the North Atlantic Assembly included 13 Senators during all or part of a full schedule of meetings in Paris and London, arranged and ably chaired by Senator ROTH. Let me take a moment to note here the important news of Senator ROTH's election as the President of the North Atlantic Assembly.

Our delegation's mission began with a working flight to Paris early in the morning on Saturday, November 16. As the presiding officer knows how rare it is for eight Senators to share 7½ hours together—especially in the absence of a telephone—I know you can appreciate the value of this group of colleagues being able to exchange views and form plans relevant to the 105th Congress.

In Paris and, later in the week, in London, our Senate North American Assembly Delegation focused its work on the vital—but vexing—questions of the purposes, the structures and the problems of transatlantic relations in the post cold war era.

NATO has been perhaps the most successful international collective security arrangement in the world's history, ultimately achieving its once thought unattainable goal of containing and outlasting the empire of the former Soviet Union through a vigilant deterrence rather than actual conflict. It was this successful because it is more than a mutual defense pact. It is the coming together, across the Atlantic, of the power of the ideas of freedom and democracy. But NATO's very success in achieving its original aim is the basis of the present quandary of the alliance. In the wake of the dissolution of the Soviet Union, we must ask for many reasons—including our responsibility to wisely spend the American taxpayers' dollars—what is NATO for now, what countries should be a part of the alliance and what roles and burdens should be played and borne by the different members of the North Atlantic community.

Our Senate delegation took up these questions—and many subordinate ones as well, including the allied operation in Bosnia and trade and economic relations across the Atlantic—with our European parliamentary colleagues, senior officials of the executives of France, Britain, and other allied nations, international business leaders and, of course, our American Ambassadors and their staffs.

Apart from the formal itinerary of the entire delegation, I made a point to visit with Alan J. Blinken, the America Ambassador in Brussels, headquarters of the European Economic Community, to discuss the transatlantic trade situation and other matters, and to engage in substantive conversations with our Ambassador to France, Pamela Harriman, concerning a variety of security and international economic issues.

At mid-week, specifically, from Tuesday, November 19 through Thursday, November 21, I split off from my North American Assembly colleagues for an individual visit to the Middle East.

As the presiding officer is well aware, I have reported to the Senate and my constituents many times on my visits to the Middle East, visits I began making in 1964, some 16 years prior to my election to the Senate. As a Senator, I have traveled extensively in this vital, but deeply troubled, part of the world in order to better fulfill my responsibilities as a member of the Foreign Operations Subcommittee of Appropriations—where I have been a member since coming to the Senate—and my roles as chairman of the Judiciary Committee's Subcommittee on Terrorism and as chairman of the Select Committee on Intelligence, as well as my general duties as a Senator to be informed on a part of the world frequently requiring action by this body.

This past August, the first visit to the Middle East I had made since the Israeli elections of May 1996, my trip became something more than a fact-finding assessment of the always changing situation in that part of the world when Prime Minister Netanyahu asked me to carry a message to Syrian President Assad concerning the Prime Minister's views on the reopening of peace talks between Israel and Syria and, in an even more time-sensitive vein, on Israeli thinking regarding Syrian troop movements occurring at that time in Lebanon and in areas of Syria near the Israeli controlled Golan Heights.

As I stated on the floor upon my return at that time, I carried Prime Minister Netanyahu's messages to President Assad in Damascus and, following a substantive 3-hour exchange with the Syrian leader—with whom I have been meeting regularly since 1988—I returned to Israel to brief Prime Minister Netanyahu on President Assad's responses to the messages.

In preparation for my joining the North Atlantic Assembly Delegation visit to Europe—because I would be half-way there, so to speak—I met here in Washington with the Syrian Ambassador to the United States, Walid Al-Moualem, to get an update from his perspective on the situation between Syria and Israel. Ambassador Al-Moualem told me that his government viewed my August round of talks between Prime Minister Netanyahu and President Assad as having been helpful in deescalating the dangerous tensions, especially related to troop movements, between Israel and Syria and the Ambassador encouraged me to return to the region for another round of meetings aimed at helping the parties find a basis to reopen their peace negotiations.

Now, I do not know if the Ambassador is correct in his characterization of my August meetings as helpful in reducing military tensions, but I told him that I obviously would make myself available to be helpful—without seeking either to displace the President or his representatives in this matter and without seeking to advance any personal agenda on the substance of an Israeli-Syrian peace—if both sides had an interest in my so doing.

When consultations with Israeli officials, including a telephone conversation I had directly with Prime Minister Netanyahu, indicated a similar encouragement for me to make another visit to Israel and Syria as had been expressed by the Syrian Ambassador, I

decided to make such a trip during a portion of the North Atlantic Assembly Delegation program in Europe.

Naturally, and any press accounts at the time to the contrary notwithstanding, I and my staff both informed the State Department about my planned trip and received extensive briefings by relevant administration officials as to the Israeli/Syrian situation and administration policy on the matter.

Mr. President, as you know, this sort of active involvement in foreign policy issues is, while—as I have already said—not meant to supplant the President, the Secretary of State or their representatives, a time-honored role for Members of the U.S. Senate, going back to such distinguished Senators as Arthur Vandenburg and William Fulbright. In any case, one could not responsibly pass up even a slight chance of being helpful in promoting peace between Israel and Syria when the alternative to peace could threaten dire consequences for us all.

I met with Prime Minister Netanyahu at 8 a.m. on Wednesday, November 20 at his office in the Israeli Knesset Building. United States Ambassador to Israel Martin Indyk was present. The Prime Minister told me that tensions with Syria have been reduced since the August/September time period and that he wants to continue to de-escalate the saber-rattling. He asked me to convey this, and specifically that Israel has no aggressive intent against Syria, when I went on to see President Assad that afternoon. He noted as an exception to the reduction of military dangers attacks on Israeli forces in southern Lebanon by Hezbollah and asked me to convey his request to President Assad that Syria seek to stop the Hezbollah attacks.

On the broader issue of reopening peace talks with Syria, Prime Minister Netanyahu told me to tell President Assad that he wishes to do so as soon as possible and that he is ready, willing, and able to be personally involved in such talks. He said that although there are clearly tough issues to be addressed in negotiating with Syria, he has a real sense that talks could be productive. Prime Minister Netanyahu reiterated that any talks with Syria will be based on the framework for Arab/Israel peace established by U.N. resolutions 242 and 338 and by the terms of reference of the 1991 Middle East peace conference organized by President Bush in Madrid. The Prime Minister's willingness to state the basis of talks with Syria in this way is significant because it indicates an acceptance that such talks would be based on the formula standardly called "land for peace."

The Prime Minister held his ground, however, on what has been the Syrian demand that new talks begin where the old talks left off, that is that Prime Minister Netanyahu's government be bound as a condition for reopening talks by what the Syrians consider a commitment by the prior Israel governments of Prime Ministers Rabin and Peres to full withdrawal by Israel from the Golan Heights to the June 4, 1967 line. He stated that he would not and could not agree to talks with such a precondition.

I flew on to Damascus that day and held a wide ranging, cordial but frank 3-hour meeting with President Assad, lasting from 1:20 p.m. to 4:20 p.m. Syrian Foreign Minister Sharra and United States Ambassador to Syria, Christopher Ross, were also present.

I raised with President Assad the mounting evidence of Iranian and perhaps Syrian involvement in or connection to the dastardly act of terrorist murder against United States soldiers at Khobar Towers in Dharhan, in Saudi Arabia, on June 15, 1996. I reminded President Assad that the United States had responded militarily against Libya in 1986 when we received proof of Libyan responsibility for a bombing at a nightclub in Germany which killed two American servicemen.

Our exchange on this subject was pointed but it was incumbent on me to take this opportunity of a face-to-face session at this time to reiterate that the United States cannot be targeted by terrorists with impunity.

On the central purpose of the meeting, I regret to say I can report little progress, frankly less than I had hoped based on the encouragement I had received to make this visit and on public statements by the Syrian Foreign Minister about the possibility of renewing talks with Israel.

President Assad did generally seem to share Prime Minister Netanyahu's desire to continue to ease and avoid military tensions which could lead to unintended hostilities. Although he denied having the ability to control Hezbollah activities in Lebanon, President Assad received this portion of Prime Minister Netanyahu's message positively and reiterated his own return message to the same effect. President Assad's position was unmovable, however, regarding the terms for the reopening of talks with Israel.

The Syrian leader asserts with complete conviction that he will not restart talks without a prior reaffirmation by Israel of the pledge he says he received from the prior Israeli governments, and ratified in his view by the United States as participants in the talks, for full Israeli withdrawal from the Golan Heights. In his view the next round of talks are only properly about the details of security arrangements along the new border and the process of normalization between the countries, not on the territorial question itself. This is not a "precondition" for future talks, he argues, because Syria already obtained this commitment from Israel and the United States in the prior talks and that commitment binds Israel despite its change of government.

I attempted to argue to President Assad that in any negotiation such as that between Syria and Israel, nothing is final until everything is final, and that in the absence of any signed document binding Israel as a state, the new Israeli government was not obligated by the negotiating position of a former administration. I also argued that Prime Minister Netanyahu's public comments accepting the land for peace framework for talks with Syria should be a sufficient basis to get back to the table and see what happens in that very different dynamic. I tried many formulations of these ideas but he would have none of it.

I returned to Israel that evening and met again with Prime Minister Netanyahu, to brief him on my talks with President Assad, on the following morning, Thursday, November 21, 1996.

While there is certainly a very sharp divide between the Israeli and Syrian leaders on the basis for a reopening of peace talks, I continue to believe that such a return to the negotiating table is not only essential, but possible if the American involvement in this process is taken to a new level. I came away from this round of meetings convinced that the logjam might be broken, but only with direct action by the President of the United States.

The United States has been more than an observer or facilitator of the Israeli/Syrian peace process so far. We have been an indispensable party, viewed by both sides as the guarantor of the integrity of both the negotiating process and of any final outcome which might be achieved. If the different accounts of where the last round of talks left off and what that means for future talks are to be resolved, it will happen only with the most active American role at the highest level.

Since my return, I have discussed with the President's National Security advisor—and CIA Director designee—Anthony Lake, and his Special Mid-East Envoy, Dennis Ross, and I intend to discuss with the President directly, my suggestion that President Clinton invite President Assad—who has never been to this country—and Prime Minister Netanyahu to a meeting in the Oval Office—not to conclude a final peace treaty at this time but simply to find a formula for the reopening of talks between their countries.

While nothing is ever certain in such a difficult situation, I believe it would be productive for the President to raise the stakes of the peace process between Israel and Syria—as an Oval Office invitation would surely do—because the stakes of a continued state of war between these two countries remain so high.

Mr. President, we must all continue to do all we can to find the path to a

just and secure peace in the Middle East.

## HONORING DAN KEMMIS

Mr. BAUCUS. Mr. President, I would like to take a moment to recognize a truly outstanding Montanan, and to make note of the recent honor extended to him by President Clinton.

Many in Montana know Dan Kemmis through his years of devoted public service, first in the Montana Legislature, where he rose to the position of Speaker of the House, and later as Mayor of the City of Missoula. In every aspect of public life, Dan has served as an example of the standards to which we all aspire. A true gentleman and a model leader he is a public servant who believes that the true greatness of democracy lives in the shared experience of the citizenry.

As mayor, even while working diligently on the problems of the day, Dan continued to think ahead, authoring "Community and the Politics of Place" in 1990, the acclaimed book serving as a written testament to his work to foster a sense of community in Missoula. Then in 1995 a second work, "The Good City and the Good Life," was published, again to an outstanding reception.

Many were surprised last spring when Dan stepped down as mayor to accept a new challenge as head of the Center for the Rocky Mountain West at The University of Montana. To those of us who know him, however, the move is simply the progression of Dan's unique talents as a leader. It is now his time to share the knowledge of the past years with rest of America, and a time to learn anew.

This past month President Clinton recognized the contributions of Dan Kemmis, not only to Missoula, but to communities throughout America, by awarding him the National Endowment for the Humanities' Charles Frankle Prize. I cannot think of an individual more deserving of the honor. Thoughtful and compassionate, a true visionary and thinker, Dan is one of Montana's treasures and an American leader.

In his prose as in his life, Dan has worked to shape the politics of the future, building consensus, and bringing people together, absent the rhetoric of the past that simply seeks to divide. As President Clinton so eloquently noted, he, "* * * is a welcome and convincing voice against cynicism and social divisiveness." For this alone, we all owe him a debt of gratitude.

I am honored to call Dan Kemmis a friend, and I join with all Montanans in expressing our thanks for his many years of service and congratulations upon receiving this most prestigious award.

## BREAST CANCER PATIENT PROTECTION ACT OF 1997

Ms. MIKULSKI. Mr. President, I rise today in support of the Breast Cancer Patient Protection Act. I am proud to be an original cosponsor of this legislation. This bill is about ensuring that women receive equitable treatment in our Nation's health care system. It puts the care of grandmothers, mothers, and daughters with breast cancer before the financial interests of insurance companies.

One of every eight women in America will develop breast cancer. These women will undergo breast cancer treatments such as mastectomies or lymph node removal. Insurance companies know they can cut costs and increase profits if they give skimpy care to these women. Some insurance plans send women home just hours after breast cancer surgery with patients groggy from anesthesia, in pain and with drainage tubes still in place. Other plans require outpatient mastectomies.

The American College of Surgeons and the American Medical Association say that most patients are not ready to be sent home a few hours after surgery. It is just not good medicine. I believe these doctors, who want to do the right thing and give the right care, should not be discouraged or penalized for not following the insurance company's guidelines.

This legislation ensures that women with breast cancer receive the medical attention they need and deserve. The bill ensures that health plans which provide medical and surgical benefits for the treatment of breast cancer provide a minimum length of stay of 48 hours for patients undergoing mastectomies and 24 hours for those undergoing lymph node removals. Under this bill, patients and their physicians—not insurance companies—can determine if a shorter period of hospital stay is appropriate.

So, I salute the authors of this bill, but I also salute the women, the doctors, and the medical facilities that organized to challenge these unfair practices. I want to see managed care, not mandated care. And I don't want to see doctors managed. There is a fundamental distinction. We have to start getting our priorities straight and end the needless pain and neglect of women with breast cancer. This bill is a step in the right direction.

## PAUL TSONGAS

Mr. KERRY. Mr. President, I rise today to speak about Paul Tsongas, who lost his battle against cancer on Saturday. We have all lost a great friend; the Nation has lost an extraordinary American who defined the concept of public service and whose courage and conviction set an example for each and every one of us.

Paul was the son of Greek immigrants in Lowell, MA. He worked in his father's drycleaning business, and served in the Peace Corps, as a Lowell city councilor, as a Middlesex county commissioner, as a U.S. Congressman, and as a U.S. Senator in the seat that I am now honored to occupy.

Paul was able to achieve so much in his life because no matter where he went, no matter what office he held, he never left the people of Lowell. He instinctively understood not only their problems but also how government could help provide some of the solutions which were necessary to resolve them.

In 1992, when George Bush looked unbeatable, Paul Tsongas ran for the Democratic Presidential nomination because he knew his ideas for our future were better.

We must not forget the timeless principles for which Paul Tsongas fought throughout his career in elective office: balancing the Federal budget and establishing sound fiscal principles for the Federal Government, investing in our country and our children, and building our economy so future generations can attain the dreams which seem to elude us today.

Although Paul did not win the nomination, he became the catalyst who turned the national spotlight on our fiscal policies and changed the political dialog in the United States forever.

After the campaign, Paul Tsongas joined with Warren Rudman and Pete Peterson to found the Concord Coalition to promote fiscal responsibility. This organization again and again has drawn national attention to our Nation's fiscal agenda.

Since the 1992 Presidential campaign, we have cut the Federal budget deficit by more than half. The question in Washington is no longer "Can we balance the budget?", but "How soon can we do so?" Much of the progress we have made can be attributed to Paul Tsongas and his economic call to arms.

The rebuilt, reinvigorated city of Lowell, MA is another long-lasting memorial to Paul. He as much or more than any other person shepherded the revitalization program through the Congress, and by seeing and breathing life into a local pride and spirit that were still alive, he transformed a rundown mill town into an international destination with an amazing story to tell and show visitors from near and far.

Paul Tsongas' accomplishments only explain part of what made him so extraordinary. There is no way to explain the impact on others of his decency, integrity, and courage. But that impact was real and pronounced.

In 1983, he was diagnosed with non-Hodgkin's lymphoma. The next year he retired from the Senate in order to spend more time with his wife Niki, and his three daughters, Ashley,

Katina, and Molly. He successfully battled cancer for over a decade with a sense of grace and a strength of character that are remarkable.

It is terribly hard to acknowledge the death of such a person. Paul will be greatly and genuinely missed because he was greatly and genuinely loved. That is a compliment to which all of us can aspire when we leave this Earth. But Paul's life took him a step beyond even that status among his family and friends and all who know or observed him in his public service.

We can say truthfully and appreciatively that we are better people because of the example Paul Tsongas set during his life. In that way, he not only improved the lives of many in very direct ways, he will continue to live on as an inspiration to us.

We will miss him, but we are comforted by what he has given to us.

## SAFE AND AFFORDABLE SCHOOLS ACT

Mr. MCCONNELL. Mr. President, I rise in support of S. 1, the Safe and Affordable Schools Act. I am pleased Senator COVERDELL has introduced this important legislation which will provide our children with an affordable, quality education. By making this bill the first bill of the 105th Congress, it demonstrates to the American people the importance this Senate has placed on the education of our children.

I would like to comment on a very important provision contained in this bill which will make higher education more affordable. For the past several years, I have worked to allow the earnings invested in State-sponsored tuition savings accounts to grow tax-free when used for higher education expenses. This bill also will cover room and board cost. These changes will help families offset the rising cost of education by rewarding those who save.

For the past several years, I have worked to eliminate the tax on education savings. In 1994, I first introduced S. 1787, to make a family's investment earnings tax-free when invested in a State tuition savings plan. Again, in the 104th Congress, I introduced a similar bill, S. 386. Both bills were endorsed by the National Association of State Treasurers and their College Savings Plan Network, which represents the individual State programs.

On July 9, 1996, Congress passed many of the reforms proposed in S. 386, as part of the Small Business Tax Relief Act of 1996. This legislation was signed into law by the President on August 20, 1996.

While we made important gains last year, we need to finish what we started and fully exempt investment income from taxation. This legislation does that. It also expands the definition of qualified education expense to include room and board. Such costs make up nearly 50 percent of annual college expenses.

The facts are clear; education costs are outpacing wage growth and have created a barrier for students wanting to attend college. According to the General Accounting Office, tuition costs at a 4-year public university rose 234 percent between 1980–94. During this same period, median household income rose only 84 percent. It is no wonder fewer families can afford to send their children to college without financial assistance.

As tuition costs continue to increase, so does the need for assistance. In 1990, over 56 percent of all students accepted some form of financial assistance.

Today, it is increasingly common for students to study now, and pay later. In fact, more students than ever are forced to bear additional loan costs in order to receive an education. In 1994, Federal education loan volume rose by 57 percent from the previous year. On top of that, students have increased the size of their loan burden by an average of 28 percent.

So, not only are more students taking out more loans, they are taking out bigger loans as well. This year, nearly half of college graduates hit the pavement with their diplomas in one hand and a stack of loan repayment books in the other.

I believe we need to reverse this trend by boosting savings and helping families meet the education needs of their children before they enter college. If we continue to ignore this problem, more and more children will be forced to burden themselves with an increasing debt load when they go in search of their first job. This can be avoided with passage of S. 1.

Mr. President, in an effort to build on the accomplishments of last year, I look forward to working with Senator COVERDELL, the sponsor of this legislation, and the Senate Labor and Finance Committees to help families meet the rising cost of higher education.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will now go into executive session and proceed to the consideration of the nomination of Madeleine Albright to be Secretary of State.

## NOMINATION OF MADELEINE KORBEL ALBRIGHT, OF THE DISTRICT OF COLUMBIA, TO BE SECRETARY OF STATE

The PRESIDING OFFICER. The clerk will report Executive Calendar No. 1.

The legislative clerk read the nomination of Madeleine Korbel Albright, of the District of Columbia, to be Secretary of State.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, am I correct there is a 2-hour time agreement on the nomination?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. I thank the Chair. I yield myself such time as I may require.

Mr. President, today the Senate will fulfill its constitutional duty on the nomination of Madeleine Albright to serve as Secretary of State of the United States. The Senate Committee on Foreign Relations met for more than 6 hours on January 8, to consider this nomination. During that hearing, the committee heard from then Secretary of State Warren Christopher, who presented Ambassador Albright, and I think that is the first time in history that an outgoing Secretary has presented to a committee the nominee to succeed him. In any case, Secretary Christopher presented her, and the nominee, Mrs. Albright, was questioned extensively by all members of the committee on a broad range of national security issues.

At the conclusion of the hearing, it was agreed to keep the record open until the close of business on January 10, so Senators could submit written questions to the nominee. And twelve Senators did submit more than 200 such questions, all of which were answered in writing by Ambassador Albright.

The committee still has an outstanding document request concerning Somalia, and we fully expect that the administration will cooperate and comply with that request, as the administration has promised to do.

In any case, this past Monday, January 20, after members had spent several days examining the written responses to questions, the committee met in a business meeting to consider the nomination. By a vote of 18 to nothing, unanimously, the Committee on Foreign Relations favorably reported the Albright nomination.

There are Senators who support this nomination but who, nonetheless, have honest disagreements with Ambassador Albright on major foreign policy issues. As I mentioned in the hearing myself, while I do not doubt that Ambassador Albright is sincere, on some issues I believe her to be sincerely wrong. Some of those differences were

discussed during the hearing, others in private. And we will continue to discuss them after she is confirmed, which I am certain she will be.

Notwithstanding our differences, Mrs. Albright is a lady who understands Congress. She understands the important role that Congress must play in developing U.S. foreign policy. However, my support for the nominee should in no way be misconstrued as an endorsement of the administration's conduct of foreign policy. It would be insincere of me if I pretended otherwise. Many Americans, among them myself, hope that in the area of foreign policy, the next 4 years will not produce a sequel to the travail of the first 4 years.

After 12 years of Ronald Reagan and George Bush in the White House, the United States had once again become the undisputed leader of the free world. Our friends followed us, and our enemies, the enemies of freedom, thanks to Presidents Reagan and Bush, feared and respected the United States, because we were strong. The emphasis was on our constitutional requirement as a tripartite Government, to make sure that this Nation would lead the world as a strong, strong democracy.

Many of those important gains have been neutralized by a foreign policy too often vacillating and insecure; a foreign policy that has responded to world events, rather than shaping world events. And it is quite revealing when this administration, as it often does, boasts that the invasion of Haiti was a great foreign policy accomplishment.

Mr. President, sending American soldiers into harm's way on a tiny Caribbean island with no vital interest at stake to replace one group of thugs with another group of thugs does not seem to me to be much of an accomplishment. In any event, the Haiti excursion, at last count, has cost the American taxpayers more than $2 billion.

From there the list goes on and on: from Bosnia, where the United States subcontracted to the terrorist regime in Iran our responsibilities to help the Bosnians defend against genocide; to China, where vacillation led Beijing to believe it could get away with bullying Taiwan; to Somalia, where an uncertain United States policy resulted in the tragic and unnecessary deaths of 18 American Rangers; to Iraq, where our CIA Director himself admitted that Saddam Hussein is now politically stronger than ever before.

Time and time again, during the past 4 years, a message of weakened resolve was sent around the world, and with tragic results.

History teaches us one unmistakably clear lesson, I think, Mr. President, that being that the security of the American people is always less certain when our adversaries doubt our resolve, and our adversaries very much doubt our resolve at this moment.

If confirmed, Ambassador Albright must move swiftly and decisively to reverse that trend, and we have discussed it. As I said earlier, she is a strong lady, she is a courageous lady. She has proved that, and she is going to have to continue to push for strength of the United States. She must bring strength and courage and coherence and direction and fresh ideas to America's foreign policy.

Let's face it, one of her most critical responsibilities, if confirmed—and she will be—will be that the responsibility of advising the President when and where and under what conditions to commit American forces to combat or to dangerous missions abroad. Senator CHUCK HAGEL, a distinguished veteran of the Vietnam war and one of the newest members of the Senate Foreign Relations Committee, properly pressed nominee Albright on this very point during the hearing, as did another distinguished Senator, JOHN ASHCROFT. I applaud these two Senators for their perseverance on this issue, because their concerns are shared by many Senators and millions of the American people.

We must make certain that never again will American troops be sent into harm's way unless and until there is a clearly defined and precise mission and exit strategy and a clear American national security interest at stake. The debacle in Somalia vividly demonstrated that assertive multilateralism is no way to promote any conceivable American national security interest.

Mr. President, Ambassador Albright, based on her testimony, and I think on her career, appears to understand that concern. We have discussed it, and I am sure other Senators have discussed it with her as well. She acknowledged to the committee that with respect to the use of U.S. troops overseas, she has, and I quote her, "learned many lessons." And I thank the Lord for that.

She further said she is "deeply regretful of the lives lost in Somalia." Moreover, she assured the committee that she would "never advise using American forces where other means are available, where there is not the support of Congress and the people, where there is not a possibility of or where there is no exit strategy, and where there is not the likelihood or the reality of winning." End of quote, Ambassador Albright.

Actions speak louder than words, of course, and we will be watching her closely. She knows that. She expects that. We will watch her to ensure that this administration has, in fact, learned from the disasters of the past 4 years.

Another key responsibility of the next Secretary of State will be to reform and restructure the antiquated foreign policy bureaucracy. The 104th Congress passed major legislation to streamline our foreign policy apparatus and eliminate three unnecessary, bloated, and outdated Federal bureaucracies, one of which was described by its proponents in the 1960's as a "temporary" Federal agency. It is like Ronald Reagan said: Nothing is so near eternal life as a temporary Federal agency. But these agencies were promised to be in the 1950's and 1960's temporary, and they are still around spending money, in so many, many cases, unwisely.

Our plan last year, and the plan that will be submitted this year, will save the American people more than a billion dollars. Instead of endorsing that legislation last year and the year before, which was vigorously supported and endorsed by five former Secretaries of State, the administration opposed it every step of the way. In fact, the administration, while trashing our proposal, never came forward with a proposal of its own, despite promises to do so by the administration.

Vice President GORE, who served in the Senate and whom all of us like, issued a statement on January 27, 1995, promising the American people a plan to streamline the U.S. foreign policy bureaucracy and save, in his words—these are not my words, these are AL GORE's words—to save $5 billion over 5 years.

But 2 years have passed and the distinguished Vice President has yet to put forward any such proposal. I am hopeful that Madeleine Albright will prod our friend and former colleague, AL GORE, and get to work with us on this problem, because it is a jointly realized problem.

We must work together, and I hope I have indicated already, and some of the rest of us, that we want to work together. I pledge to do that. The support for our plan has not diminished, it has grown, among the American people.

If Madeleine Albright is confirmed, I intend to schedule an early meeting with her and other key Senators for the purpose of working together and reaching agreement on a bipartisan plan to restructure our foreign policy institutions to meet the new challenges we will face in our next century.

The point is this: Republican or Democrat—it doesn't matter—none of us should be willing to stand by and allow America to enter a new millennium with antiquated foreign policy institutions built, let's face it, to fight the cold war. And mark my words, if I have anything to do with it, we will not do so.

Mrs. Albright assured the committee that she will keep an open mind as she discusses this matter, and others. I intend to hold her to that commitment to work with us, to consult with us and cooperate with us so that we can work together for the goals that she and we have discussed and mutually agreed to.

Mrs. Albright must also work with Congress to achieve serious and lasting

reform at the United Nations. The selection of a new Secretary General is an important first step, but it is only one step.

I think the American people are tired of all the rhetoric from the international community and the State Department blaming the United States for the United Nations' so-called fiscal crisis. One quarter of every dollar that the United Nations receives for its budget comes from the taxpayers of the United States. Over all, American taxpayers contribute upwards of $3.5 billion to the United Nations. By contrast, more than half of the United Nations members pay just one-hundredth of 1 percent of the United Nations regular budget. Senators must keep that in mind as we begin discussions on U.N. reform. Many countries have no incentive to reform because they gain more from the United Nations than they put into it.

So let me summarize in conclusion, Mr. President. Mrs. Albright knows that I intend to work with her. I think she understands that the entire Foreign Relations Committee intends to work with her. I intend to also work with the new Secretary-General, Mr. Annan, and with Senator ROD GRAMS, who is our congressional delegate to the United Nations, who has developed an important expertise on this issue. We will work with all of these and other Members of Congress to bring true reform to the United Nations, which is long overdue and badly needed.

I believe that on balance Mrs. Albright is well qualified for the post of Secretary of State. We have a lot of work to do. We have a lot of things on our agenda, and I look forward to working with her in moving our agenda forward.

I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from California is recognized to speak on the nomination under the time controlled by the minority.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

I yield myself 5 minutes.

Mr. President, I would like to thank the distinguished chairman for his comments and also for the speed with which he processed this nomination. I think it is very important and significant that he has done that, and it certainly speaks for the best interests of bipartisanship.

Mr. President, as the only woman on the Foreign Relations Committee, I consider this to be a historic appointment indeed. I rise to say that I am proud to indicate my very enthusiastic support for Madeleine Albright to be confirmed before this body as Secretary of State.

I want to commend President Clinton because he was certainly faced with an array of very qualified candidates. But I think he chose one of the very, very best. Anyone who heard her thoughtful responses to some 6 hours of questioning during her confirmation hearing would have been impressed by her knowledge, her eloquence and her skill. I fully expect Ambassador Albright to be a truly superb Secretary of State.

I look forward to working with her as various foreign policy issues come before the Senate of the United States. It is difficult to imagine a background and a body of experience better suited to the person we call on to be our Nation's chief diplomat and the President's chief foreign policy advisor. Madeleine Albright knows firsthand the "streets" of foreign policy, how actions by governments affect the lives of individuals. Her enormous intellect, her personal experience, her plain speaking, I think, will be huge assets.

As the United States approaches the 21st century, I believe it is crucial that our foreign policy be conducted in a bipartisan manner. The practice of reinventing the wheel of foreign policy every 4 years or at least with every change of administration has been difficult on our allies and weakens American credibility as the strongest nation on Earth.

Madeleine Albright holds a unique opportunity to cement a bipartisan foreign policy. If she can accomplish this, her legacy to this Nation and the world will be significant. One of the most complex issues that she will face, and the largest single area that I believe needs focused attention, is the entire Pacific rim. With 60 percent of the people of the world now living on the shores of the Pacific and American trade with the Pacific rim nations three times that of the Atlantic, the administration's No. 1 priority in foreign policy should be to maintain a strong and positive presence in Asia.

As part of this effort, the United States must build our most important, but still largely undeveloped, bilateral relationship—that with the People's Republic of China—into one of partnership and cooperation in our many areas of mutual interest.

Ambassador Albright's qualifications to be Secretary of State are unimpeachable. For the past 4 years she has served with distinction as the U.S. Permanent Representative to the United Nations, a member of the President's Cabinet, and a member of the staff of the National Security Council.

She has also headed one of Washington's foremost think tanks, served as professor of international affairs at Georgetown University's School of Foreign Service, and holds a doctorate from Columbia University. And, I might add, she served as a staff member for one of the true giants of the U.S. Senate, Edmund Muskie, who himself went on to serve as Secretary of State.

Beyond her professional accomplishments, her life—having fled Czechoslovakia at the dawn of the Second World War—provides a lesson in the values that we as Americans hold most dear and for the role in the world that America, at its best, can play.

As the first woman to serve as Secretary of State, Madeleine Albright's nomination will open up new doors for all women, not just in this country, but around the globe, in places unaccustomed to seeing women in high office. Whenever a woman crosses a threshold into an area that has been predominantly held by men, and performs effectively, the doors open for women everywhere.

I take particular pride in casting my vote for Ambassador Madeleine Albright. It is a tremendous step forward in our country for a woman to be named the Nation's top diplomat. As consequential as that is, in Madeleine Albright's case it is really a secondary consideration, because she is so eminently qualified for the job.

Although I am sure it is unnecessary to do so, I take pride in urging all of my colleagues to support this outstanding nomination.

I thank the Chair. I yield the floor and, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BYRD. Mr. President, I strongly support the nomination of Madeleine Albright for Secretary of State. Ms. Albright brings a lifetime of credentials to the job. She has superb experience as a practitioner of the craft of diplomacy, and a wide knowledge of outside opinion on the range of options and potential solutions that confront us in given international situations. More than that, and most appropriate for the rather free-wheeling, often confusing international environment that we currently face, she is an initiator and an exponent of an energetic and forward-looking American leadership in world affairs.

Ms. Albright acquitted herself admirably as our most recent Ambassador to the United Nations. She is, I believe, sensitive to the role of Congress in formulating foreign policies, certainly partly because she has served as a foreign policy staffer in the Senate to the late Senator Ed Muskie of Maine. She has served in various posts in previous administrations, and stayed active on the faculty of Georgetown University while the other party controlled the White House and foreign policy making apparatus.

At the United Nations, Ambassador Albright, as a matter of practice and of

principle, put American interests first, as she should have, but also introduced overdue cost analysis as a requirement in the development of Security Council resolutions pertaining to the commitment of United Nations contingents abroad. She made the American weight felt in the Security Council, not the least in her successful effort to bring a new Secretary General to power in New York.

There were, in the early years of the first administration of President Clinton, some growing pains in sorting out the role of the United States in the disorder that we confronted in the aftermath of the cold war, particularly as it related to the proper approach for both the United Nations and the United States in peacekeeping and so-called peace enforcing operations. We all learned some lessons from the experience of our involvement in Somalia, and the administration learned some lessons, as well. Ambassador Albright moved forcefully to resolve those lessons and established a laudable and workable mechanism for frequent consultation between her staff in New York, the State Department here in Washington, and the interested Senators and committees here in the Congress. I think that she believes, as I do, that early and substantive consultations between the administration and the Congress are essential for the successful conduct of American foreign affairs, and I fully expect the early development of an effective working relationship in that regard after she is confirmed by the Senate.

I congratulate Ms. Albright for her selection as the first female nominee to be an American Secretary of State, and I look forward to working with her during her tenure at the helm of the Department of State and its far-flung operations around the globe.

I shall cast my vote for Madeleine Albright this afternoon, and I shall do it with enthusiasm and with faith in her ability to perform the job and to perform it well.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. How much time remains?

The PRESIDING OFFICER. The Senator from Delaware has 45 minutes, 10 seconds remaining.

Mr. BIDEN. I thank the Chair.

Mr. President, I will yield myself 15 minutes.

Mr. President, let me begin, while both my senior colleagues are on the floor here, by complimenting Senator BYRD on his ringing endorsement of Madeleine Albright. Senator HELMS and I have been around here a long while, 24 years. But that is a short time compared to the senior Senator from West Virginia. We all know that when he stands to take the floor and give his endorsement to a candidate who requires confirmation, probably more than any other Senator on this floor, the Chamber listens.

Madeleine Albright is a fine candidate, but she is also a lucky candidate today to have such strong support from the Senator from West Virginia, and, as well, she is fortunate to have the Senator from North Carolina as chairman of the Foreign Relations Committee. I publicly thank him for how gracious he has been and for how he has expedited this nomination. We all know he is a man of very strong convictions, and we all know that when Senator HELMS concludes that there is something moving in the Senate too swiftly, or it is something he does not support, he is, along with the Senator from West Virginia, maybe the most effective person on the Republican side of the aisle in slowing things down.

There was a lot of discussion in the press and a lot of discussion in the Cloakrooms about whether or not Senator HELMS was going to cooperate. I am here to tell you that he has not only cooperated, he has expedited it, and he has been, as always, the consummate gentleman in the way in which he has dealt with his colleagues, the new ranking member in particular, but the committee in general and the Senate as a whole. I personally thank him for doing what I never doubted he would do once he concluded he was going to get this on the floor early. I want the record to note that we are moving on one of the two most important Cabinet posts, and we are doing it before anything else has happened in this body. I thank the chairman.

Mr. President, to state the obvious, I strongly support Madeleine Albright's nomination to become the 65th Secretary of State of the United States of America. Obviously, along with others who have spoken, I commend the President for nominating her.

There was a friend of ours who doesn't always like having a quote attributed to him, but I must attribute every quote. I never want to make that mistake again. I will not use his name, but I will acknowledge that this is not emanating from me. We had a colleague who served with the Senator from North Carolina and me for some years—and I will tell him the name after I finish—who used to say, "It is great in politics when conscience and convenience cross paths."

I would suggest that Madeleine Albright's nomination to be Secretary of State meets that test like none other since I have been here. This is truly a historic occasion. I know we do not and should not think in terms of quotas and affirmative action. But the fact of the matter is this is one of two remaining bastions where the mindset, I think, of a foreign policy establishment, the mindset of the public, the mindset of everyone, is that it is sort of the province of men. And that stereotypical notion is, in large part because of the cooperation of the Senator from North Carolina, about to end today. That does not mean that makes anyone a good Secretary of State or makes her the most qualified person. But that is where the conscience part comes in. It just so happens that the woman we are about to confirm—God willing and the creeks not rising—is also eminently qualified to be Secretary of State.

I have been here too long to use phrases like "this is the most qualified person." There are 50 people maybe in America who are qualified to do this job, and there are probably 10 as qualified, but none more qualified than Madeleine Albright.

One of the things I think that has endeared her and recommended her to Senator HELMS and to me, both of us having served on the Foreign Relations Committee for so long, is that we have encountered Madeleine Albright in our official capacities and our personal political lives on a number of other occasions, and we have found her, as professor, as foreign policy adviser, and as a politically active academic, to be extremely incisive, blunt, to the point, and honest with us in her assessments. You have no idea—maybe you do, Mr. President, but the longer you are here it will become even more apparent. I find that the hardest speak to understand is foreign policy speak. And I sometimes used to kid, after years of being the chairman or the ranking member of the Judiciary Committee, I would say to the witness, "You sound like you are from the State Department." That means that you get a nonanswer; never a wrong answer, but a nonanswer. Madeleine Albright is very straightforward. And it is a welcome thing. We had that in other Secretaries of State, Democrat and Republican. But it is always nice to know.

In her 4 years as our Representative to the United Nations, Ambassador Albright has ably demonstrated her qualifications to carry American foreign policy into the 21st century. Her personal history, her academic research and writing, her diplomatic experience, and her political acumen make her uniquely qualified to lead this country in working with our friends and allies—and our adversaries, and there are some—to further our national interests and the ideals of freedom and democracy that we espouse as a nation.

As we all know by now, Ambassador Albright was not born an American. She and her family chose to come to these shores out of a deep appreciation of what America stands for. She was born in Czechoslovakia, which between the two world wars was the only country in Central Europe to share our commitment to freedom and democracy.

She was twice forced to flee her native land, first in the wake of the Nazi

occupation, then 10 years later after a Communist coup. She has seen firsthand the two worst forms of tyranny of this century, and she vividly understands the importance of standing firm against aggressors who seek to subvert freedom.

The young Madeleine Korbel earned a bachelor's degree from Wellesley College in political science in 1959, worked briefly as a journalist, then married and raised three bright, accomplished, and lovely daughters, two of whom I have had the occasion to get to speak with and get to know a little bit better.

At the same time she was raising her family, she attended graduate school at Columbia University. In 1968, she earned her master's degree and the certificate of the Russian Institute at Columbia. She went on to receive her Ph.D. from Columbia in 1976.

With her doctorate in hand, she came to Washington to work for one of the finest men ever to serve in this Senate—the late Senator from Maine, Edmund Muskie, who himself went on to become Secretary of State. As his chief legislative assistant, she gained an appreciation for the role of the Senate in helping the President and the Secretary of State craft American foreign policy, experience on which she will draw as we work with her in the years ahead.

Ambassador Albright left Senator Muskie's staff in 1978 to work for her former professor, Zbigniew Brzezinski, on the staff of President Carter's National Security Council. She then worked at two of the most prestigious think-tanks in Washington—the Center for Strategic and International Studies and the Woodrow Wilson International Center for Scholars—before becoming a professor at Georgetown University in 1982.

Mr. President, I ask unanimous consent to have printed in the RECORD the official biography of Madeleine Albright.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MADELEINE KORBEL ALBRIGHT

Madeleine Korbel Albright was appointed by President Clinton on January 27, 1993, as the United States Permanent Representative to the United Nations. President Clinton elevated this position and made the Ambassador a member of his Cabinet and a member of the National Security Council.

Prior to her appointment, Ambassador Albright was the President of the Center for National Policy. The Center is a non-profit research organization, formed in 1981 by representatives from government, industry, labor and education. Its mandate is to promote the study and discussion of domestic and international issues.

As a Research Professor of International Affairs and Director of the Women in Foreign Service Program at Georgetown University's School of Foreign Service, she taught undergraduate and graduate courses in international affairs, U.S. foreign policy, Russian foreign policy, and Central and Eastern European politics, and was responsible for developing and implementing programs designed to enhance women's professional opportunities in international affairs.

In 1981–82 Ambassador Albright was awarded a fellowship at the Woodrow Wilson International Center for Scholars at the Smithsonian following an international competition in which she wrote about the role of the press in political changes in Poland in 1980–82.

She also served as a Senior Fellow in Soviet and Eastern European Affairs at the Center for Strategic and International Studies, conducting research in developments and trends in the Soviet Union and Eastern Europe.

From 1978–1981 Ambassador Albright was a Staff Member on the National security Council, as well as a White House staff member, where she was responsible for foreign policy legislation.

From 1976–1978, she served as Chief Legislative Assistant to Senator Edmund S. Muskie.

Other professional experience includes Board Member of the National Endowment for Democracy, Board Member of the International Media Fund, Senior Foreign Policy Advisor to Presidential Candidate Michael S. Dukakis, Foreign Policy Advisor to the Mondale-Ferraro campaign, Vice-Chair of the National Democratic Institute for International Affairs, Member of the Board of Directors of the Atlantic Council of the United States, Member of the Board of Trustees of Wellesley College, Member of the Board of Trustees of the Black Student Fund, Member of the U.S. National Commission for the United Nations Educational, Scientific and Cultural Organization, Member of the Board of Trustees of the Washington Urban League, Member of the Board of Directors of the Center for National Policy, Member of the Chapter of the Washington National Cathedral, Member of the Board of Trustees of Williams College, Member of the Board of Trustees of the Democratic Forum, Member of the Executive Committee of D.C. Citizens for Better Public Education, Chairman of the Board of Trustees of Beauvoir School, Public Relations Staff of the Encyclopedia Britannica, and Reporter on the Rolla Daily News, Rolla, Missouri.

Awarded a B.A. from Wellesley College with honors in Political Science, she studied at the School of Advanced International Studies at Johns Hopkins University, received a Certificate from the Russian Institute at Columbia University, and her Masters and Doctorate from Columbia University's Department of Public Law and Government.

Ambassador Albright is fluent in French and Czech, with good speaking and reading abilities in Russian and Polish.

Selected writings include "Poland, the Role of the Press in Political Change" (New York: Praeger with the Center for Strategic and International Studies, Georgetown University, Washington, D.C. 1983); "The Role of the Press in Political Change: Czechoslovakia 1968" (Ph.D. Dissertation, Columbia University 1976); and "The Soviet Diplomatic Service: Profile of an Elite" (Master's Thesis, Columbia University 1968).

Ambassador Albright has three daughters.

For future correspondence, the Ambassador may be reached at either her Washington, D.C. or New York, offices: Suite 6333, Department of State, 2201 C Street N.W., Washington, D.C. 20520–6319, or U.S. Mission to the United Nations, 799 United Nations Plaza, New York, New York 10017.

Mr. BIDEN. Mr. President, in the 1980's as the Communist countries of Central and Eastern Europe were casting off the Soviet yoke, then-Professor Albright conducted research into the attitudes of the people of these countries, and she wrote about the need to assist them in their transition from communism to freedom.

That is where Senator HELMS and I and others on the Foreign Relations Committee got to see her again because she came and testified about that research and the polling data that she conducted.

Her academic and personal understanding of these issues will allow her to formulate policies to encourage the continued spread of political and economic freedom throughout the world as she attempts to implement this administration's foreign policy.

At the United Nations, Ambassador Albright successfully advanced and defended American interests and enlisted the support of others for our policies. Her straight talk and tireless commitment won her the admiration of Democrats and Republicans alike. She recognizes that while it is sometimes in America's interest to act alone, always acting alone is ineffective and an unnecessary use of our resources.

Two weeks ago, Ambassador Albright came before the Senate Foreign Relations Committee and outlined a comprehensive framework for American foreign policy into the next century, one in which none of us, I think, is likely to accept wholesale. But that is the way the process is supposed to work.

Mr. President, I ask unanimous consent that her insightful statement to our committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SECRETARY OF STATE-DESIGNATE MADELEINE K. ALBRIGHT BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE—JANUARY 8, 1997

Mr. Chairman and members of the Committee, it is a great honor and pleasure to be here with you this morning. I want to begin by thanking the President for his trust in nominating me to this high and very challenging position.

I am very grateful to Secretary Christopher both for his kind words of introduction and for the opportunity he has given me these past four years to observe how a steady and determined diplomat conducts business.

And I appreciate very much the Committee's courtesy in scheduling this hearing so promptly.

Mr. Chairman, we have reached a point more than halfway between the disintegration of the Soviet Union and the start of a new century. Our nation is respected and at peace. Our alliances are vigorous. Our economy is strong. And from the distant corners of Asia, to the emerging democracies of Central Europe and Africa, to the community of democracies that exists within our own hemisphere—and to the one impermanent exception to that community, Castro's Cuba—

American institutions and ideals are a model for those who have, or who aspire to, freedom.

All this is no accident, and its continuation is by no means inevitable. Democratic progress must be sustained as it was built—by American leadership. And our leadership must be sustained if our interests are to be protected around the world.

Do not doubt, those interests are not geopolitical abstractions, they are real.

It matters to our children whether they grow up in a world where the dangers posed by weapons of mass destruction have been minimized or allowed to run out of control.

It matters to the millions of Americans who work, farm or invest whether the global economy continues to create good new jobs and open new markets, or whether—through miscalculation or protectionism—it begins to spiral downward.

It matters to our families whether illegal drugs continue to pour into our neighborhoods from overseas.

It matters to Americans who travel abroad or go about their daily business at home whether the scourge of international terrorism is reduced.

It matters to our workers and businesspeople whether they will be unfairly forced to compete against companies that violate fair labor standards, despoil the environment or gain contracts not through competition but corruption.

And it matters to us all whether through inattention or indifference, we allow small wars to grow into large ones that put our safety and freedom at risk.

To defeat the dangers and seize the opportunities, we must be more than audience, more even than actors, we must be the authors of the history of our age.

A half century ago, after the devastation caused by Depression, holocaust and war, it was not enough to say that what we were against had failed. Leaders such as Truman, Marshall and Vandenberg were determined to build a lasting peace. And together with our allies, they forged a set of institutions that would defend freedom, rebuild economies, uphold law and preserve peace.

Today, it is not enough for us to say that Communism has failed. We must continue building a new framework—adapted to the demands of a new century—that will protect our citizens and our friends; reinforce our values; and secure our future.

In so doing, we must direct our energies, not as our predecessors did, against a single virulent ideology. We face a variety of threats, some as old as ethnic conflict; some as new as letter bombs; some as long-term as global warming; some as dangerous as nuclear weapons falling into the wrong hands.

To cope with such a variety of threats, we will need a full range of foreign policy tools.

That is why our armed forces must remain the best-led, best-trained, best-equipped and most respected in the world. And as President Clinton has pledged, and our military leaders ensure, they will.

It is also why we need first-class diplomacy. Force, and the credible possibility of its use, are essential to defend our vital interests and to keep America safe. But force alone can be a blunt instrument, and there are many problems it cannot solve.

To be effective, force and diplomacy must complement and reinforce each other. For there will be many occasions, in many places, where we will rely on diplomacy to protect our interests, and we will expect our diplomats to defend those interests with skill, knowledge and spine.

If confirmed, one of my most important tasks will be to work with Congress to ensure that we have the superb diplomatic representation that our people deserve and our interests demand. We cannot have that on the cheap. We must invest the resources needed to maintain American leadership. Consider the stakes. We are talking here about one percent of our federal budget, but that one percent may well determine fifty percent of the history that is written about our era.

Unfortunately, as Senator Lugar recently pointed out, currently, "our international operations are underfunded and understaffed." He noted, as well, that not only our interests, but our efforts to balance the budget would be damaged if American disengagement were to result in "nuclear terrorism, a trade war, an energy crisis, a major regional conflict . . . or some other preventable disaster.

Mr. Chairman, we are the world's richest, strongest, most respected nation. We are also the largest debtor to the United Nations and the international financial institutions. We provide a smaller percentage of our wealth to support democracy and growth in the developing world than any other industrialized nation.

And over the past four years, the Department of State has cut more than 2000 employees, downgraded positions, closed more than 30 embassies or consulates, and deferred badly-needed modernization of infrastructure and communications. We have also suffered a 30% reduction in our foreign assistance programs since 1991.

It is said that we have moved from an era where the big devour the small to an era where the fast devour the slow. If that is the case, your State Department, with its obsolete technology, $300 million in deferred maintenance and a shrinking base of skilled personnel, is in trouble.

If confirmed, I will strive to fulfill my obligation to manage our foreign policy effectively and efficiently. I will work with this Committee and the Congress to ensure that the American public gets full value for each tax dollar spent. But I will also want to ensure that our foreign policy successfully promotes and protects the interests of the American people.

In addition, I will want to work with you to spur continued reform and to pay our bills at the United Nations, an organization that Americans helped create, that reflects ideals that we share and that serves goals of stability, law and international cooperation that are in our interests.

The debate over adequate funding for foreign policy is not new in America. It has been joined repeatedly from the time the Continental Congress sent Ben Franklin to Paris, to the proposals for Lend Lease and the Marshall Plan that bracketed World War II, to the start of the SEED and Nunn-Lugar programs a few years ago. In each case, history has looked more kindly on those who argued for our engagement than on those who said we just could not afford to lead.

Mr. Chairman, any framework for American leadership must include measures to control the threats posed by weapons of mass destruction and terror; to seize the opportunities that exist for setting dangerous regional conflicts; to maintain America as the hub of an expanding global economy; and to defend cherished principles of democracy and law.

At the center of that framework, however, are our key alliances and relationships. These are the bonds that hold together not only our foreign policy, but the entire international system. When we are able to act cooperatively with the other leading nations, we create a dynamic web of principle, power and purpose that elevates standards and propels progress around the globe. This is our opportunity, for in the post Cold War era, big power diplomacy is not a zero-sum game.

THE TRANS-ATLANTIC PARTNERSHIP

A foremost example is the trans-Atlantic partnership.

It is a central lesson of this century that America must remain a European power. We have an interest in European security, because we wish to avoid the instability that drew five million Americans across the Atlantic to fight in two world wars. We have an interest in European democracy, because it was the triumph of freedom there that ended the Cold War. We have an interest in European prosperity, because our own prosperity depends on having partners that are open to our exports, investment and ideas.

Today, thanks to the efforts of President Clinton and Secretary Christopher, American leadership in Europe is on solid ground.

European institutions are evolving in directions that are making the continent more free, unified and peaceful than at any time in history.

Our key bilateral relationships, albeit spirited at times, are as strong and resilient as they have ever been.

The terrible carnage in Bosnia has ended.

The Partnership for Peace has broadened cooperation on security matters.

And there is continued progress on political and market reforms within Central Europe and the New Independent States.

If confirmed, I will be returning to this Committee often to ask your support for our vision of an integrated, stable and democratic Europe.

In July, at the NATO summit in Madrid, the alliance will discuss European security, including NATO adaptation to new missions and structures, a framework for enhanced consultation and cooperation with Russia, and enlargement.

The purpose of enlargement is to do for Europe's east what NATO did 50 years ago for Europe's west: to integrate new democracies, defeat old hatreds, provide confidence in economic recovery and deter conflict.

Those who say NATO enlargement should wait until a military threat appears miss the main point. NATO is a not a wild west posse that we mobilize only when grave danger is near. It is a permanent alliance, a linchpin of stability, designed to prevent serious threats from ever arising.

To those who worry about enlargement dividing Europe, I say that NATO cannot and should not preserve the old Iron Curtain as its eastern frontier. That was an artificial division, imposed upon proud nations, some of which are now ready to contribute to the continent's security. What NATO must and will do is keep open the door to membership to every European nation that can shoulder alliance responsibilities and contribute to its goals, while building a strong and enduring partnership with all of Europe's democracies.

Building a more cooperative and integrated Europe will be one of many issues that President Clinton will be discussing with President Yeltsin during his visit here to the United States in March. A democratic Russia can and must be a strong partner in achieving this shared goal.

We know that Russia remains in the midst of a wrenching transition, but gains made during the past five years are increasingly irreversible. Despite the threats posed by

corruption and crime, open markets and democratic institutions have taken hold. And last summer marked the first fully democratic election of national leaders in Russia's long history.

President Yeltsin's challenge in his second term will be to restore the momentum behind internal reforms and accelerate Russia's integration with the west. We have a profound interest in encouraging that great country to remain on a democratic course, to respect fully the sovereignty of its neighbors and to join with us in addressing a full range of regional and global issues.

Our deepening friendship with a democratic Ukraine is also fundamental to Europe's integration. Ukraine was the first of the New Independent States to transfer power from one democratically-elected government to another. And, under President Kuchma, it has launched ambitious economic reforms that have subdued inflation and prevented economic collapse.

In our relations both with Russia and Ukraine, the binational commissions established with Vice-President Gore as the lead U.S. representative will serve as a valuable aid for setting the agenda, and facilitating cooperation across a broad range of endeavors.

Finally, the future of European stability and democracy depends, as well, on continued implementation of the Dayton Accords.

Although IFOR completed its military tasks brilliantly in Bosnia, more time is needed for economic reconstruction and political healing. SFOR's goal is to provide the time for peace to become self-sustaining.

Although the full promise of Dayton is not yet fulfilled, much has changed during the past 13 months. The fighting has stopped, peaceful elections have been held, and the framework for national democratic institutions has taken shape.

Much of this is due to American leadership. Our plan now, in cooperation with our many partners, is to consolidate and build on those gains. Our strategy is to continue diminishing the need for an international military presence by establishing a stable military balance, improving judicial and legal institutions, helping more people return safely to their homes and seeing that more of those indicted as war criminals are arrested and prosecuted.

Given the ongoing challenges, it is encouraging to note the history-making dimension of the process set in motion by the Dayton Accords.

Today, in Bosnia, virtually every nation in Europe is working together to bring stability to a region where conflict earlier this century tore the continent apart.

This reflects a sharp departure from the spheres of influence or balance of power diplomacy of the past, and an explicit rejection of politics based on ethnic identification. And it validates the premise of the Partnership for Peace by demonstrating the growth of a common understanding within Europe of how a common sense of security may be achieved.

The experience of IFOR and now SFOR in Bosnia heightens the potential for security cooperation among the full range of NATO and non-NATO European states. In Bosnia, soldiers from NATO, Russia, Poland, Ukraine, Romania and many other nations trust, defend and depend on each other. Our challenge is to extend that spirit to other joint endeavors and to keep it thriving long after SFOR concludes its work.

European stability depends in large measure on continued American engagement and leadership. And as history attests, European stability is also vital to our national interests. As a result, we will remain engaged, we will continue to lead, we will strengthen our alliances and we will continue to build with our democratic partners a Europe in which every nation is free and every free nation is our partner.

PROMOTING MUTUAL SECURITY AND PROSPERITY IN ASIA

Mr. Chairman, America must remain a European power. We must, and will, remain a Pacific power, as well.

Asia is a continent undergoing breathtaking economic expansion and measured, but steady, movement in the direction of democracy. Its commercial vigor reinforces our own and contributes to the vital interest we have in its security. This is, after all, an area in which America has fought three wars during the past six decades, and in which 100,000 American Troops are based.

President Clinton has elevated this dynamic region on our agenda, and I plan to devote much of my attention to its promise and perils.

Our priorities here are to maintain the strength of our core alliances while successfully managing our multi-faceted relationship with China.

Because of our commitment to regional security, we have maintained our forward-deployed military presence in the Western Pacific. We are encouraging regional efforts to settle territorial and other disputes without violence. We are working hard to open markets for American goods and services, both bilaterally and through APEC, which the President lifted to the summit level. We are broadening our diplomatic and security ties in Southeast Asia, home to the world's fastest growing economies. And we will continue to promote respect for internationally-recognized human rights and the spread of freedom.

Our closest and most wide-ranging bilateral relationship in the region is with Japan, with whom we have strongly reaffirmed our alliance.

We consult Japan regularly on a broad range of foreign policy questions from security in Asia to development in Africa. We appreciate its generous financial support for peace efforts from Bosnia to the Middle East. And we are working with Japan and another valued ally, the Republic of Korea, to implement the Framework agreement freezing North Korean development of nuclear arms. In recent weeks, we and Seoul have worked together successfully to reduce tensions, reinforce the nuclear freeze and improve prospects for dialogue on the Peninsula.

I look forward, if confirmed, to visiting both Japan and the Republic of Korea at an early date.

I am also looking forward to the visit here soon of the Chinese Foreign Minister.

A strong bilateral relationship between the United States and China is needed to expand areas of cooperation, reduce the potential for misunderstanding and encourage China's full emergence as a responsible member of the international community.

To make progress, our two countries must act towards each other on the basis of mutual frankness. We have important differences, especially on trade, arms transfers and human rights, including Tibet. We have concerns about Chinese policy towards the reversion of Hong Kong. While adhering to our one China policy, we will maintain robust unofficial ties with Taiwan. But we also have many interests in common, and have worked together on issues including the Korean peninsula, crime, the global environment and nuclear testing.

U.S. policy towards China has long been an issue of controversy in Congress and among the American people. There are disagreements about the proper balancing of the various elements of that policy. There should be no doubt, however, about the importance of this relationship, and about the need to pursue a strategy aimed at Chinese integration, not isolation.

PREVENTIVE DEFENSE THROUGH THE CONTROL OF DEADLY ARMS

The Cold War may be over, but the threat to our security posed by nuclear and other weapons of mass destruction has only been reduced, not ended. Arms control and nonproliferation remain a vital element in our foreign policy framework.

With our leadership, much has been accomplished. Russian warheads no longer target our homes. Nuclear weapons have been removed from Belarus and Kazakhstan and in Ukraine, the last missile silos are being planted over with sunflowers. Iraq's nuclear capability has been dismantled, and North Korea's frozen. The Nuclear Nonproliferation Treaty has been extended, indefinitely and without conditions. A comprehensive ban on nuclear tests has been approved and a chemical weapons ban will soon be in effect.

Mr. Chairman, these efforts to reduce the spread and number of weapons of mass destruction contribute to what Defense Secretary Perry has called "preventive defense". They are designed to keep Americans safe. We pursue them not as favors to others, but in support of our own national interests. But arms control and nonproliferation are works in progress, and we will need your help and that of this Committee and the Senate to continue that progress.

First, we will be asking your consent to the ratification of the Chemical Weapons Convention, or CWC, before it enters into force in late April.

As this Committee well knows, the CWC was begun under President Reagan and negotiated under President Bush. It is supported by many in both parties, by the business community and by our military. The CWC is no panacea, but it will make it more difficult for rogue states and others hostile to our interests to develop or obtain chemical weapons. I hope, Mr. Chairman, that we will be able to work together to get this Treaty approved in time for the United States to be an original party.

We will also be seeking your early approval of the CFE Flank agreement, which is essential to sustain the CFR Treaty, which in turn contributes mightily to European security.

Overseas, we will be working with Russia to secure prompt ratification by the Duma of the START II Treaty, and then to pursue further reductions and limits on strategic nuclear arms.

We will also continue efforts to fulfill the President's call for negotiations leading to a worldwide ban on the use, stockpiling, production and transfer of anti-personnel landmines. The humanitarian problems created by the misuse of anti-personnel landmines can only be dealt with on a global basis. In September, the President told the UN General Assembly that "our children deserve to walk the Earth in safety." This will be a major arms control objective of the next four years.

Arms control and nonproliferation are closely linked to our policies toward rogue states. We have a major interest in preventing weapons of mass destruction from

being obtained by regimes with a proven disrespect for the rule of law. Accordingly, we will continue working to improve the security and prevent the diversion of fissile materials. We will continue to oppose strongly the sale or transfer of advanced weapons or technologies to Iran. And we will insist on maintaining tough UN sanctions against Iraq unless and until that regime complies with relevant Security Council resolutions.

VIGOROUS DIPLOMACY IN SUPPORT OF PEACE

Mr. Chairman, the appropriate American role in helping to end conflicts and respond to crises overseas has been debated widely, not only in our time, but throughout American history.

Because we have unique capabilities and unmatched power, it is natural that others turn to us in time of emergency. We have an unlimited number of opportunities to act around the world. But we do not have unlimited resources, nor do we have unlimited responsibilities. If we are to protect our own interests and maintain our credibility, we have to weigh our commitments carefully, and be selective and disciplined in what we agree to do.

Recognizing this, we have a strong incentive to strengthen other mechanisms for responding to emergencies and conflicts, including the United Nations and regional organizations. We should work closely with the entire network of public and nongovernmental organizations that has evolved to predict, prevent, contain and minimize the human and other costs of natural and human-caused disaster. And we should insist that other capable nations do their fair share financially, technically and—if necessary—militarily.

The primary obligation of the United States is to its own citizens. We are not a charity or a fire department. We will defend firmly our own vital interests.

But we recognize that our interests and those of our allies may also be affected by regional or civil wars, power vacuums that create targets of opportunity for criminals and terrorists, dire humanitarian emergencies and threats to democracy. Then, as President Clinton said recently, "The United States cannot and should not try to solve every problem, but where our interests are clear, our values are at stake, (and) where we can make a difference, we must act and we must lead."

During the past four years, under President Clinton and Secretary Christopher, the United States has been steadfast in supporting the peacemakers over the bombthrowers in historically troubled areas of the globe. Our goal has been to build an environment in which threats to our security and that of our allies are diminished, and the likelihood of American forces being sent into combat is reduced.

We recognize that, in most of these situations, neither the United States nor any other outside force can impose a solution. But we can make it easier for those inclined towards peace to take the risks required to achieve it.

As this statement is being prepared, sustained U.S. diplomacy in the Middle East has helped to build a renewed dialogue between Israel and its Palestinian partners, producing significant progress on Israeli redeployment in Hebron.

While an agreement is not yet in hand, the intensive negotiations which have been conducted over the past three months—including direct discussions between Prime Minister Netanyahu and Chairman Arafat—have restored a sense of momentum and greater confidence between the sides. This process began during the Washington summit called by President Clinton last October and has been sustained and advanced through our active diplomatic engagement.

Prime Minister Netanyahu and Chairman Arafat have reaffirmed to President Clinton their determination to continue their joint efforts for peace. The United States will stand by them as they do.

Today, there remain two competing visions in the Middle East. One is focused on the grievances and tragedies of the past; the other on the possibilities of the future. An agreement on Hebron would serve as a catalyst, strengthening the supporters of peace. Under the President's leadership, we intend to press vigorously on all tracks to realize a secure, comprehensive and lasting peace between Israel and her Arab neighbors.

Throughout, we will be guided by America's unshakeable commitment to Israel's security, and by our opposition to those who would disrupt this process through terrorism and violence.

Secretary Christopher leaves office after four years of historic progress in facilitating peace in the Middle East. While his presence will be missed, I will maintain fully the State Department's commitment to an active U.S. role in this long-troubled and strategic part of the globe.

Across the Mediterranean in Cyprus, another longstanding disagreement remains unresolved. In 1996, the parties moved no closer to a final decision on the status of the island. Moreover, disturbing incidents of violence marred the climate for negotiations, while underlining their urgency. The dispute here and related differences between our two NATO allies, Turkey and Greece, affect European stability and our vital interests. Accordingly, we are prepared in this new year to play a heightened role in promoting a resolution in Cyprus, but for any initiative to bear fruit, the parties must agree to steps that will reduce tensions and make direct negotiations possible.

In Northern Ireland, we are encouraged that multi-party talks began but we are disappointed by the lack of progress made, and strongly condemn the IRA's return to violence. We will continue to work with the Irish and British governments and the parties to help promote substantive progress in the talks. And we note that former Senator George Mitchell, who is chairing the multi-party talks, has been crucial to the forward steps that have been taken.

As we enter the 50th anniversary year of independence for both India and Pakistan, we will again consider the prospects for reducing the tensions that have long existed between these two friends of the United States.

We have a wealth of equities in this region, and a particular concern about the regional arms race and nuclear nonproliferation. India and Pakistan should both know that we will do what we can to strengthen their relations with us and encourage better relations between them, and that we expect both to avoid actions calculated to provoke the other.

Another dispute tangled by history and geography concerns Armenia, Azerbaijan and the status of Nagorno-Karabakh. The good news here is that the ceasefire has now held for more than two years. The bad news is that progress under the OSCE's Minsk process has been agonizingly slow. We have very substantial economic, political and humanitarian interests in this region, and are prepared to play a more visible role in helping to arrange a settlement. One step that Congress could take to increase our influence would be to lift restrictions on nonmilitary assistance to Azerbaijan, while maintaining support for our generous aid program in Armenia.

Finally, in Central Africa, we are striving with regional leaders and our allies to prevent a still-volatile situation from erupting into even greater tragedy. We are encouraging the repatriation of the remaining Rwandan refugees and assisting in their reintegration into Rwandan society. Through the efforts of Special Envoy Howard Wolpe, we are promoting a dialogue between the opposing parties in Burundi. And we support and end to conflict in Zaire based on recognition of Zaire's territorial integrity and full respect for human rights.

Mr. Chairman, I visited Central Africa last year. In Rwanda, in the beautiful region where they filmed "Gorillas in the Mist", there is an old stone church. By its side, American and other volunteers work with little brushes to clean and reassemble the skeletons of people slaughtered there in 1994. Among the hundreds of skeletons there, I happened to notice one in particular that was only two feet long, about the size of my little grandson.

It is said that foreign policy should not be influenced by emotion. That is true. But let us remember that murdered children are not emotions; they are human beings whose potential contributions are forever lost. America has an interest, as do all civilized people, to act where possible to prevent and oppose genocide.

One practical step we can take is to increase the capacity of African countries to engage successfully in peacekeeping efforts within their region. That is the purpose of the African Crisis Response Force proposed by the Administration last fall. This proposal has generated considerable interest both within and outside the region. With Congressional support, it will be a priority in the coming year.

LEADERSHIP FOR A GLOBAL ECONOMY

The Clinton Administration has had extraordinary success these past four years in creating jobs for Americans at home by opening markets abroad. The more than 200 trade agreements negotiated have helped our exports grow by 34% since 1993 and created 1.6 million new jobs. By passing NAFTA, concluding the GATT Uruguay Round and forging the Miami summit commitment to achieve free and open trade in our hemisphere by 2005 and the APEC commitment to do the same in the Asia-Pacific by 2020, the President has positioned the United States to become an even more dynamic hub of the global economy in the 21st century.

As Secretary of State, I would do all I can to see that this momentum continues. Already, I have talked with Treasury Secretary Rubin, Commerce Secretary-designate Bill Daley and Trade Representative-designate Charlene Barshefsky. We intend, if confirmed, to function as a team—America's team. And we intend to be a very tough team.

Competition for the world's markets is fierce. Often, our firms go head-to-head with foreign competitors who are receiving active support from their own governments. A principal responsibility of the Department of State is to see that the interests of American companies and workers receive fair treatment, and that inequitable barriers to competition are overcome. Accordingly, the doors to the Department of State and our embassies around the world are open—and

will remain open—to U.S. businesspeople seeking to share their ideas and to ask our help.

In the years ahead, we must continue shaping a global economic system that works for America. Because our people are so productive and inventive, we will thrive in any true competition. However, maintaining the equity of the system requires constant effort. Experience tells us that there will always be some who will seek to take advantage by denying access to our products, pirating our copyrighted goods or under-pricing us through sweatshop labor.

That is why our diplomacy will continue to emphasize high standards on working conditions, the environment and labor and business practices. And it is why we will work for a trading system that establishes and enforces fair rules.

Although we will continue to work closely with our G-7 partners, the benefits of economic integration and expanded trade are not—and should not be—limited to the most developed nations. Especially now, when our bilateral foreign assistance program is in decline, public and private sector economic initiatives are everywhere an important part of our foreign policy. We can also leverage resources for results by working with and supporting the international financial institutions.

In Latin America, a region of democracies, we will be building on the 1994 Summit of the Americas to strengthen judicial and other political institutions and to promote higher standards of living through free trade and economic integration. I am pleased that, in this effort, we will have the assistance of the newly-designated special envoy for the Americas, Mack Mclarty.

Although much poverty remains, substantial gains have been made in many parts of the hemisphere through economic reforms, increased commerce, lower inflation and higher foreign investment. We believe that further progress can be achieved that will benefit us, as well as our hemispheric partners, through agreement on a Free Trade Area for the Americas by the year 2005. We also place a high priority on the early addition of Chile to the North American Free Trade Agreement on equitable terms, and on the extension to Central America and the Caribbean of Arrangements equivalent to NAFTA.

Even closer to home, we are encouraging continued economic and political reform in Mexico, with whom we share a 2000 mile border and a host of common concerns, including crime, narcotics, immigration and the environment.

In Africa, the overall economic outlook is improving, but daunting problems of debt, strife, environmental stress and inadequate investment remain.

It is in our interest to help the region's leaders overcome these problems and to build an Africa that is more prosperous, democratic and stable.

We know, however, that the primary impetus for development here, as elsewhere, must come from the private sector.

It is encouraging, therefore, that many African governments are facilitating growth through policies that allow private enterprise to take hold, while investing public resources wisely in education, health and measures that expand opportunities for women.

If confirmed, I will place great emphasis on working with Africa's democratic leaders to broaden and deepen these trends. More specifically, we will work towards the integration of Africa into the world's economy, participate in efforts to ease debt burdens, and help deserving countries, where we can, through targeted programs of bilateral aid.

PROMOTING FREEDOM AND EXTENDING THE RULE OF LAW

Mr. Chairman, the representative of a foreign power said once that his country had no permanent allies, only permanent interests.

It might be said of America that we have no permanent enemies, only permanent principles.

Those principles are founded in respect for law, human dignity and freedom not just for some, but for all people.

If I am confirmed, I can assure you that the United States will not hesitate to address frankly the violation of internationally-recognized human rights, whether those violations occur in Cuba or Afghanistan; Burma, Belgrade or Beijing.

We will work with others to defeat the forces of international crime and to put those who traffic in drugs permanently out of business.

We will pursue a hard line against international terror, insisting on the principle that sponsoring, sheltering or subsidizing terrorists cannot be rationalized; it is wrong; and those guilty should not be appeased, but isolated and punished.

We will maintain our strong backing for the international war crimes tribunal for Rwanda and the Balkans, because we believe that the perpetrators of ethnic cleansing should be held accountable, and those who consider rape just another tactic of war should answer for their crimes.

And we will continue to promote and advocate democracy because we know that democracy is a parent to peace, and that the American constitution remains the most revolutionary and inspiring source of change in the world.

THE ENVIRONMENTAL MAINSTREAM

One final note, Mr. Chairman. Before closing I wanted to make it clear that I intend, if confirmed, to build upon Secretary Christopher's wise decision to incorporate environmental goals into the mainstream of our foreign policy.

Over the past several years, I have traveled to almost every region of the world. I have seen the congestion caused by over-development, and the deforestation that results when expanding populations compete for shrinking natural resources. I have smelled the air of smoke-clogged cities where the environmental techniques made possible by modern technology have not yet been applied.

The threats we face from environmental damage are not as spectacular as those of a terrorist's bomb or a hostile missile. But they directly affect the health, safety and quality of life of families everywhere. We can choose to be passive in responding to those threats, and leave the hard work to our children, or we can be active and forward-looking now. I choose the latter course, and will not be shy in seeking congressional and public support.

CONCLUSION

Members of the Committee, I am deeply honored to appear here today. I have laid out some, but by no means all, of what I see as the principal challenges and opportunities we will face over the next four years. Clearly, we have a lot to do.

I could say to you that it had always been my ambition to be Secretary of State of the United States. But that is not true. Frankly, I did not think it was possible.

I arrived in America when I was 11 years old. My family came here to escape Communism and to find freedom and we did. My ambition at that time was only to speak English well, please my parents, study hard, and grow up to be an American.

The newspaper in Denver, where we lived, had a motto that read, "'Tis a privilege to live in Colorado."

My father used to repeat that motto on a regular basis, but he would often add a reminder: "Kids," he would say, "never forget that it is also a privilege to live in the United States."

Long after I left home, my mother would call on the Fourth of July to ask my children, her grandchildren: "Tell me, are you singing any patriotic songs?"

Senators, you on your side of the table and I on my side, have a unique opportunity to be partners in creating a new and enduring framework for American Leadership. One of my predecessors, Dean Acheson, wrote about being present at the creation of a new era. You and I have the challenge and the responsibility to help co-author the newest chapter in our history.

In so doing, let us remember that there is not a page of American history of which we are proud that was written by a chronic complainer or prophet of despair.

We are doers.

By rejecting the temptations of isolation, and by standing with those around the world who share our values, we will advance our own interests; honor our best traditions; and help to answer a prayer that has been offered over many years in a multitude of tongues, in accordance with diverse customs, in response to a common yearning.

That prayer is the prayer for peace, freedom, food on the table and what President Clinton once so eloquently referred to as "the quiet miracle of a normal life."

If with your consent, I am confirmed as Secretary of State, I will ask you to join me in doing all we can, as representatives of the indispensable nation, and with the help of God, to answer that prayer.

Thank you very much.

Mr. BIDEN. Thank you, Mr. President.

Mr. President, Ambassador Albright possesses a rare talent for articulating the reasons why events in seemingly far away places matter a great deal to ordinary Americans.

I was with another member of this administration, Sandy Berger, today and we were talking about it. I said that I had to leave to go and deal with Madeleine Albright's nomination on the floor. And I said, "They seem to like her." I don't think this is inappropriate to suggest. There is no State secret. He said, "We were at a meeting, and she used the line that I think is great, and it captures what is going on. She said, 'It is amazing that the 1 percent of the resources of this Government may very well' "—that is approximately what we spend on the whole foreign policy establishment of this Government—"'1 percent of the resources of this Government will probably determine 50 percent of the future of this Nation over the next 6 to 8 years.' "

The reason I bother to mention that as an aside is that one of the things she

grasped very well, as all great Secretaries of State have, is in the context in which she is operating, and the context in which the foreign policy it will be her responsibility to promote will be hers.

Ambassador Albright has made a convincing argument for the United States to remain engaged throughout the world and for this Congress to give the State Department the resources it needs to, as she said, "promote and protect the interests of the American people."

I look forward to working with Ambassador Albright to secure an adequate level of funding for her to direct American diplomacy, in order that our Foreign Service officers, our U.S. Information Service officers, and our Agency for International Development workers can be active throughout the world. We need a diplomatic corps that can react quickly and decisively to crises before they escalate and then threaten peace and stability. We cannot afford to keep the State Department so underfunded that diplomats are reduced to making calls from pay phones because our missions are so poorly equipped that even the telephones don't work.

Mr. President, there is much more to say and much that has been said. I do not want to be the one to slow up the process. Let me conclude by suggesting that I particularly look forward to working with Ambassador Albright in a number of specific areas—the ratification of the Chemical Weapons Convention before it enters into force April 29, and to negotiate further arms control treaties, including a Start III accord.

I also look forward to developing a policy in Bosnia that allows us to withdraw our forces by mid-1998 without allowing a relapse into renewed fighting among the various parties there.

I also am looking forward to encouraging democracy throughout the world in places like Serbia, Belarus, Iraq, China, Burma, and Cuba, all of which are going to be daunting tasks we face. And to be sure, before NATO decides to admit new members—I hope that we will—that the enlargement will increase the security of all the countries in Europe, and, second, that the costs of enlargement are fairly allocated in a manner not unduly burdensome on the American taxpayer. And third, that a NATO charter with Russia can be concluded that allows the alliance the opportunity to consult with Moscow before making final decisions, in order to accommodate enhanced security in Europe. And also to increase our efforts at combating the scourge of international drug trafficking, which threatens so many of our neighborhoods and families.

The one thing that every Secretary of State has given lip service to is dealing with that issue. The one thing that every Secretary of State, Democrat or Republican, has promptly forgotten is a commitment I have gotten before from every Secretary that they will not forget. But I want the RECORD to note, if Madeleine Albright is listening, that I remind her I will not forget her commitment that the State Department should be involved in that testy, little, difficult item of dealing with the international drug problem. The truth of the matter is most folks at the State Department and foreign policy types think it is kind of beneath them to deal with drug policy, and I am here to tell them, now that I rank on the Democratic side, I will be a thorn in their side about increasing their attention to that issue.

Mr. President, I am enthusiastic about the prospect of working with Ambassador Albright over the next 4 years. I am confident that she will cooperate closely with the Senate to ensure that our foreign policy continues to embody American ideals and to serve the interests of the United States around the globe.

I strongly urge my fellow Senators to vote to confirm Madeleine Albright as our next Secretary of State.

I thank the Chair and yield the floor.

Mr. GREGG. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Will the Chair advise me of the time situation.

The PRESIDING OFFICER. The Senator from New Hampshire has 44 minutes remaining. The Senator from Delaware has 28 minutes remaining.

Mr. GREGG. It would be my proposal then to yield 5 minutes to the Senator from Montana and then speak myself 5 minutes to try to get the time more in line. I yield to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I thank the Senator from New Hampshire.

I rise today in support of the nomination of Madeleine Albright, our Ambassador to the United Nations, to be Secretary of State.

As we all know, the Ambassador is a highly intelligent woman with a solid history in foreign affairs. We have just completed visits to countries where we have a very high investment in military, and let me tell my colleagues in the Senate that we still live in a pretty tough world. Our challenges are still there.

Not only does she bring to her position experience from academia but also the administrative arm of our Government and the legislative side. So I am certain that she knows how this process works. Based on that knowledge, I think she knows how to work with this Congress and forms a solid foundation of trust and openness that is required of all of us.

Considering Secretary Christopher's introduction at the Foreign Relations Committee hearing and Ambassador Albright's testimony in which she stated, "I can assure you that I am going to tell it like it is here and also when I go abroad," I am hopeful that her relationship with the Congress will be an open one and an honest one.

By her frankness, however, there are issues which concern those of us who live in the State of Montana. We may disagree with the Ambassador in some areas. Although she has promised that "one of the major goals of this administration is to make sure that the American economic lifeline is protected," the Ambassador has also stated she is supportive of the fast track provision to include Chile into the North American Free Trade Agreement. Treaties like NAFTA have not exactly been a windfall for my State of Montana. And the mere suggestion of expanding it does not sit well when you have been impacted like we have, being a border State.

As legislators and leaders, we must ensure that free and fair trade is part of any treaty, and if it is not, then those treaties or agreements should not even be considered. I hope the Ambassador will remember this vital element when negotiating as a U.S. representative around the world.

Also, in the past, I have had great concerns about what I have perceived as her overly enthusiastic willingness to use American troops abroad just from some of the statements she has made.

I see she did in her testimony give a statement that would raise our comfort level a little more, and I think that statement is good enough for me. I have always believed that the United States should never forget that sending our troops into dangerous situations should only be done when our national security is in jeopardy. Ambassador Albright seems to understand the gravity of this concept, and I am now assured that she will not take such action when policies face that kind of situation.

Based on that, and I know we are squeezed for time and there are many statements to be made about this wonderful lady, I hope that my colleagues will support her to be confirmed in this nomination.

I thank my friend from New Hampshire. I yield the remainder of my time, and I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator is recognized on the nomination in the time under the control of the minority for 4 minutes.

Mr. SARBANES. I rise in very strong and enthusiastic support of the nomination of Madeleine K. Albright to be Secretary of State.

In my judgment, Ambassador Albright is an outstanding choice for this position. Her experience, both personal and professional, as well as her demonstrated leadership ability, her steadfast adherence to the values and principles that Americans hold dear, and her vast and indisputable knowledge of the many complex issues that will no doubt confront our next Secretary of State, make it clear why President Clinton has selected her.

Ambassador Albright's work with the administration over the past 4 years testifies to her ability to excel at two very different aspects of the position for which she has been nominated. She has worked within the administration to craft effective responses to the international challenges we face—obviously a prime responsibility of the Secretary of State. She also during these last 4 years has articulated those policies in a clear and persuasive manner, building support among the American people and winning the cooperation and respect of the international community. Her capability in both the private and public arenas of policymaking is most impressive.

It is abundantly clear to those familiar with her record that she represents a very tough-minded and perceptive choice on the part of the President. She has distinguished herself in many institutions and aspects of foreign policymaking, from the executive and legislative branches to the world of academia. Over the past two decades, she has served as a staff member both at the National Security Council and in the Senate, where she worked with our former colleague, Ed Muskie, who himself then later became Secretary of State. As a scholar, she has earned respect in the academic community as a researcher and teacher, consistently drawing high praise from her students—further testimony to her ability both to come up with solutions to complex issues as well as to explain them to the community at large.

As president of the Center for National Policy, a nonprofit research organization formed by representatives from government, industry, and labor, she not only gained an understanding of the nonprofit sector but worked to bring together these diverse groups in the interest of domestic and international policy.

For the past 4 years she has served in the President's Cabinet as Permanent Representative to the United Nations, where she has addressed issues ranging from economic development to peacekeeping to counternarcotics, and has dealt with conflicts that span the globe.

Under her leadership the United States gained Security Council approval for the United States-led, multinational effort to restore democracy in Haiti, for resolutions condemning human rights violations in countries including Cuba, Sudan, Burma, Nigeria, Iran, and Iraq, and for the establishment of an inspector general to crack down on waste and fraud within the U.N. system. That she accomplished these and many other important goals at a time when the United States was the world's largest debtor to the United Nations, thereby undercutting our influence in that institution, bears witness to her formidable diplomatic skills.

What Ambassador Albright will bring to this position, however, reaches far beyond the qualifications that are listed on her impressive résumé. Her own personal family history of escaping from persecution, first at the hands of the Nazis and subsequently at those of the Communists, has given her a profound understanding of the values and interests at the very heart of U.S. foreign policy. At her hearing, she eloquently reminded us that freedom and democracy can be challenged from both the left and the right of the political spectrum. She told the committee, "It might be said of America that we have no permanent enemies, only permanent principles. Those principles are founded in respect for law, human dignity and freedom, not just for some, but for all people."

Referring to the United States as "the indispensable nation," she challenged us to become "the authors of the history of our age" by seizing the opportunity to meet the demands of a new century.

I think we all agree on the importance of having the President's new foreign policy team in place as quickly as possible, and I am pleased that the Foreign Relations Committee and the full Senate are acting upon this nomination in such an expeditious manner. I understand the Armed Services Committee is also moving expeditiously to consider the nomination of our former colleague, Senator William Cohen, to be Secretary of Defense. We have before us a full and pressing agenda: the ratification of the Chemical Weapons Convention and budgeting adequate resources for the effective conduct of our foreign policy, to mention only two. Ambassador Albright's confirmation hearing proved to all of us President Clinton's insight in selecting her for this significant and weighty assignment. He chose her for her demonstrated competence, her broad range of experience, for her consistently sound advice, and her exceptional ability to explain international issues to Americans while conveying U.S. policies and principles to the world.

I believe that Madeleine Albright is eminently qualified to become Secretary of State. I urge my colleagues to join with me in approving her nomination.

Mr. President, I yield the floor.

Mr. MCCONNELL. Mr. President, I am pleased to rise in support of Ambassador Albright's nomination as Secretary of State. I am confident she will serve our national security interests with distinction.

While she has managed a broad portfolio in her capacity as our Ambassador to the United Nations, there are two issues where I have had occasion to work closely with her and have been particularly impressed with her views and commitment.

On Burma, Ambassador Albright has consistently delivered a tough message to the ruling junta: We expect improvements on human rights, we expect a serious effort to be made to combat the scourge of narcotics trafficking.

She has recognized that the key to progress in both areas is to restore democracy to Burma.

To the supporters of Aung San Suu Kyi and her legitimately elected Government of Burma, robbed of their victory in 1991, Albright has been the sole voice of support and hope in this administration.

Following the International Conference on Women in Beijing, she traveled to Rangoon and met with Aung San Suu Kyi.

This may not seem to be exceptional, but Ambassador Albright is the only senior official in the administration to meet with Aung San Suu Kyi and has been alone yet unfailing in her outspoken support for the advancement of Burma's freedom from the thugs who currently rule.

A few weeks ago, after several hundred students and citizens were arrested for calling for political change, Ambassador Albright spoke out forcefully and in clear terms at the United Nations that this oppression must come to an end.

Last year, during consideration of the foreign operations bill, we included language which established criteria for imposing economic sanctions against SLORC.

Specifically, we required sanctions be applied if there was large scale repression against the opposition or if any action was taken to harm or rearrest Aung San Suu Kyi.

Since the bill passed, the administration continues to be in a holding pattern claiming our policy is under review, a review which has been going on for several years.

In the meantime, more than 500 people have been arrested when Aung San Suu Kyi ventured from her compound several weeks ago, her car was stoned and smashed by thugs as SLORC police looked on. Since then she has been under undeclared house arrest.

Given her past support I am hopeful Ambassador Albright will finally take the necessary steps to position this administration squarely in support of democracy and its most eloquent, dignified advocate Aung San Suu Kyi.

Let me comment briefly on one other area where I believe Ambassador Albright has already made a difference.

During the administration's recent consideration of the level of support for the foreign affairs account she has been unflinching and unapologetic about the need to provide adequate resources to administer American foreign policy and assistance programs.

I share her view that we have reached a crisis point—we cannot afford to compromise our financial support for our embassies and programs abroad based on a misguided notion that further reductions will actually make a difference in balancing the budget.

The 150 account is already less than 1 percent of Federal spending—further cuts will not make any meaningful contribution to controlling our budget deficit and, in fact may actually make it worse.

Cutting back on America's presence overseas has a direct impact on American commercial interests—without export promotion programs to launch and support them in critical but risky new markets, American business men will lose long term access and share—and as we all know, exports are the key to both American income and 11 million jobs.

It's not just our economy that is affected, our presence abroad has a direct affect on protecting our interests in combating terrorism and narcotics trafficking, direct threats to our communities and families.

American leadership has paid a premium in peace and prosperity but it comes at a price. Madeleine Albright has courageously and clearly defended the importance of making that down payment.

I am confident that she will bring the same frank, smart, and tough approach to her new responsibilities that we have seen her exercise in her current position.

I ask unanimous consent that Ambassador Albright's statement at the United Nations be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY AMBASSADOR MADELEINE K. ALBRIGHT, UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS, IN THE GENERAL ASSEMBLY, ON THE HUMAN RIGHTS SITUATION IN BURMA, DECEMBER 12, 1996

The United States strongly supports this resolution on the human rights situation in Burma, and I congratulate my colleagues from Sweden for the skill and commitment with which they authored and gained agreement to it.

This resolution reflects the consensus view of the members of the United Nations, a view premised on the ideals of the UN Charter and the principles enshrined in the Universal Declaration of Human Rights. It reflects the hard-earned wisdom of the international community that every government of every society should be held to certain minimum standards of respect for the rights and freedoms of its own people.

Regrettably, the current government of Burma is not meeting these minimum standards. It has subjected democratic forces to a kind of rolling repression in which small steps forward alternate with crackdowns and episodes of intimidation and violence.

The Burmese authorities, known as the SLORC, have refused to enter into a meaningful dialogue with the leader of the National League for Democracy, Aung San Suu Kyi, or with other democratic leaders and representatives of the major ethnic groups. They have continued to deny to their citizens the fundamental political freedoms of expression and assembly. And they have engaged in torture, forced labor, forced relocations and summary executions.

It is increasingly clear that the failure of Burmese authorities to respect civil and human rights is causing unrest within the country.

Recent student demonstrations, although non-political in nature, have been harshly repressed. The Government has periodically curtailed the right of Aung San Suu Kyi to address her supporters in public and even to leave her home. Last November, her motorcade was attacked by a mob that could only have acted with official authority and blessing. As we speak, the restrictions on her movements and activities are the most severe since her release from "house arrest" in July, 1995.

Although the SLORC professes a desire to move Burma in the direction of democracy, it has not done so. The Constitutional Convention it established to create the illusion of a national political dialogue is a shamefully controlled and orchestrated by the government. As a result, the Convention has been a source not of reconciliation, but of further division.

Finally, the Government of Burma has refused to cooperate with the UN Special Rapporteur and with the Special Representative of the Secretary-General.

The Burmese authorities would like the world to believe that its harsh policies are necessary in light of Burma's turbulent history and the multi-ethnic nature of Burmese society. But as the Resolution approved today shows, the world does not accept that excuse. The right of people to participate freely in a democratic political process is an ally—not an enemy—to national unity and social peace.

Experience tells us that the kind of stability that may be achieved through repression is sterile, superficial and temporary. It is a stability maintained by fear, in which the human resources of a society are held back and beaten down.

Lasting stability, economic prosperity and a rich cultural life come when people are free to make use of their full talents and abilities. A society blossoms when those who govern respect those who are governed, and when the people have confidence in those they have chosen to make and enforce their laws.

For Burma, the path to that kind of future is outlined in this resolution.

In it, we call upon the government to cease abusing human rights, to empty their cells of those detained for political reasons, to permit UN representatives to visit; and to begin a genuine dialogue with democratic and ethnic leaders.

The more time elapses before these steps are taken, the more the pressure will build, the more divided Burma will become, and the more difficult it will be for Burma to achieve a peaceful transition to democratic rule.

The international community would like to see Burma develop into a stable, prosperous and democratic society. We would like to remove Burma from the list of nations about which we annually express concern.

But as long as repression remains the government's chosen means of conducting business with its own people, we will continue to meet our own responsibility to speak up; and to assert the validity in Burma of the universal and cherished principles by which all nations have agreed to live, and without which, no nation can fulfill its potential.

Mr. GREGG. Mr. President, I yield myself such time as I may consume.

I rise to speak, along with my colleagues, on the good counsel, good decision the President has made in choosing Madeleine Albright. I think it also is appropriate at this time to acknowledge the extraordinary effort and the extraordinary commitment of service that was made by Secretary Christopher during his term as Secretary of State. He was a patient and tireless pursuer of peace around the world. I may not have agreed with all his policies, but certainly in a number of areas his successes are considerable and I point specifically to the Mideast.

Equally important, he was an individual totally committed to raising up the standard of living and of support for members of his team, his Foreign Service team and their families, something I am also committed to, that, as chairman of the appropriations committee which has jurisdiction over the State Department, I feel very strongly we must continue to pursue. So I congratulate him on his efforts.

Ambassador Albright is someone I have had a chance to work with, relative to her time at the United Nations. I know she will bring to the office of Secretary of State a great deal of integrity and a great deal of energy. Of course she has a unique personal background that I think will be a tremendous asset to the President, as he and she develop international policy.

But, as we address the issue of Madeleine Albright's nomination I think we need to go beyond the person. I intend to vote for her and vote with enthusiasm for her, but I do believe very strongly that we need to raise the issue of policy, as to how this administration is pursuing the decisions of foreign policy in a number of arenas because there are some problems and I have significant reservations, as I know many of my colleagues do. I know there has been some discussion on the issue of Bosnia, and the question as to how the administration acted and is going to continue to act there, the fact that basically neither the Congress nor the American people were told fully of the policies there, and in fact were really misled as to the decisions that were made there, as to the removal of American troops. But rather than focusing on that issue, that I know some of my colleagues were talking about, I want to focus on two other issues I think are

critical and about which this administration's policies need to be reviewed with considerable intensity.

The first issue is how we deal with the United Nations. It is my understanding the administration will be sending up a supplemental request or some other form of request for an appropriation to fully fund the arrearages that are due to the United Nations. I happen to be a supporter of the United Nations, its goals and purposes. But I also am realistic enough to know that body has not functioned very effectively and that body has spent a lot of money ineffectively and has had a significant track record of patronage, of misuse of funds, and in some instances of actual abusive use of funds.

The question becomes how should we pay these arrearages? Should we just do it in a carte blanche manner or just do it in an orderly manner that allows the United States to assert financial interests of the integrity within the institution, of its management of day-to-day operation, and of its delivery of services? To date we have not had a great deal of success in that area. There has been a lot of talk about it. The United Nations has claimed that it is now funding a no-growth budget, something which is very suspect even though the State Department has certified it. It is very suspect because there are $154 million worth of reductions in spending which they claim they are going to make, but which have not been identified. Yet we see the State Department accepting them at face value, which is something I think this Congress should have a great deal of problems doing for any American agency.

In addition, we hear the United Nations is aggressively pursuing reform within itself. But that reform does not seem to be broad. It also does not seem to be willing to be subject to significant review. An inspector general has been appointed, but that inspector general's portfolio has been significantly limited.

We, as a Congress, have also been significantly circumscribed in our ability to determine how the dollars are being spent.

Why is it important that we look at this? Well, because 25 cents of every dollar that the United Nations spends comes from the American taxpayer, and we have to go back to our constituents and say those dollars are being spent effectively.

I personally have no problem funding the United Nations at a level that is reasonable, but I do have a great deal of problem funding some group of individuals simply sitting at a desk who got those jobs out of patronage or because they happened to know somebody or related to somebody and are not pursuing and accomplishing a great deal, either to the benefit of the United Nations or the world. Yet, there appears to be a significant amount of that going on.

I had one U.N. spokesperson say to me, "But we have 290 countries looking over our shoulders making sure every cent is spent appropriately." The fact is, just a few nations are actually paying for the spending. Most of the nations that participate in the United Nations either contribute very little or, in some cases, nothing to general coffers, and they are not looking over their shoulders to determine how the money is being spent effectively. In many instances, they are looking over the shoulders to see how much money they can get spent on them.

So, really, it is the United States role in the exercise of reviewing the United Nations that we be much more aggressive in financial review and management of that institution.

This is something I do not think this administration has pursued aggressively enough. Ambassador Albright, to her credit, tried to pursue it aggressively, but I think that once we take off the lever of the arrearages issue and simply sign a blank check for arrearages, we lose our capacity to effectively pursue United Nations reform in its own house, and that is something that I will be very resistant to doing.

I believe Congress should put a strong fence around any funds for the United Nations, and before those moneys can be spent for arrearages, there must be a hard account—a hard account—of how the reforms have occurred and whether or not they are going to be effective.

Second, this administration's actions in the area of terrorism, which is a core issue of foreign policy—in fact, there is no greater threat to this country today than the act of a terrorist, either orchestrated by a foreign power or orchestrated by an international group of individuals directed at our country—there is no greater threat to our country today.

We came out of the cold war where the threat was two nations confronting each other with nuclear armament into a world where we have innumerable factions around the world who, for whatever reasons—whether they are religious, whether they are personal, whether they are just economic—have decided to make the United States the target of their concerns and, in many instances, these are fanatics.

We, as a nation, must be much more aggressive in addressing the issue of terrorism. To do this, we have to have a coordinated effort that starts with the President and involves the core agencies at the Federal level, including the State Department, the CIA, the Defense Department and the Justice Department, and especially the FBI in the Justice Department.

I have been concerned and have spoken on this floor a number of instances about the fact that although we have leadership in those Departments who have raised the issue of terrorism to a high standard within their Departments, and although those leaders talk to each other—Secretary Christopher was aggressive in talking to other agency heads, the Defense Department, CIA, and Justice—we do not yet have in place a systematic process for pushing down through the agencies the cooperation which is necessary in order to have a coordinated effort. In fact, we still have in the field significant resistance from the State Department to FBI agents being placed overseas for the basic purpose of law enforcement, and we have a real lack of communication, in many instances, between the FBI, CIA, and the field people who do the work for the State Department.

Until we put in place a systematic process of developing information and getting it back to a central group in this country who can use that information effectively, we will be continuing to blind ourselves as a nation as to the threat of terrorism and our ability to respond to it.

This has to come from the top. It has to come from the President. The President has to have the leadership of the agencies sit with him on a regular basis and develop a plan which is then communicated down through the various levels of the different Departments. But it has not occurred yet. To be honest, I do not think there is a sense of urgency expressed yet within this administration to do that. So, once again, I have a strong concern and hope that they will take this issue on.

So those are two public policy issues which I think this administration has yet to adequately address, and I hope the new Secretary of State, Ambassador Albright, will pursue them. They are put on the table by myself as a matter of a caveat item of concern that, as chairman of the committee which has jurisdiction over the State Department and the Justice Department, I intend to continue to push and to which I hope this administration will respond.

Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KERRY. Mr. President, I rise to strongly support the nomination of Madeleine Albright to be Secretary of State. I thank the majority leader for moving so rapidly to schedule both this debate as well as the vote.

I believe the overwhelming vote—probably unanimous—in favor of Madeleine Albright is going to properly reflect the confidence and esteem in which she is held by the U.S. Senate.

I think the President should be greatly commended for this nomination. Obviously, he has chosen not only someone who is eminently qualified to be Secretary of State, but he has made a wonderful statement to the world about the possibilities in the United States of America. It is something we often talk about, but Madeleine Albright will be a living example, an Ambassador, even as Secretary of State, of the opportunities in this country for an immigrant as well as for women. I think all of us should be very proud of that.

She brings a remarkable amount of knowledge and practical experience to this job. She is an academic with recognized expertise in the politics and policies of Russia, Central and Eastern Europe.

During her tenure as our representative at the United Nations, she has shown herself to be a remarkably forceful and effective diplomat. Of particular importance to us here, she understands the Hill, she understands the Congress, she understands the constitutional prerogatives thereof, and she has worked as well with the executive branch as she has with the legislative branch of our Government.

During her 4 years at the United Nations, she established an impressive record of accomplishments on behalf of our country. Thanks to her determination, the United States was able to hold the line on U.N. sanctions against Libya and Iraq and to gain the Security Council's approval for the United States-led multinational effort to restore democracy in Haiti, an effort, I might comment, met with significant resistance in this country, that represented both a gutsy, courageous decision and one which has made an enormous difference, ultimately, for the people of Haiti and, I think, also, one might say, to our country because of what we accomplished and also because of the practical things that we avoided with respect to the forced immigration and difficulties we were facing with refugees coming to Florida.

In addition to that, her very strong personal advocacy led to the establishment of the War Crimes Tribunal for Rwanda and the former Yugoslavia and for the fulfillment, really, of Eleanor Roosevelt's proposal for the establishment of a new position, the High Commissioner for Human Rights.

In the very difficult area of U.N. reform and management, which is an area Senator GREGG referred to, and other Senators have expressed a great deal of concern about, particularly those of us on the Foreign Relations Committee, Ambassador Albright's determined and personal efforts have led to the establishment of an inspector general, the adoption for the first time in history of a no-growth budget. As suspect as Senator GREGG says some of the promises may be, it is in place and I believe we are in a position to help leverage that now for the first time, and also, most important, the election of a new Secretary General who understands the paramount need for continued reform.

Those of us who know Ambassador Albright were not at all surprised by her deft handling of the nomination process itself, the way in which she impressed both the public and the Senators who were part of that confirmation process earlier this month.

As the former chairman and now ranking member of the International Operations Subcommittee, I was particularly pleased that Ambassador Albright shares my concern about two important issues. They are not the only things we share, but two that I want to just spend a moment on.

One is the need to ensure that the State Department has adequate resources to conduct our diplomacy in this increasingly complex world. I think it is vital for us in the Congress not to balance the budget of the United States on the great international interests we have, to nickel and dime many of those vital interests as we go forward in this far more complex world.

Many of my colleagues spend a lot of time extolling the virtues of the end of the cold war, and well we should. But the end of the cold war does not mean the end of the need for personal diplomacy or for vigilance or for American presence. I would respectfully submit that it means the need for more, not less. And the new kind of conflicts that we see, conflicts that emerge out of nationalism, out of fundamentalism, the problems of terrorism and working on treaties and various agreements, and legal agreements to exchange law enforcement and information, all of these things really demand more personal diplomacy than ever before.

Indeed, the extraordinary confrontations we face internationally on issues of resource allocation, refugees, human rights require the United States of America, the preeminent leader on these issues in the world, to be able to make our presence felt.

Mr. President, that means people talking to people. It does not mean closing every mission or closing every outpost in the world. It frankly means a greater presence, not a lesser presence. I believe that that will return to us in so many hundreds of thousands of ways, some of them immeasurable, but most of them measurable, that it is well worth the investment of this country.

The second area, I believe, is the importance of developing a multilateral strategy to combat the increasing threats positioned by international crime. Without such a strategy, we will find ourselves increasingly threatened in the face of a growing global criminal network that tears at the fabric of our society and jeopardizes our relationships with other nations.

In the coming months we have to address a host of important issues in the Senate: arms control and foreign policy issues, including the Chemical Weapons Convention, the Nuclear Safety Convention, the future of the Anti-Ballistic Missile Treaty, the U.N. funding and reform, and the question of resources for international affairs, agencies and programs. So I look forward to working with the new Secretary of State on those issues.

Mr. President, many of us have had the honor of working with Ambassador Albright for the last 4 years. We know she has a remarkable grasp of the issues that we face and a determination to confront the challenges. We should remember that she brings a very important additional quality to this job—it is a special quality, and I think particularly important in this time—and that is the ability to connect with the American people and to help define to the American people the complexities of our interests in foreign policy and to do so in a way that all Americans can understand and appreciate.

When we visited in my office prior to her confirmation hearing, Ambassador Albright said to me that her first objective was to make the American people understand what we are trying to accomplish, how we are trying to accomplish it, and their stake in what we are trying to accomplish in their name. Like any smart politician, she understands that no foreign policy can be successful ultimately without the support of the American people. I am confident that she will engender that support in her new role as Secretary of State.

So today we have an opportunity to help make history in the U.S. Senate by confirming a remarkably talented person who happens to also be a woman as the next Secretary of State. I am pleased to cast my vote along with others for Madeleine Albright. I know she will undertake her new job with great thoughtfulness and creativity and with a zest that will make us proud.

I reserve the remainder of time for our side of the aisle.

The PRESIDING OFFICER. Who yields time?

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Thank you very much. I thank the Senator from North Carolina for this opportunity to speak.

I am delighted to have an opportunity to participate in the discussion of the confirmation of the President's choice for Secretary of State, Madeleine Albright.

Generally, Mr. President, I respect the Executive's prerogative to choose Cabinet officers whom the President believes will faithfully and diligently execute the Administration's policies. However, in our federal system, the

Senate plays an important role in the confirmation process through the constitutionally granted power to "advise and consent." It is this duty—the duty to advise and to grant consent—which brings me before you today, for I have grave concerns regarding the conduct of U.S. foreign policy under the Clinton administration.

As a member of the Foreign Relations Committee, I had the privilege and the responsibility to question Ambassador Albright concerning her strategic vision for the conduct of U.S. foreign policy. Ambassador Albright is a capable and forceful advocate of the Clinton administration's agenda. I am confident that she will serve the President with honor and distinction. Unfortunately, I am equally confident that Ambassador Albright will continue to promote the same misguided Clinton foreign policy that we have had for the past 4 years.

We need our foreign relations to be conducted at the highest level of integration and coordination, and the highest level of representation of the sovereign interests of this country and the American people. We must ensure that our influence is used to advance the national interest and to ensure respect for American leadership abroad. National prestige is reinforced and enhanced when we operate with a coherent, concise, and understandable foreign policy. As the world's only remaining superpower—we must enhance our capacity to deliver military, economic, and moral leadership with clarity.

To date, the Clinton administration has reacted to foreign policy developments, but has failed to a develop a foreign policy. The administration has lurched from managing one crisis to another, but never articulated the national interest in accordance with a core philosophy. Instead of consistently safeguarding and promoting our values abroad, the Clinton administration has acted on an ad hoc basis according to the exigencies of the moment, confusing our allies and emboldening rogue nations. China was emboldened to conduct missile tests off the coast of Taiwan; North Korea was emboldened to further the development of their nuclear weapons capabilities; Saddam Hussein was emboldened to strengthen his position in northern Iraq.

Mr. President, in her confirmation hearing Madeleine Albright said, quoting the President of the United States, "Where our interests are clear, our values are at stake, and where we can make a difference, we must act and we must lead." This formula for deploying American forces is one which is so broad and so vague that it sends signals which might confuse other players in the international arena.

"Where our interests are clear"—I suppose we could have an interest anywhere—and "where our values are at stake"—I am sure the values we hold dear are at stake in every situation around the world—and "where we can make a difference." Well, the truth of the matter is, no one would think that we would send our troops where we could not make a difference.

I remain concerned that if we deploy troops in too many instances just because there are interests and there are values at stake and we can make a difference, there may come a time when our troops will be so occupied that they will not be available to protect strategic national interests where we must make a difference.

It is important that we ask the Secretary of State-designate and this administration for a well-defined set of guidelines for how we deploy the strength of the United States around the world. The absence of such a policy, I think, could be disastrous in terms of our own interests and could be confusing and send the wrong signals to the international community. In that respect I send to the desk for inclusion in the RECORD an editorial from the Philadelphia Inquirer of January 13, 1997, regarding this matter and the hearing and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STATECRAFT—AFTER MADELEINE ALBRIGHT SKATES TO CONFIRMATION, IT'LL BE PERFORMANCE, NOT RHETORIC, THAT COUNTS

During her confirmation hearings for secretary of state last week, Madeleine Albright was asked when America should intervene abroad.

She quoted a high-sounding but vague statement by President Clinton: "Where our interests are clear, our values are at stake, and where we can make a difference, we must act and we must lead."

Sen. John Ascroft, a Missouri Republican, asked with understandable perplexity, "How do we set those priorities? Are there ever times where we don't act where we could make a difference because we need to reserve our capacity to act where we *must* make a difference?"

Mrs. Albright, who served in Clinton's first term as ambassador to the United Nations, replied that such choices are policymakers' most difficult task. But that is precisely the mountain she must move if the Clinton foreign policy is to gain coherence. As Americans struggle to find the line between isolationism and global gendarme, Mrs. Albright still hasn't clarified where she stands.

Her confirmation hearing was a lovefest, in part because she charmed conservatives by bashing Cuba and former United Nations chief Boutros Boutros-Ghali, in part because she will be the first woman to hold such high office. But she didn't resolve the contradictions in her political and diplomatic track record of interventionism.

As a child of refugees from Hitler and Soviet communism, Mrs. Albright says her thinking was molded by Munich rather than Vietnam (that is, she sees U.S. intervention as good, not evil). But it has often seemed her litmus test for U.S. intervention was more a hope of doing good, than a pursuit of vital U.S. interests.

On taking her U.N. post, Mrs. Albright called for "assertive multilateralism," meaning America should lead, but work through international organizations like the United Nations. But she dropped that idea after the U.N. and American peacekeeping debacle in Somalia (for which she bears much responsibility).

Now Mrs. Albright talks about a pragmatic "doability doctrine." She said America isn't the world's policeman. But she never answered Sen. Ashcroft's question.

The lack of clues to an Albright doctrine wouldn't be so worrisome had she demonstrated a firmer grip of strategy over the past four years. Instead, she became known more as the queen of the TV sound bite, coining punchy foreign policy phrases to compensate for the taciturn Warren Christopher. Pundits praise her "passionate" approach, but in her new job it will be strategy and performance that count, not rhetoric. Perhaps she can avoid her boss' history of confusing the two.

Mr. ASHCROFT. Mr. President, during her confirmation hearing Ambassador Albright stated that "we are not the world's policeman, nor, . . . are we running a charity or a fire department." However, she failed to recognize that the combination of her so-called "assertive multilateralism" and a "do-ability doctrine"—whereby the United States acts "in the places where our addition of action will, in fact, be the critical difference"—places the United States, as a practical matter in the position of being the world's policeman, of running a charity or a fire department.

For the past 4 years, the pursuit of the United States' national interests has been obscured by an overriding reliance on multilateral action. The administration's embrace of 'assertive multilateralism' has resulted in both the abdication of our responsibilities and the misguided projection of our power. For example, instead of applying the Reagan Doctrine to Bosnia by equipping and training the Bosnian forces in spite of our allies' objections, the Clinton administration subcontracted our role of arming the Bosnians to a terrorist regime in Iran, allowing fundamentalists to gain a foothold in the heart of Europe and thus unnecessarily endangering the lives of U.S. troops. In contrast, the administration's attempt at nation building in Somalia sacrificed the lives of 19 brave Rangers without regard to whether such action advanced our vital national interests. When this administration acts according to the exigencies of the moment instead of according to an underlying philosophy, the country lurches from paralysis to mission creep without regard to the national interest.

Recently, there has been discussion of the possibility of reworking our entire military force structure—which is presently based on the capacity to fight two simultaneous major regional conflicts—in order to enable us to commit U.S. troops to an ever-growing number of multilateral peacekeeping

missions. I am concerned that we may sacrifice our vital national security interests in order to be able to participate in peripheral endeavors. We should not be shortsighted. We should not lose sight of what we must do in order to accomplish what we can do. Our military should be used to protect our national security interests, not provide peacekeeping in areas without strategic significance.

We need to continue to very closely monitor the foreign policy of the Clinton administration in terms of the national security interests of the United States. We must be vigilant about the deployment of U.S. troops around the world, including deployments that might include an attempt to place U.S. troops under the command of individuals who are not U.S. citizens and who do not have the kind of values to which we are committed.

Mr. President, in this era of hegemonic stability, with the proliferation of fissile materials and missile delivery systems to rogue nations we must be constantly vigilant to security threats. We must ensure that adherence to Russia's narrow and one-sided interpretation of the ABM Treaty does not jeopardize the safety of the American people. Russia should not have veto power over developing a defensive system to protect the American people from missile attack. Ambassador Albright supports the administration's goal to develop a theater missile defense system that will protect our allies and our troops abroad—but not to develop a system to protect our own territory and citizens at home in the near term. I find this position to be untenable.

Mr. President, we must not only protect the physical security of the United States and the American people. We must also safeguard our sovereignty—our State and local laws and customs from international review. I am troubled by Ambassador Albright's assertion that "there is no such thing anymore as just a purely domestic issue or a purely foreign issue." She says there are only "intermestic" issues, meaning international and domestic issues combined. I think there are some issues of sovereignty that need to be reserved directly and appropriately, not only to the purview of our country, but to its citizens—to individuals and to families. I am concerned about her support of international treaties which could infringe upon the parental and religious rights Americans now enjoy.

I am concerned that we closely monitor the extent to which the United States from time to time by treaty cedes the sovereignty of the American people to international organizations. Madeleine Albright, the Secretary of State-designate, for instance, signed the United Nations Convention on the Rights of the Child. Britain, which has ratified the treaty, is now being called on the carpet because they allow moderate corporal punishment of children by parents. I simply do not think we need to look to the United Nations or international organizations to tell us whether moderate spanking of children is allowed in the United States. Inasmuch as she was an individual who signed the treaty on behalf of the United States, I think it behooves us, given her commitment to the so-called "intermestic" nature of all issues, that we ask her to be especially careful about the sovereignty of the United States and the prerogatives of individuals in specific States. Ambassador Albright stated that "the promotion and protection of international human rights may require that domestic state and local policies in certain areas be open to international scrutiny. We have no reason to fear it." I would suggest that any threat to our sovereignty, any threat to our State and local laws, any threat to the sanctity of the family, is a reason to be vigilant.

In order to safeguard the national interest, we must reorganize our foreign policy apparatus. This Nation is still saddled with an unwieldy cold war foreign policy bureaucracy in which many of the functions of AID, ACDA, and USIA could be better handled by the State Department. I was hoping that Ambassador Albright would come forward in support of this effort, as did Secretary of State Christopher—however fleetingly. The American people not only want our Government to reflect their wishes abroad, but they want it to do so coherently, concisely, and clearly. If we have a single voice in foreign policy representing the administration, be it Republican or Democrat, that single voice is most likely to get the job done, rather than the cacophony of voices from competing fiefdoms which undercut the authority of the Secretary of State.

For example, currently there is a "good-cop, bad-cop" approach to foreign policy, whereby the entities who hand out U.S. foreign aid maintain good relations with client nations, while the Department of State essentially holds the line in protecting U.S. interests. We should not be handing out foreign aid to a country at a time when that very country is clearly acting against our interests. When we distribute foreign aid, it should be with an understanding that the United States agency or department asking for coordination and cooperation from a country in one arena is the same agency or department that will be delivering assistance to that country.

We must prioritize our expenditures. There are those in this country, like Ambassador Albright, who think that there cannot be any cuts at all in the foreign relations area. The Clinton administration has actually asked for over $1 billion more in funding over last year's level. Lobbyists for more foreign aid kept trawling the Halls of Congress last year with their buttons saying "Just 1 percent." I just want to point out that the "Just 1 percent" is actually about $18 billion. Ambassador Albright is convinced that we have made "the most out of that (foreign aid) money." I am not so sanguine. We have poured hundreds of millions of dollars into countries over the years with little effect, because we have not tied that aid to internal changes in many countries which would make that aid meaningful and eventually unnecessary.

I am not in favor of abolishing foreign assistance, but I am in favor of sending a signal around the globe that when American citizens are tightening their belts, and exercising fiscal responsibility, there will be some ripple effects in terms of our aid. We need to send a clear signal that the shared sacrifice here at home should be matched by a certain degree of sacrifice around the world. There is a direct correlation between our international prestige and the fiscal health of this country. If we do not have the ability to put our financial house in order, we will not be respected by countries around the world. If we continue to race down the road to bankruptcy, our influence will not be substantial. It is my sense that our stock will rise on the exchange of the world's international community, when we demonstrate our intent to address seriously our responsibilities.

However, the United States is not alone in the need to downsize its bureaucracy and eliminate waste. The United Nations must do the same. To her credit, Ambassador Albright has been an outspoken critic of waste, fraud, and abuse in the United Nations. She was instrumental in initiating an oversight process. However, I am disturbed that she supports the payment of arrears by the United States. The Congress withheld those funds in order to exert leverage for reform. Those funds should not be released until there is tangible evidence that those reforms have been enacted as required by Congress.

I am casting my vote for Ambassador Albright with grave reservations. For I want to make clear that my vote for Ambassador Albright to ascend to the position of Secretary of State is not an endorsement of the Clinton administration's foreign policy. As I noted, I take my "advise and consent" responsibilities very seriously. I also take my oversight responsibilities very seriously. I pray that over time, my concerns that we are in store for 4 more years of an ad hoc foreign policy will prove to be unfounded. Ambassador Albright is an honorable, committed, and distinguished public official. She is eminently well qualified to be our 63d Secretary of State. It is a privilege to be able to cast the historic vote for the first woman to be nominated for this office. As a member of the Foreign Relations Committee, I look forward to

working with her in the future to protect America's interests abroad.

Mr. HELMS. Mr. President, I have a housekeeping matter and ask unanimous consent that the time not be charged to either side.

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

Mr. HELMS. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Second, Mr. President, following his remarks on the nomination, Senator DODD has requested a couple of minutes in morning business. I ask unanimous consent that that be granted and not charged to either side.

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

Mr. DODD. Mr. President, I ask for 10 minutes.

Mr. BIDEN. How much time does the minority control?

The PRESIDING OFFICER. The minority has 12 minutes 21 seconds.

Mr. DODD. I will make it briefer than that then.

Mr. BIDEN. If the Senator needs 10, go ahead.

Mr. DODD. Mr. President, let me thank Senator BIDEN and also my colleague from North Carolina for his understanding. I also thank him and Senator LOTT for the expeditious manner in which this nomination has been treated. Finally, I thank my colleagues on the committee as well, who engaged in a long day of testimony by Madeleine Albright, under an arrangement that allowed us to move this nomination out of our committee on the day of the inauguration. Now, it will allow us to vote here today in the full Senate.

Mr. President, I believe that today's bipartisan cooperation on this nomination will help to forge the kind of working relationship between Republicans and Democrats in the Senate that should make it easier to get the American people's business taken care of here in Washington. I commend the leaders of both sides of the aisle for their efforts in that regard.

To be honest, Mr. President, reaching consensus on this nomination was not difficult at all. That's because the nominee we are considering today is so highly respected by everyone in the U.S. Congress—by Democrats and Republicans, liberals, moderates, and conservatives.

During her nomination hearing on January 8, Ambassador Albright demonstrated a profound understanding of the foreign policy issues confronting the United States as we prepare to enter the 21st century. In her opening statement on that day, she laid out very effectively, in my view, and succinctly why all Americans should care about foreign policy. I would like to quote her:

> Do not doubt.—
>
> Speaking of foreign policy interests.
>
> Those interests are not geopolitical abstractions, they are real.
>
> It matters to our children whether they grow up in a world where the dangers posed by weapons of mass destruction have been minimized or allowed to run out of control.
>
> It matters to our families whether illegal drugs continue to pour into our neighborhoods from overseas.
>
> It matters to Americans who travel abroad or go about their daily business at home whether the scourge of international terrorism is reduced.
>
> It matters to our workers and business people whether they will be unfairly forced to compete against companies that violate fair labor standards, despoil the environment or gain contracts not through competition but corruption.
>
> And it matters to us all whether through inattention or indifference, we allow small wars to grow into large ones that put our safety and freedom at risk.

Mr. President, I believe that summarizes very well why what happens outside of our borders is important to each and every American.

I know that time is limited and many of my colleagues wish to speak on this issue as well. So I will just cover some brief points here, if I can. I certainly would not want to allow the time to pass without making some personal observations about Madeleine Albright.

Obviously, Ambassador Albright's nomination is historic for a number of reasons, and those reasons have been outlined by the chairman of the committee, the Senator from North Carolina, as well as others, over the last several hours. She will be the first woman to hold the position of Secretary of State. Without a doubt, Madeleine is eminently qualified to discharge the duties of this office. She has the expertise, academic background, and leadership qualities that will make her an excellent Secretary of State. I may also point out, Mr. President, that Madeleine Albright speaks, I believe, four or five languages fluently—which will be a first, I think, for anyone to ever hold this position—including her native language of Czech, as well as Russian, Polish, French, and obviously English. This will provide an invaluable tool for the United States, to have a Secretary of State with such a proficient ability to communicate with leaders throughout the world.

I have known Ambassador Albright for many years. Our families have been close. My brother, Tom, was a colleague of Madeleine's at Georgetown University for many years, where they both taught.

Madeleine is also no stranger to the Congress and she keenly understands the need to return to a bipartisan consensus on American foreign policy. In fact, Mr. President, if I were asked what is the single-most important foreign policy issue facing this country today, I would say getting the Congress and the legislative branch to work together. I think that is No. 1. Every other issue you can mention is obviously important, but unless we figure out a way to return to a time when there was comity in the foreign policy agenda, it is going to be very difficult to deal with any foreign policy issue.

I happen to think Ambassador Albright is eminently qualified because she knows all of this so well. We have dealt with her, we know of her and her competence, and we have confidence in her. That is a very important step in allowing us to work together on behalf of shared goals. I've heard my chairman speak about this subject matter and I have a great deal of confidence that we are going to have great success under his leadership and the leadership of Ambassador Albright in that regard.

Madeleine has also worked closely with both Chambers over the past 4 years as the U.S. Permanent Representative to the United Nations. She has been a voice of wisdom and reason at the United Nations during the course of the many debates that have occurred there—on Bosnia, on Iraq, on Haiti, on Cuba, and on the need for institutional reform within that international body.

Why has Madeleine been so effective at representing U.S. interests? Perhaps because her own life story, which may not be well known to many people, is the epitome of what makes this country great.

Becoming the U.S. Ambassador to the United Nations was something of a homecoming for Ambassador Albright. She had, after all, been at the United Nations once before. Madeleine first came to the United States in 1948, at the age of 11, when her father was appointed as the Czech Ambassador to the United Nations.

Little did her family realize at that time that their stay in the United States would be more than the usual ambassadorial rotation. Soon after their arrival, the free Czechoslovakia they had left behind was under the grip of totalitarian rule. It had fallen to the dictatorship of communism.

I happen to know about that so well, because during that very brief time when Czechoslovakia was a free government, my father was fortunate to receive the Order of the White Lion, which was the highest honor that Czechoslovakia could give to a non-Czech, at the end of World War II. We still prize it as one of my father's most memorable moments in his life. So from that relationship, my family got to know Madeleine's family.

It is perhaps because of these unique personal experiences that Ambassador Albright has been such an effective U.S. spokesperson at the United Nations. Whatever the topic, Madeleine is able to speak out passionately—from the heart—about the importance of democracy and respect for human rights across the globe.

Even before going to the United Nations, Ambassador Albright already had a distinguished career of public service and academic achievement. She is a graduate of Wellesley College and Columbia University. She was a fellow at both the Woodrow Wilson Center and the Center for Strategic and International Studies. As I mentioned earlier, she was a professor of international relations at Georgetown University and president of the Center for National Policy.

Her public service is equally distinguished—as a staff member to the late Senator Edmund Muskie, then as a member of the National Security Council in the Carter administration and most recently Ambassador to the United Nations. Mr. President, I believe the same qualities that made her so effective in these positions will make her particularly effective as the next Secretary of State.

Heads of state and foreign ministries around the globe already know that our next Secretary of State is highly respected in the United States and internationally and that she can go toe to toe with the most seasoned diplomats and foreign leaders. But, they should also know that she has the full confidence of both the President and the U.S. Congress.

Mr. President, Madeleine Albright is uniquely qualified, at this moment in history, to be America's voice abroad. I am confident that she will be a superb Secretary of State and I urge all to join me in supporting her nomination.

I thank our colleague from Delaware and our chairman for moving this along. This is the way we ought to be able to do business around here. I commend him and thank the majority leader, as well.

Mr. SPECTER. Mr. President, I have sought recognition today principally to lend my support to the nomination of the Honorable Madeleine Albright to be Secretary of State.

It is a historic and fitting occasion that this will be the first vote in the U.S. Senate in the 105th Congress. I have come to know Ambassador Albright in her work at the United Nations, and have a very high regard for her competency. And I am pleased that the President has made this historic appointment because she is the first woman who will have this very important position.

She has an extraordinary record in academia: president of the Center for National Policy; a professor of international affairs at Georgetown University; a senior fellow in Soviet and Eastern European affairs at the Center for Strategic and International Studies; served on the National Security Council staff; has excellent academic credentials from Wellesley; also a masters and doctorate from Columbia University; and, perhaps most importantly is a graduate of the Senate family, having served as chief legislative assistant to Senator Edmund Muskie.

I had occasion to work with Ambassador Albright on a number of matters. One of the most important was working with her on the War Crimes Tribunal, where the United States has played an active role in bringing to justice the international criminals from Bosnia and Rwanda. She accompanied me in a meeting which I had several years ago with then Secretary General of the United Nations, Boutros Boutros-Ghali, and there has been really good cooperation from the U.S. Government on that important matter. I have had an occasion to visit the War Crimes Tribunal on two occasions; to visit with our staff there, and also the judges. She has played a very important role in promoting the War Crimes Tribunal.

It is my hope that Secretary of State Albright will pursue an activist foreign policy and will lend the prestige and the power of the United States to solve complex international problems, one which I refer to—and only one for the brevity of time—which involves the efforts to bring conciliation between the Governments of India and Pakistan.

About a year and a half ago Senator Brown and I were traveling in India and met with Prime Minister Gowda, who commented about his interest in having the subcontinent nuclear free. We then discussed the matter with Prime Minister Benazir Bhutto in Pakistan. The ministers of those two countries have not met. Senator Brown and I wrote to the President urging that he invite them to the Oval Office.

I mention that only as an illustration of what I am hopeful Secretary of State Albright will activate on U.S. policy.

I think it is important for the United States to remain active internationally. She has an extraordinary background having been born in Czechoslovakia and having come to this country at the age of 11, and is also known to be fluent in four languages.

So I am pleased to lend my support to her nomination today.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I thank the Chair.

Today, indeed, is a historic day. We gather on the Senate floor to be presented both to ourselves and the American people the nomination of Dr. Madeleine Albright to be Secretary of State—Madeleine Albright, the very first woman to be nominated Secretary of State; Madeleine Albright, the very first refugee to be nominated Secretary of State.

What a wonderful, historic opportunity we have to confirm her nomination and to make history as well as to help carry out President Bill Clinton's foreign policy, to make the world a better and safer place.

I know Dr. Albright well. We have been friends and colleagues for many years, and I am so enthusiastic about her nomination because of her skills, her experience, her character, her values. She is a woman of honor, integrity and extraordinary patriotism.

As President Clinton was making his decision, I called him. I called him to urge that he consider Dr. Albright. I said there are three important reasons why I felt Madeleine Albright is the best person to serve as Secretary of State in this new millennium. First, she is a woman of great competence in the area of foreign policy and demonstrated skills in that area as our Ambassador to the United Nations.

Second, her remarkable personal history is the story of America.

And third, she has a great and unusual ability to communicate our foreign policy to the American people and to the world.

First, she would bring great competency and experience to the post. Foreign policy is her life's work and her life's passion. In addition to her dazzling intellectual ability and scholarship, Ambassador Albright has diplomatic skills and the understanding of what this new world order is all about.

She has a proven record. As our Ambassador to the United Nations, she showed brains and backbone asserting U.S. policy. We do not need to question whether she can deal with China, different cultures or with dictators. She has already done it. She is respected by our allies and by our foes. She has proven that she is firm, fair, and tenacious.

For the past 4 years, she has defended our values and interests at the United Nations, and she has done more to bring fiscal responsibility to the United Nations. She stood up to dictators and stood by our friends.

As Secretary of State, Ambassador Albright will do something else. She will bring a story of America to people from the old world order as well as the new and emerging one. I discussed with President Clinton her personal story, that she is the daughter of the last Ambassador from a free Czechoslovakia until the end of the cold war. While her father was in this country, Czechoslovakia fell to a dictatorship. He defected so that he could serve Czechoslovakia by being a good American and by being a spokesman in this area. She comes from a history and tradition where patriots are willing to make sacrifices. She knows what it means to lose a home to dictatorship and therefore she reaches out to others who experience the same pain. She will understand those who labor tirelessly in exile to reclaim their freedom, and will support them.

And, as new immigrants, Madeleine Albright and her family used America's great opportunity structure so they could rebuild their lives, based on opportunity, merit, and hard work.

Where else in the world could a refugee rise to become the highest ranking woman in our history?

She has also been involved in the social movements of our time, whether the civil rights movement or the women's movement, or those social movements that help create a democracy. The world is not just transformed by treaty and law, but cultural and social transformations often occur through democratic social movements, institutionalized in a positive way. And Albright will do that.

As a child whose family fled from Europe as the Iron Curtain was raised and slammed down on the people of Central Europe, she stood up. She knows what this is all about. As a member of an immigrant family making a start in a new country, she will work to ensure that our foreign aid is used to foster opportunity around the world.

Mr. President, the third reason Ambassador Albright will be an extraordinary Secretary of State is she has an unusual talent for communication. She has already demonstrated her capacity to articulate the President's policy and agenda, not only to the world, but also to the American people. She will enable people to understand our American policies. This is essential to mobilize support for these policies, both at home and abroad. Even if our policies are not supported, they should be understood and respected. No one does a better job of explaining American foreign policy to the American people than Madeleine Albright. Most people are understandably concerned about their jobs, their children, their security. It is a lot to ask them to focus on Bosnia, Haiti, Chechnya, human rights, China. And after paying billions of dollars to win the cold war, many Americans wonder why we must continue that burden of leadership.

We cannot solve every problem in the world and we should not try. But we must act where we can make a difference, where American values and interests are at stake. With Dr. Madeleine Albright as Secretary of State, we will continue to have a foreign policy that reflects our values, that serves our interests, in consultation with Congress, and with mobilized American support.

Mr. President, let me conclude by saying this. There is an added bonus to Dr. Madeleine Albright's nomination. The Senate is about to confirm this highest ranking woman in American history. As the first woman elected by my own party to serve in her own right, and as the senior woman in the Senate, I must say this is truly a historic occasion. This is a moment for all of us to take pride in, in the opportunity and fairness of our country.

Mr. President, the American people will not have to worry about Madeleine Albright's service. When she was nominated, she said this to her daughters, "When you were little girls I often used to worry where you were and what you are doing. Now you will wonder where your mother is and what she is doing."

But, you know, the American people will not have to worry. Whether it is in Cyprus, Singapore, China, she will be defending American values and interests. She will be one of the best Secretaries of State we have ever had.

Mr. President, that concludes my remarks. I would like to extend my appreciation to the chairman of the Foreign Relations Committee for the way he conducted the hearing and the nomination process, with the fairness and civility and the expeditious way he does it.

I, and I know Dr. Albright and her entire family who support her, appreciate the courtesy and expeditious nature in which the distinguished Senator from North Carolina has dealt with this.

I yield the floor.

Mr. HELMS. I thank the Senator.

Mr. MOYNIHAN. Mr. President, I am pleased to rise in support of the nomination of Madeleine K. Albright to be Secretary of State. We stand at the end of a century of European conflict: two world wars followed by a cold war. In the wake of this hundred years' war it is hugely important that the President has nominated a woman, born in Europe amidst this turmoil, to be his Secretary of State to lead us into the next century.

The first point I would like to make, a point that deserves to be stressed by every Senator, is that when Ambassador Albright is confirmed, she will become the 64th Secretary of State, and the first woman ever to hold that office. No woman has ever held a higher office in the executive branch. I congratulate both the President and his distinguished nominee on this milestone.

Ambassador Albright came to the United States at the age of 11, having experienced herself the realities of this hundred years' war. Most recently she comes to us from Turtle Bay, NY, where she has served as our Permanent Representative to the United Nations. As the only Ambassador-Senator, and having served in the same post at the United Nations, I feel it incumbent upon me to inform my colleagues that for her to have endured 4 years of mind-numbing addresses at the United Nations is no small feat.

As Ambassador, she has earned the respect of many. Not the least of which are the editors of the *New Republic* who wrote in a December 30, 1996, editorial:

> The good news about Albright, in sum, is that she is a creature of the twentieth century. For this reason, she understands how appallingly similar to this century the next century is likely to be. A person whose primal scene was Nazism and then Stalinism is not likely to get drunk on talk of a new millennium. She is likely to know, rather, that evil is never permanently retired, and certainly not by technological change. Albright recognized early that the most pressing order of business for Clinton's foreign policy in its first term was not protectionism, it was genocide. And a person whose primal scene was not Vietnam will know that there is only one way to stop genocide, and this is the harsh, airborne way.

As I said at the beginning of my remarks, we find ourselves at the end of a century of conflict. We began the century trying to stay out of the affairs of Europe. That lasted only through Wilson's first term. Now we end the century having played a pivotal role in the events which shaped it. This is an occasion on which we recall the great hopes that Franklin D. Roosevelt had for the United Nations. We can now use the fruit of our century-long labors, most importantly the United Nations Charter, to realize the hopes of Roosevelt, Truman, Marshall, and Acheson.

Nowhere is the importance of the Charter more pronounced than in Bosnia. I have spoken in this chamber many times on the subject of Bosnia and Herzegovina. Had we invoked the charter early in the conflict and its provision for demonstrations under article 42, by "air, sea, or land forces, [to] restore international peace and security," much of the genocide that followed could have been prevented. We had the tools, but waited too long to use them.

The Bosnian conflict is far from over. Though the Dayton agreement and NATO forces have achieved relative stability over the past 13 months, there are still many important issues to be resolved.

None is more important, or pressing, then the work of the International Criminal Tribunal. Today 75 persons have been indicted for war crimes. It is appalling to report that 68 of them remain at large. Not because they cannot be found, but because pressure has not been brought to bear on countries to deliver indicted war criminals to The Hague.

This is an issue that cannot afford delay. I would ask the Secretary-designate to seek to address this important problem at the earliest possible date. She has made such a pledge during her testimony before the Foreign Relations Committee and I look forward to working with her to achieve these goals.

I say this with the deepest respect for Ambassador Albright, who, having spent 4 years at the United Nations, is keenly aware of the importance of these issues. I wish her well on her historic appointment.

Mr. DOMENICI. Mr. President, I believe that most Americans realize the world in which we live has changed dramatically over the last decade. The world which had been divided into two hostile yet stable camps since the end of World War II entered a new era when the Soviet Union ceased to exist. When

the Berlin Wall fell the divide between the East and West did as well, and we entered a new era.

Today, democracy is spreading around the globe and our international priorities which once focused on strategic arms reduction treaties can now focus on other issues such as improving relations with democratic countries in South America, Asia, and Eastern Europe that have burgeoning market economies.

These tremendous changes, however, come hand in hand with new challenges. Fighting international terrorism and crime is important to law abiding citizens everywhere. Fighting international drug traffickers is of particular importance to the citizens of New Mexico since approximately 70 percent of all illegal drugs entering the United States comes across our southern border with Mexico.

Helping Russia emerge as a stable democracy with a growing economy is, also, very important. A strong, democratic Russia would be a stabilizing influence in Asia and could help prevent the proliferation of weapons of mass destruction. In fact, the Los Alamos National Laboratory in New Mexico is already working with Russia to safeguard its nuclear weapons and ensure that nuclear materials do not fall into the wrong hands.

Another important challenge is helping China emerge as a peaceful, responsible world power. A friendly China with its strong economic growth, huge population, and vast resources would be both a valuable partner in trade and a valuable ally in Asia. An aggressive China, however, could become a destabilizing influence in a region that is vital to our national interests.

The United States faces a number of other important international challenges. Among them are: arriving at an agreeable method to allow Eastern European and central Asian countries to join the North Atlantic Treaty Organization [NATO], resolving the dispute between Greece and Turkey over Cyprus, finding a lasting political solution to the problems of the Korean Peninsula, and securing the peace in Bosnia and Herzegovina and bringing the young men and women of the United States armed services home safely.

With all of the changes of the last decade, one might view the world as unstable. In fact, facing such a list of daunting tasks, one might consider these challenges insurmountable. I view them as an opportunity.

With strong leadership, and clearly defined and consistent international policies, the post-cold-war era could be one of even greater American prosperity. I believe Madeleine Albright, as Secretary of State, will provide such leadership.

Madeleine Albright spent 2 years working here, in the U.S. Senate, when she served as chief legislative assistant to Senator Muskie from 1976 to 1978. Her intelligence and competence were recognized when, in 1978, she moved to the National Security Council and the White House to handle foreign policy legislation. Many foreign policy professionals might consider being on the National Security Council the pinnacle of a career, but Madeleine Albright was just getting started. In 1981 she was awarded a fellowship at the Woodrow Wilson International Center for Scholars at the Smithsonian. She became a professor of international affairs, and the director of the women in foreign service program at the School of Foreign Service at Georgetown. She served as president of the Center for National Policy. In 1993, she was appointed U.S. Representative to the United Nations, and made a member of President Clinton's Cabinet.

Madeleine Albright is living proof of the American dream. Having fled Czechoslovakia and both the Nazis and Communists, Madeleine Albright came to the United States, studied hard, worked hard, and has now been nominated for the office of United States Secretary of State. Madeleine Albright, once a persecuted immigrant, is now the first women in United States history to be nominated to the highest office in the State Department. Not since Margaret Thatcher governed Britain has a woman occupied a position on such a scale of international influence. As Secretary of State, Madeleine Albright will negotiate with the world's most powerful leaders.

Mr. President, Madeleine Albright has done a superb job as Ambassador to the United Nations. She has worked to make the United Nations more efficient and more responsive to U.S. interests. She prevailed in urging the NATO bombing in Bosnia, which she argues eventually led to the Dayton Peace Accord last year. She condemned Cuba when it shot down two unarmed civilian airplanes over international air space. She has fought for the freedom and the rights of people around the world. For these reasons and others, I believe Madeleine Albright will provide the strong leadership necessary make the post-cold-war era one of opportunity, cooperation, and American leadership. It is my honor to support Madeleine Albright for the position of U.S. Secretary of State.

Mr. BOND. Mr. President, I rise to voice my strong reservations about the administration's foreign policies as we debate the confirmation of Ambassador Madeleine Albright as Secretary of State.

Following President Clinton's direction, Ambassador Albright signed the United Nations Rights of the Child Convention, a document which I believe is seriously flawed. As a nation, we hold our children dear. We have established laws on a national level and local levels to adequately protect our children and the rights of our families. The idea that a foreign state or an international federation knows better than we how to raise our children is abhorrent to our very essence.

We have engaged in diplomatic and physical conflict with other nations throughout our entire history over just such an issue. The root of all autocratic regimes has been that the state knows best. We cannot, we must not let that idea insinuate itself into how we conduct ourselves as a nation. I am concerned that Ambassador Albright through her vote in the United Nations, may have done just that.

Her support of policies which have come dangerously close to relinquishing command of our own troops to United Nations commanders who may or may not share the democratic ethic of our command authority concerned me in the past and concerns me today.

The rules under which our troops conduct themselves while assigned to duties with the United Nations places them under extraordinary pressure. Our soldiers are required to make judgments as to appropriateness of orders received by U.N. authorities not only as to their legality but as to whether the commands are in concert with United States policy. We should never place them in such a position, ever. Currently, if the policy of the United States comes into conflict with U.N. orders, it becomes incumbent upon the individual soldier to recognize the conflict and make the proper choice as to whether to follow the order or not. Recently though, to complicate that soldier's responsibility further, U.S. policy shifts have occurred during ongoing operations; peacekeeping mutating to nation building, embargo enforcement un-enforced. Ambassador Albright must not let this happen on her watch.

As Secretary of State, Ambassador Albright will be responsible for directing and implementing our foreign policy. I hope that if our stated policy for instance, is to impose an arms embargo on a war torn region that she would neither tacitly approve nor be a part of a plan to approve the introduction of inflammatory religious extremists and the weapons they chose to introduce into the region while hiding that fact from this body, the rest of the Congress or the American people.

As Secretary of State she must realize that the sovereignty of the United States can never be made secondary to any country, entity, or organization.

Mr. KENNEDY. Mr. President, it is a special honor for all of us who know and respect Madeleine Albright to vote for her confirmation as Secretary of State. This is an historic moment for the country, and I know that she will serve with great distinction as the first woman in our history to hold that high office.

Over the years, Madeleine Albright has always been an excellent source of

wise advice to many of us in Congress on matters of foreign policy. I have always valued her counsel and respected her leadership, and the President's decision to nominate her as Secretary of State is a well-deserved honor.

In the course of her extraordinary career, she has skillfully combined public service and academic pursuits, and these abilities make her especially well-suited for the challenges she will face as Secretary of State. Many of us first came to know her when she was an able assistant to our former colleague Senator Edmund Muskie, and later as a member of President Carter's National Security Council. And all of us were proud of her brilliant service in recent years as our Ambassador to the United Nations.

Academically, she has served as a senior fellow at the Center for Strategic and International Studies, as a professor at Georgetown's School of Foreign Service, and as president of the Center for National Policy.

Her personal history of fleeing Hitler and Communism as a child from her home in Czechoslovakia and her rise in this country to the position of Secretary of State is one of the great American success stories of our time and a vivid symbol that the American dream is alive and well in our day and generation.

I commend her for her nomination, and I look forward to working closely with her in the years to come. I ask unanimous consent that a list of the 64 persons who have served as Secretary of State, including Madeleine Albright, be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SECRETARIES OF STATE 1789–1997

| Name | When appointed | President |
|---|---|---|
| 1. Thomas Jefferson | Sept. 26, 1789 | George Washington. |
| Do | Mar. 4, 1793 | Do. |
| 2. Edmund Randolph | Jan. 2, 1794 | Do. |
| 3. Timothy Pickering | Dec. 10, 1795 | Do. |
| Do | Mar. 4, 1797 | John Adams. |
| 4. John Marshall | May 13, 1800 | Do. |
| 5. James Madison | Mar. 5, 1801 | Thomas Jefferson. |
| Do | Mar. 4, 1805 | Do. |
| 6. Robert Smith | Mar. 6, 1809 | James Madison. |
| 7. James Monroe | Apr. 2, 1811 | Do. |
| Do | Feb. 28, 1815 | Do. |
| 8. John Quincy Adams | Mar. 5, 1817 | James Monroe. |
| Do | Mar. 5, 1821 | Do. |
| 9. Henry Clay | Mar. 7, 1825 | John Quincy Adams. |
| 10. Martin Van Buren | Mar. 6, 1829 | Andrew Jackson. |
| 11. Edward Livingston | May 24, 1831 | Do. |
| 12. Louis McLane | May 29, 1833 | Do. |
| 13. John Forsyth | June 27, 1834 | Do. |
| Do | Mar. 4, 1837 | Martin Van Buren. |
| 14. Daniel Webster | Mar. 5, 1841 | William H. Harrison. |
| Do | Apr. 6, 1841 | John Tyler. |
| 15. Abel P. Upshur | July 24, 1843 | Do. |
| 16. John C. Calhoun | Mar. 6, 1844 | Do. |
| 17. James Buchanan | Mar. 6, 1845 | James K. Polk. |
| 18. John M. Clayton | Mar. 7, 1849 | Zachary Taylor. |
| 19. Daniel Webster | July 22, 1850 | Millard Fillmore. |
| 20. Edward Everett | Nov. 6, 1852 | Do. |
| 21. William L. Marcy | Mar. 7, 1853 | Franklin Pierce. |
| 22. Lewis Cass | Mar. 6, 1857 | James Buchanan. |
| 23. Jeremiah S. Black | Dec. 17, 1860 | Do. |
| 24. William H. Seward | Mar. 5, 1861 | Abraham Lincoln. |
| Do | Mar. 4, 1865 | Do. |
| Do | Apr. 15, 1865 | Andrew Johnson. |
| 25. Elihu B. Washburne | Mar. 5, 1869 | Ulysses S. Grant. |
| 26. Hamilton Fish | Mar. 11, 1869 | Do. |
| Do | Mar. 17, 1873 | Do. |
| 27. William M. Evarts | Mar. 12, 1877 | Rutherford B. Hayes. |
| 28. James G. Blaine | Mar. 5, 1881 | James A. Garfield. |
| 29. Frederick T. Frelinghuysen. | Dec. 12, 1881 | Chester A. Arthur. |
| 30. Thomas F. Bayard | Mar. 6, 1885 | Grover Cleveland. |
| 31. James G. Blaine | Mar. 5, 1889 | Benjamin Harrison. |
| 32. John W. Foster | June 29, 1892 | Do. |
| 33. Walter Q. Gresham | Mar. 6, 1893 | Grover Cleveland. |
| 34. Richard Olney | June 8, 1895 | Do. |
| 35. John Sherman | Mar. 5, 1897 | William McKinley. |
| 36. William R. Day | Apr. 26, 1898 | Do. |
| 37. John Hay | Sept. 20, 1898 | Do. |
| Do | Mar. 5, 1901 | Do. |
| Do | Mar. 6, 1905 | Theodore Roosevelt. |
| 38. Elihu Root | July 7, 1905 | Do. |
| 39. Robert Bacon | Jan. 27, 1909 | Do. |
| 40. Philander C. Knox | Mar. 5, 1909 | William H. Taft. |
| 41. William Jennings Bryan. | Mar. 5, 1913 | Woodrow Wilson. |
| 42. Robert Lansing | June 23, 1915 | Do. |
| 43. Bainbridge Colby | Mar. 22, 1920 | Do. |
| 44. Charles Evans Hughes | Mar. 4, 1921 | Warren G. Harding. |
| Do | | Calvin Coolidge. |
| 45. Frank B. Kellogg | Feb. 18, 1925 | Do. |
| 46. Henry Lewis Stimson | Mar. 5, 1929 | Herbert C. Hoover. |
| 47. Cordell Hull | Mar. 4, 1933 | Franklin D. Roosevelt. |
| 48. Edward R. Stettinius, Jr. | Nov. 30, 1944 | Do. |
| 49. James F. Byrnes | July 2, 1945 | Harry S. Truman. |
| 50. George C. Marshall | Jan. 8, 1947 | Do. |
| 51. Dean G. Acheson | Jan. 19, 1949 | Do. |
| 52. John Foster Dulles | Jan. 21, 1953 | Dwight D. Eisenhower. |
| 53. Christian A. Herter | Apr. 21, 1959 | Do. |
| 54. Dean Rusk | Jan. 21, 1961 | John F. Kennedy. |
| Do | | Lyndon B. Johnson. |
| 55. William P. Rogers | Jan. 21, 1969 | Richard M. Nixon. |
| 56. Henry A. Kissinger | Sept. 21, 1973 | Do. |
| Do | | Gerald R. Ford. |
| 57. Cyrus Vance | Jan. 21, 1977 | Jimmy Carter. |
| 58. Edmund S. Muskie | May 8, 1980 | Do. |
| 59. Alexander Meigs Haig, Jr. | Jan. 22, 1981 | Ronald Reagan. |
| 60. George P. Shultz | July 16, 1982 | Do. |
| 61. James A. Baker III | Jan. 27, 1989 | George Bush |
| 62. Lawrence S. Eagleburger. | Dec. 10, 1992 | Do. |
| 63. Warren Christopher | Jan. 22, 1993 | William J. Clinton. |
| 64. Madeleine Korbel Albright. | Jan. 22, 1997 (confirmed by Senate). | Do. |

Mr. GLENN. Mr. President, I have known Madeleine Albright for many years and consider her extraordinarily well qualified for the important post of Secretary of State. She has the knowledge, experience, intelligence, candor, energy, and strength of will necessary for this difficult job. I will support her confirmation with enthusiasm.

By now most Americans have heard the compelling story of Madeleine Albright's family flight from first fascism, and then communism. After coming to the United States, Madeleine Albright compiled an impressive academic resume, including a B.A. from Wellesley College and a masters and doctorate from Columbia University. Her subsequent career has been devoted to international affairs and government—from Capitol Hill, to the National Security Council, to the challenging post of United States U.N. Ambassador. She served as a professor at the Georgetown University's School of Foreign Service and a scholar at both the Smithsonian's Woodrow Wilson International Center for Scholars and the Center for Strategic and International Studies. Prior to her appointment to the U.N. post, Ambassador Albright was president of the Center for National Policy, a nonprofit research institution.

By any measure, the job of U.S. Ambassador to the United Nations is a most demanding one and Ambassador Albright handled it with great skill, earning praise from across the political spectrum. During Ambassador Albright's tenure at the United Nations, I had the pleasure of working with her to promote the establishment of an inspector general within the U.N. system. Ambassador Albright worked long and hard—and eventually successfully—to build a consensus among the member states for this U.S. initiative.

The cold war no longer provides the overarching architecture for U.S. foreign policy. And I doubt that any similarly comprehensive substitute will evolve in the near future. U.S. foreign policy now has several more or less equal priority objectives. Balancing these objectives one against the other and moving them all forward in today's complex international environment is a challenging task. I am confident that Ambassador Albright has not only the intellect to meet this challenge but also—and equally importantly—the ability to clearly articulate for the benefit of the American people the national interest involved in the foreign policy challenges we face and the choices we make.

I am pleased that someone of Madeleine Albright's character and ability has been chosen, and has agreed, to serve this President and this Nation as our primary representative to the world. I congratulate her on her imminent confirmation and look forward to working with her in the future.

Ms. LANDRIEU. Mr. President, today is indeed a historic milestone for our Nation. For the majority of this country's history, a full half of our citizens were left without the right to vote therefore they were left without a voice, without a collective voice in the direction of domestic affairs or international affairs for our country.

With the passage of the 19th amendment in 1920, this flawed policy was corrected, however since that time progress and change in this area has come, but very slowly. Today we take a great step forward for our country and the world in approving the nomination of Secretary of State designee Madeleine Albright.

Although there is little controversy surrounding our vote today on this confirmation we should take a moment to note the historical significance of this occasion.

There was a time not long ago when the nomination of any woman regardless of how qualified or experienced to lead our Nation's foreign policy would have been at the least controversial, and at the most unthinkable. Today, that time is over.

Ambassador Albright's confirmation is all but certain in just a few moments with the vote of this Senate. She is a tribute to her gender, but it is not to her gender that this accomplishment is due, it is through her exemplary career in foreign service.

To be here today on the floor of this historic Chamber to cast my first vote as a U.S. Senator is in itself a exhilarating experience, but to be able to

cast that vote for Madeleine Albright the first woman ever to serve as Secretary of State of this great Nation makes it even more memorable.

Thank you Mr. President for the opportunity to share these thoughts.

Mr. COATS. Mr. President, the occasion of Ambassador Albright's imminent confirmation as Secretary of State raises some deep concerns regarding this administration's foreign policy.

While I believe there is much to be admired about Ambassador Albright—she has a reputation as a frank and forthright speaker, who is able to articulate forcibly her views—I have deep reservations about what I believe is her flawed philosophy of the role of U.S. forces in the conduct foreign policy.

As our U.N. Ambassador over the last 4 years, Mrs. Albright has consistently articulated an alarming vision of post-cold-war foreign policy. It is one which designates the United Nations as the world's guarantor of peace and in so doing seeks to subjugate United States' interests to this world body.

In June 1993, she articulated the concept of assertive multilateralism as a way of responding to internal political and economic turmoil, defiant regimes, and failed societies in countries around the globe.

The United States would act primarily as a part of the United Nations to respond to crises throughout the world.

Fundamental to this premise is the belief that every conflict, every disaster will eventually impact the United States and is therefore in our interests to intervene, militarily, to intervene.

The United Nations as the instrument of this collective security calls the shots and the United States responds by sending troops. The United States participating with other nations would be able to right the wrongs in the world. This is faulty in concept and dangerous in execution.

Consider some of the statements she has made:

> Our goal is to foster the development of a community capable of easing, if not terminating, the abominable injustices and conditions that still plague civilization, because only in such a community can America flourish.
>
> We are also facing increased ethnic and subnational violence. Wherever we turn, someone is fighting or threatening someone else. These disputes may be far removed from our borders but in today's global environment, chaos is an infectious disease.

The role of the United States is then to "reform or isolate the rogue states that act to undermine the stability and prosperity of the larger community and * * * to contain the chaos and ease the suffering in regions of greatest humanitarian concern."

There is an obvious and immediate danger to this type of thinking. The reality is there are many problems in the world which we simply cannot resolve. In exerting great effort to accomplish impossible goals we endanger the lives of our troops, damage U.S. leadership and prestige, squander valuable resources, and destroy the will of the American people to intervene when our own interests are indeed threatened.

The first year of the Clinton administration was dominated by behind the scenes effort to develop a document which would serve as the Clinton policy initiative on multilateral action. The consistent theme of this Presidential Review Directive [PRD–13] was to upgrade the U.N.'s military capabilities and to increase—even institutionalize—the U.S. involvement with U.N. peacekeeping operations.

Ambassador Albright's comments reveal the lines that PRD–13 would follow.

> We favor substantial enlargement and reorganization of the peacekeeping headquarters staff and the creation of a permanent foundation for rapid 24-hour communication, intelligence, lift, recruitment, training, and the full spectrum of in-theater logistical support.

Clinton's foreign policy team sought to expand the United Nations to a sort of global police force and equip it to carry out effectively this unrealistic job. The draft document included a rapid expansion of U.N. military capability as well as the idea of putting U.S. forces under U.N. command. This elevated peacekeeping philosophy is illustrated by events in Somalia.

During President Clinton's first year, he turned over the Bush limited food-delivery mission in Somalia to the United Nations. Over the next few months, United States troops were used to hunt down Somali warlord Aideed and participate in what became known as "nation-building" activities in order to—in Madeleine Albright's words—"promote democracy in that strife-torn nation." Ultimately 18 U.S. Rangers were killed by Aideed's men. The last American soldiers left Somalia in March 1994—100,000 troops were sent to Somalia; 30 died and 175 were wounded and at a cost of $1.5 billion. Since our departure, fighting erupted and today Somalia is no more better off for our misguided nation-building experience.

The tragedy of losing United States troops in Somalia forced the administration to back away from some of the aims of PRD–13. PRD–13, when finally signed as PDD–25, had undergone a number of changes. Madeleine Albright now couched the document in terms of fixing U.N. peacekeeping not expanding it. But the underlying premise of the policy still had not changed: greater emphasis on the United Nations for resolving conflict. In justifying use of force there was a shift in definition of national security interest.

In 1993, Ambassador Albright said:

> We have a national security interest in containing and, wherever possible, resolving regional conflicts * * * the cost of runaway regional conflicts sooner or later comes home to America. [June 1993.]

Her viewpoint—not unique to this administration—fundamentally shifts what previous Presidencies defined as a national security interest and consequently where the President would use American force. This significant alteration of U.S. interests has the profound impact of justifying greater and more diverse missions for our troops. Under the rubric of peace operations, U.S. forces have found themselves in almost every conceivable type mission: delivering food and medicine; building bridges; training police; hunting down warlords.

Colin Powell's comments in his autobiography further illustrate Madeleine Albright's thinking. He describes a meeting at the White House when she asked him "What's the point of having this superb military you're always talking about if we can't use it?"

The practical effects of this doctrine have led to our military involvement in Haiti, Bosnia, Central Africa, and other areas only peripherally in our interests.

What I fear Ambassador Albright has yet to understand is that there are serious costs to using force when our vital interests are not at issue. None of these interventions carried out or contemplated by the Clinton administration were in our security interests. And yet, great numbers of troops have risked their lives and we have spent billions of dollars.

In Somalia, our forces left, humiliated and at great cost, with the turmoil on the ground basically unchanged. In Haiti, we intervened to restore democracy but prospects for its survival are very much in question, despite our military contribution of $1.2 billion. After 2 years of gradual escalation of United States intervention in Bosnia, the President committed 20,000 of our forces to serve a year to enforce a separation between the warring factions. U.S. troops now extended for 18 months have the task of ensuring that civilian reconstruction proceeds. No one knows what will happen in Bosnia once our troops are removed.

The military has borne great expense because of these missions. And in an era of declining military budgets, there is a growing anxiety about our capability to deal with future national security threats. Last year military testimony before the Armed Services Committee revealed serious strains in our military planning and budgeting.

The President's proposed budget for defense was $10 billion lower than what was appropriated the previous year. And yet testimony after testimony by the CINC's and Service Chiefs indicated strong concerns with levels of spending. Readiness, modernization, quality of life were all areas needing focus and

funding. The services altogether indicated their desire for more than $15 billion in increases.

While the administration has failed to provide adequately for our defense needs, it continues to deploy our troops in more and more missions around the world. In recent years our forces have been seriously overextended. We are asking our forces to do more but have drastically cut force structure by 30 percent. General Reimer, the Army Chief of Staff, testified that requirements on the Army have risen 300 percent. Today, more than 41,000 U.S. soldiers are deployed on nearly 1,700 missions in 60 countries.

And while the President failed to provide adequately for the military—to meet their current and future warfighting needs—he requested a separate budget for contingency operations—a clear indication that the trend toward greater peacekeeping missions will continue.

I am deeply concerned that the growing use of our forces in areas of peripheral interest will have a long lasting and detrimental impact on our military—and ultimately on the ability of the United States to protect our vital interests. The views of Ambassador Albright confirm her belief in using troops in this way. While the Armed Services Committee can take steps to provide our forces with the funding they need, there is little we can do to reign in how our troops are being used. these essential foreign policy decisions are made by the President, who is both Chief Executive and Commander in Chief. It is my fervent hope that extraordinary caution and wise deliberation will be exercised during the next 4 years in determining how to use American forces to further the foreign policy goals of this administration.

Mr. HARKIN. Mr. President, I rise in strong support of the nomination of Madeleine Albright to become our Nation's 64th Secretary of State. I have been privileged to know and work with Ambassador Albright for nearly two decades and I am confident that she will be a determined, effective voice for American interests as we face the foreign policy challenges of the 21st century.

This is a historic nomination. With this vote, Madeleine Albright will become the Nation's first woman to hold the office of Secretary of State. But it's clear that this nomination was not based on gender—but on qualifications. Madeleine Albright has been an outstanding leader for America and an outspoken advocate for freedom.

Today Madeleine Albright steps out in front and breaks a longstanding barrier. But that's no surprise because she has made a life of doing just that. From the time her family broke from the barriers of totalitarianism in Czechoslovakia and the brutal grip of Hitler and Stalin, Madeleine Albright has dedicated her life to spreading freedom and promoting international understanding.

She did it as a member of President Carter's National Security Council, as a noted scholar and professor at Georgetown University, as the president of the Center for National Policy, and—most recently—as America's Permanent Representative to the United Nations.

As in all her other work, Madeleine Albright brought energy and vitality to the job of U.S. Ambassador to the United Nations. And her plain spoken determination helped restore democracy in Haiti, prosecute war criminals in the former Yugoslavia, and make headway in achieving a comprehensive nuclear test ban. She also led the charge to achieve much needed reforms in the United Nations—by advocating lower budgets, more accountability, and a streamlined bureaucracy.

Madeleine Albright has rightly observed that the United States is the world's indispensable nation. But I would add that she herself has been an indispensable part of the foreign policy achievements of the Clinton administration over the past 4 years and she will continue to be in the years to come.

Finally, Mr. President, I look forward to working with Secretary Albright on an issue that I have long championed—ending abusive and exploitative child labor around the world. I hope that she will use the office of the Secretary of State to focus attention on this deplorable practice as she meets with leaders in government and commerce around the world. Working together, I know that we can finally end the curse of child labor.

Mr. President, I believe that Madeleine Albright is an excellent choice to become our Nation's top diplomat and I am proud to cast my vote in support of her nomination.

Ms. SNOWE. Mr. President, I would like to join my colleagues on both sides of the aisle in supporting the confirmation of Ambassador Madeleine Albright to be our Nation's 63d Secretary of State.

Many have commented on the historic nature of Ambassador Albright's nomination to be the first woman Secretary of State, the highest ranking of all Cabinet officers. But this would be just one more of a long history of ground-breaking roles in Madeleine Albright's distinguished career.

For instance, over the past 4 years, she has been the only woman serving as a U.N. Ambassador on the Security Council. In the first Clinton administration, she was the only woman to serve in a national security capacity on the President's Cabinet. She was also the first woman to serve as the top foreign policy advisor to a Presidential candidate, a role she served in 1988 to Gov. Michael Dukakis.

Ambassador Albright will bring a superb background to the job of Secretary of State. I would note that she began her rise in the foreign policy field as the top foreign affairs advisor to our former colleague, Senator Edmund Muskie when he was a senior member of the Foreign Relations Committee. Then after serving on the staff of the National Security Council in the Carter administration, she worked for over a decade as professor at Georgetown University and in various centers for public policy research.

Since 1992, Madeleine Albright has served ably as the U.S. Ambassador to the United Nations and has been a formal member of the President's Cabinet. This is a rare recognition granted to a U.N. Ambassador, and she was the first U.N. Ambassador to serve in this role since Ambassador Jeanne Kirkpatrick in the first Reagan administration.

At the United Nations, Ambassador Albright became known and respected as a fierce defender of American interests and values. She took the administration's lead role 1 year ago in denouncing Cuba's unprovoked murder of two American pilots who were flying unarmed civilian aircraft over international waters near Cuba. She emphasized the importance of this outrageous act of cowardice by Fidel Castro's totalitarian government with characteristically direct language that helped focus the attention of the world.

She also worked diligently—and successfully—in maintaining comprehensive economic sanctions on the repressive regime of Iraqi President Saddam Hussein. Despite the call by some nations of the world to lift those sanctions, she has succeeded in keeping them in place until the Government of Iraq ends its threats to its neighbors, shows greater respect for the human rights of its own people, and totally dismantles all weapons of mass production programs. These actions are called for not only in a series of Security Council resolutions enacted at the end of the 1991 gulf war, but also in obligations Iraq itself accepted in the cease fire agreement that ended that war.

Most recently, Ambassador Albright insisted on the replacement of U.N. Secretary Gen. Boutros Boutros-Ghali because of his inadequate attention to necessary reform of the U.N. system. She refused to bow to pressure from other countries—on the first Security Council vote on this issue the United States was opposed 14 to 1—and insisted on the election of a new reform-minded Secretary General as a matter of principle. With the recent successful election of the new U.N. Secretary Gen. Kofi Annan, there now is an opportunity for revitalizing this important international institution and restoring a bipartisan consensus on the United Nations in the Congress and among the American people.

As shown in just these few examples, Madeleine Albright is a strong advocate for U.S. foreign policy and is more than willing to take the tough and principled stands. It is my hope that she will help to restore American leadership and assertiveness in the international community.

In addition to her strong qualifications for the job, Madeleine Albright also brings a compelling personal experience and family background to this job. The daughter of a Czech diplomat, her family came to the United States as refugees after World War II. In fact, in the preceding years, her family had twice fled the forces of totalitarianism: first escaping the advancing armies of Nazi Germany, and again the Iron Curtain's descent on her homeland of Czechoslovakia, a country that had previously had the most vibrant economy and democratic system in central Europe.

During her confirmation hearing, Ambassador Albright discussed how her parents instilled in her a deep love for the United States and the ideals upon which our Nation was founded. Others have noted Ambassador Albright's strong views on such questions as human rights, democracy, and individual liberty. I have no doubt that her family's experiences have contributed to her evident devotion to these very American ideals.

If confirmed by the Senate, Ambassador Albright will become Secretary Albright and will move to a larger stage for the conduct of American foreign policy. Under the Clinton administration, the United States has been searching for a more unified vision and greater consistency in our Nation's foreign policy with the end of the cold war. A number of challenges will immediately confront her, and I hope and expect that she will be able to rise to these challenges.

For example, the international community is watching the rising world power of China, but for 4 years the Clinton administration has had difficulty maintaining a consistent foreign policy in relation to this increasingly important country. Tension between the important bilateral interests of human rights, trade, national security, and nonproliferation has too often led to confusion and vacillation in our Nation's policies. It is my hope that Madeleine Albright will rectify this weakness by bringing her temperament of toughness and consistency, combined with her strong grounding in long-term strategic thinking.

Another challenge awaits U.S. policy in the critically important region of the Middle East. There is no doubt that recent negotiations between Israel and the Palestinian Authority have been difficult, though thankfully last week's agreement over the redeployment of Israeli forces in Hebron shows that the peace process remains intact.

But over the next 2 years, the negotiations will become even more important and vastly more challenging. It is in this period that negotiations over a final status for the Palestinian entity are supposed to be reached, and the Palestinians' challenge against Israeli sovereignty over Jerusalem must be resolved. Ambassador Albright has long been acknowledged as a very strong friend of Israel. But she also has developed a very constructive working relationship with the Palestinian authority. In the world of international diplomacy, it is worth noting that two of the earliest congratulations she received for her nomination came from Israeli Foreign Minister David Levy and Palestinian Liberation Organization Chairman Yassir Arafat.

Mr. President, I have had the honor and the privilege to become personally acquainted with Ambassador Albright over the past 4 years from my position on the Senate Foreign Relations Committee during the 104th Congress, and as a senior member of the House Foreign Affairs Committee during the 103d Congress. While we have occasionally disagreed on policy issues, I have always found Ambassador Albright to be a forceful, effective, and persuasive advocate of administration policies. She has a true skill for explaining the purpose behind American foreign policy, and I am certain that she will use that skill to advance U.S. interests throughout the world.

I would like to again express my support for confirming Ambassador Madeleine Albright to be the 63d Secretary of State. I urge my colleagues to join with me in approving her nomination for this highest of all confirmable executive branch posts.

Mr. THOMPSON. Mr. President, while many of my colleagues have already addressed vital foreign policy issues during the consideration of Madeleine Albright to be the next Secretary of State, I would like to use this opportunity to address some equally vital management issues. I hope to use the confirmation process to elevate management issues that tend to get swept under the carpet during high-minded policy debates. When discussing policy goals, we must be careful to determine whether these goals are affordable and that the resources spent provide the best value for the taxpayers' investment.

Congress has laid the groundwork for significant Government management reforms with the passage of laws such as the Government Performance and Results Act, which requires agencies to measure the results of their efforts, the Chief Financial Officers Act, which requires agencies to shore up their financial recordkeeping, and recently enacted information management and procurement reforms. These laws apply commonsense approaches to the business of government to reduce inefficiencies and get real cost savings for taxpayers. It is questionable whether these new laws will be taken seriously and fully implemented without extensive congressional oversight—there are reports that agencies do not believe Congress is serious about the effective implementation of these laws. I am hereby serving notice that they would be seriously mistaken in that belief.

The State Department, which Ambassador Albright will head, has served this country admirably since its founding in 1789. But I wonder if Thomas Jefferson, the first Secretary of State, could have imagined that the Department would grow to a staff of approximately 24,500 with a departmental budget of about $3.9 billion, part of an even larger $19.2 billion international affairs budget. Maintaining the infrastructure necessary to support 160 embassies and 100 consulates worldwide, costs this nation over $2 billion a year. The Department buys over $500 million in goods and services each year and is responsible for $12 billion in property. Effectively managing these resources would be a daunting challenge for any Fortune 500 company, but the State Department must do it at the same time that it is carrying out its primary functions—performing its diplomatic and foreign policy missions, protecting and assisting American citizens traveling abroad, and providing the interagency coordination necessary for conducting foreign policy in an increasingly complex and dangerous world.

With a multitude of difficult missions to perform, management problems risk being ignored due to the exigencies of the day. The new Secretary will no doubt be consumed by critical foreign policy issues and crises from Bosnia to Korea that will demand a great deal of her personal attention. However, determining whether taxpayers are getting the best value for their multibillion dollar international affairs investment also must be one of the Secretary's highest priorities.

In times of fiscal austerity, we all have to do more with less. I do not advocate performing critical missions "on the cheap," but we must strive for the most efficient and effective use of our limited resources. The Government Performance and Results Act, for example, can be an effective tool to make Government work better by measuring the success or failure of Government programs and using this information to support budget decisions.

The effects of belt tightening are painful as is illustrated by the $300 million backlog in deferred maintenance, obsolete technology and shrinking base of skilled personnel at the Department of State. The Congress will no doubt be asked to provide more resources to State and in the international affairs budget to counteract some of these negative effects. On first glance, this seemingly makes sense. However, the

spending for State Department operating expenses has increased in both actual and constant dollars since 1985. Therefore, I question whether the Department has done all it can. Has it cut to the bone and ignored the fat in order to generate a compelling case before Congress for more money? I have to say that I don't know, and we will not know the true story from the Department anytime soon because the detailed supporting financial information does not exist.

This is because the State Department does not have adequate financial and information systems to effectively manage and prioritize its programs. In the information age, the Government is increasingly dependent on good information—and yet this is what we are lacking. We need adequate information upon which to base sound decisions, otherwise we are making decisions in a vacuum. A good first step in developing this information would be for the Department to meet its responsibilities under the Chief Financial Officers Act and prepare an audited financial statement.

Good financial data relies upon the development of effective computer systems. Government computers are crucial to the State Department's ability to meets its foreign policy missions and business needs. In recent years, the Department has obligated over $300 million annually on computer systems. Yet, the State Department has had a poor history of managing these systems and, as a result, is struggling with aging computers that do not adequately meet the Department's needs. This has resulted in critical information shortfalls, as well as interruption of operations. Obviously, the Department needs to do a better job. Legislation Congress passed last year to establish a Chief Information Officer at the Department of State should help in focusing attention on this longstanding problem.

The Department has yet to change its business practices to reflect the new information age. In September 1994, the State Department launched a Strategic Management Initiative to identify its highest priority functions and products, as well as activities which were no longer necessary. However, GAO states that the State Department "has been reluctant or unable to significantly reduce its overseas presence and the scope of its activities or to substantially change its business practices." I would hope in the future that the Department will not continue to conduct business as usual and then complain it does not have the resources to fulfill its mission.

The State Department, like many other Federal agencies, is confronted by serious management problems that impede its ability to carry out its mission efficiently and effectively. GAO and inspector general reports have shown that in the past, top level attention has not been given to the stewardship of taxpayer resources. I am encouraged by Ambassador Albright's answers to my questions during her confirmation process. She assured us that she will be very much a hands-on manager and recognizes that the ability to conduct quality foreign policy depends upon attacking directly these management issues. Ambassador Albright stated at her confirmation hearing that she would work with Congress "to ensure that the American public gets full value for each tax dollar spent" and that she "is committed to making improvements in the Department's structure and operations that will produce a more efficient and effective use of our resources." I am hopeful that Ambassador Albright will provide the leadership necessary for the State Department to meet its management challenges of the next century. I look forward to working with her to achieve those objectives in the coming Congress and to effectively implement the bipartisan management reforms passed by Congress.

Mr. FEINGOLD. Mr. President, today the Senate votes to confirm the nomination of Madeleine Albright to be Secretary of State.

As many others will say today, this is a historic occasion, as the secretary-designate will soon become the highest ranking woman ever to serve in the United States Government. As a member of the Foreign Relations Committee, it was my distinct honor to approve her nomination at the committee level on Monday. And I am honored to vote for her again today on the floor of the Senate.

Back in the 1980's, I had the pleasure of meeting the distinguished nominee in Wausau, in my home state of Wisconsin, while I was a member of the Wisconsin State Senate. At the time, I was introduced to her as the future Secretary of State. I have since been impressed at how she has excelled—in domestic politics, as well as in foreign policy—to allow her to achieve this great honor, the nomination to be the President's chief foreign policy adviser.

In more recent days, I have observed her both in private, and at her confirmation hearing before the Foreign Relations Committee on January 8 of this year. And I was again impressed at how articulately and gracefully she responded to questions that literally spanned the globe.

Upon confirmation, Ambassador Albright will take on a position that, in my view, is one of the most challenging positions in public service. On the one hand, she will have a tremendous opportunity to affect world events because of the leadership role that the United States plays in so many conflicts around the world. But on the other hand, she will have awesome responsibilities.

Just a quick glance at the range and scope of the various bureaus at the State Department remind us that the job of Secretary of State is far-reaching. Not only will she be in charge of all the regional and administrative bureaus, but she will also be responsible for the Bureau of Democracy, Human Rights and Labor, the Bureau for International Narcotics and Law Enforcement Affairs, the Bureau for International Organization Affairs, Bureau of Oceans and International Scientific Affairs and the Bureau of Population, Refugees, and Migration.

This list underscores the fact that many of the problems that challenge us today are ones that belie traditional ways of looking at the world through regional, or even strictly political, lenses. Increasingly, we are faced with issues that transcend national borders and fly in the face of old political alliances. Concerns over drug trafficking, refugees, disease, and the environment have changed the way we define the national interest.

Of particular interest to me is the promotion of human rights worldwide. I strongly believe that the United States has a moral responsibility to put human rights at the top of our foreign policy agenda. I also believe that—although we might disagree on the manner in which we should raise human rights concerns with other governments—Ambassador Albright agrees with my basic premise here. In my view, it is incumbent upon U.S. diplomats to incorporate our views about human rights in bilateral discussions on other issues. For example, we have many interests in Indonesia, but we must never forget that its government continues to sustain a brutal military occupation of East Timor. Similarly, concerns over human rights abuses in Tibet and over the impending transition in Hong Kong must be pillars of our many-pronged China policy.

Ambassador Albright has, in the past, exhibited superior knowledge of human rights issues and of these other transnational problems. And, I hope she will guide the Administration to propose creative solutions to some of these problems.

Of particular regional concern to me is the African continent, which—too often—is left at the end of the priority lists of policymakers in this country. But Africa—a continent of 48 countries south of the Sahara—supports a population of nearly 620 million people. Its land mass stretches over one quarter of the Earth's surface.

While we often focus upon areas where crises evolve, as in Liberia or in the Great Lakes region, we also must actively support some of the successes in Africa, such as the stunning transition to majority rule in South Africa, Eritrean independence, or the fact that more than 30 democratic elections have taken place on the continent since 1989.

The United States can play an important role in all these events.

Finally, I wish to note that in addition to Ambassador Albright's many qualifications in the field of foreign policy, she also is especially prepared to work with Members of Congress. She spent nearly 2 years as the chief legislative assistant to Senator Edmund Muskie, who himself went on to be Secretary of State. She understands well the intent of the Constitution regarding the separate responsibilities and prerogatives of the legislative and executive branches of our Government. This is of particular concern to me where the deployment of American men and women to combat is involved. I trust Ambassador Albright will take the advice and consent role of the Senate seriously, and will consult fully with the Congress in all matters of troop deployment.

Ambassador Albright never shied away from speaking frankly with us and with the American people in her previous capacity as the U.S. permanent representative to the United Nations. I look forward to future open and candid dialog with her on all of these issues, and expect to work closely with her.

Mr. President, the job of Secretary of State is indeed a challenging one. I salute President Clinton for his superb choice, for it is my view that this nominee is more-than-qualified to take on the challenges of the position under consideration.

I also commend the honorable Senator from North Carolina for expediting the confirmation process.

In summary, Mr. President, I am honored to cast my vote in favor of the nomination of Madeleine Korbel Albright to be Secretary of State.

Mrs. MURRAY. Mr. President, I am honored today to express my strong support for Madeleine Albright's nomination to be the next U.S. Secretary of State. Long after I leave the United States Senate, I will recall fondly the day I voted to confirm Madeleine Albright as Secretary of State; our 63d and first female Secretary of State.

Madeleine Albright is a spectacular nominee; I've worked closely with her since I came to the Senate, particularly on the 1995 United Nations Conference on Women. I do speak personally of the great respect she's earned from many on Capitol Hill. And I know that same respect has been earned in Capitals around the globe throughout her distinguished career. There will be no on-the-job training for this public servant. In recent times, no Secretary of State has assumed the post with the breadth of experience and bipartisan support that Madeleine Albright will bring to the State Department.

Secretary of State is an enormously important job. One of Secretary Warren Christopher's final public statements underscores the importance of the job performed by the Secretary and the American citizens who work at the State Department and in postings around the world. Secretary Christopher, describing his tenure and accomplishments, said, "Russia's democracy was in crisis; its economy was near collapse. The nuclear arsenal of the former Soviet Union was scattered among four new countries with few safeguards. The war in Bosnia was at the peak of its brutality and threatening to spread. North Korea was developing nuclear weapons. The Middle East peace process was stalemated; negotiations were stymied. Repression in Haiti was pushing refugees to our shores. NAFTA's passage was in serious doubt." Certainly, Secretary Christopher's tenure was marked by many other difficult issues that met varying degrees of success. My point is to use Secretary Christopher's words to emphasize the enormity and the importance of the task ahead for Madeleine Albright.

Madeleine Albright will confront a similar list of issues important to our future economic and security interests. China and Asia as a whole have moved to the forefront and many have written that the President will make this important region of the world a "legacy issue" for his second term. I certainly support an activist U.S. role in Asia; from the Russian Far East which is increasingly linked to my State of Washington to South Asia where the threat of nuclear escalation will require careful diplomacy. Hong Kong is on the verge of a return to Chinese sovereignty, and numerous territorial disputes throughout Asia threaten to become military flashpoints. The United States is and must continue to be the stabilizing force in Asia that fosters peace and our economic growth in the region. Numerous regional groupings from APEC to the ASEAN Regional Forum will require U.S. leadership and vigilance. This region, with more than one-half of the world's population, must be a priority of the new Secretary. And I am sure Madeleine Albright will represent the ideals we cherish; the ideals we share with the world through an activist, engaged foreign policy.

Europe and the former Soviet states must also remain a priority issue. NATO expansion will be difficult. And international trade issues with the European Community will continue to be difficult as we seek to gain greater market access, end subsidized competition in manufacturing and agriculture, and continue to press for protection of U.S. intellectual property rights. Madeleine Albright, an immigrant from Prague, is uniquely qualified to represent U.S. interests in this region of mature and growing political and economic relationships.

Latin America is finally emerging from the throes of the cold war. El Salvador and Guatemala are continuing on important paths to peace and reconciliation. Virtually every Latin American country is now under some form of democracy; the United States must continue to foster this democratic development and reconciliation. NAFTA expansion to Chile and beyond will require a respected leader to negotiate agreements beneficial to the United States and to educate and understand the concerns of a skeptical public. Again, I believe Madeleine Albright will do a fabulous job for the American people in this region of the world.

Problems in Africa continue to go largely unnoticed in our country. Children throughout the world continue to suffer the evils of disease and malnutrition. Radical changes may come to Cuba and North Korea in the near future. All of these issues, and many more unforseen events, will require a person like Madeleine Albright.

Finally, following her confirmation, I want to urge the new Secretary to be a voice for the State Department and its family of employees, many of whom are scattered around the world in service to our country. I find it refreshing that Ambassador Albright during her confirmation hearing freely talked about the difficulties of conducting foreign relations, on the cheap.

As a member of the Appropriations Foreign Operations Subcommittee, I look forward to working closely with Secretary of State Madeleine Albright.

Mr. ENZI. Mr. President, I rise in support of Madeleine Albright's nomination to take the helm of the U.S. Department of State. I believe she is well qualified and has displayed a unique steadiness and pragmatism during her tenure as our Ambassador to the United Nations. From her difficult beginnings and throughout her life, she has proudly embraced this country. She has served America with dignity and patriotism. In her new position, I hope she will continue to sensibly promote our Nation's best interests.

All of these qualities are attested to by a very dear friend of mine, Edward Gnehm, our former Ambassador to Kuwait. He now serves as Deputy Assistant Ambassador under Madeleine Albright at the United Nations. I met Skip Gnehm in 1962, when we began 4 good years together at the George Washington University. I have always valued Skip's friendship and his insight—particularly in matters of foreign affairs.

Skip and I have recently discussed the changing role of the United States in global politics. We agree that, as a nation, we live in a rapidly changing part of the 20th century. World politics is no longer dominated by the tense United States-Soviet detente that defined United States foreign policy for so many years. Gone is our old familiar enemy, the Russian bear, growling on

the horizon. But we have also lost the political stability Soviet hegemony provided in the region. No one here would argue for the return of a Communist-controlled Soviet empire, but in the wake of glasnost, we are left with a political minefield that demands careful attention.

Our foreign relations are more fragile than ever and demand increasing precision. The State Department, our eyes and ears abroad, is our country's first line of defense. Without an effective and supported foreign service, we will have little capability in combating today's imminent threats to American lives. Dangers such as international terrorism and nuclear proliferation among rogue nations truly pose a greater threat to our national security than Russia ever did.

In light of these facts, I am discouraged by the increasing trend toward isolationism. We cannot turn our eyes inward and ignore the problems of our neighbors. Like it or not, our world is interconnected, interdependent, and international. Today, we send e-mail on the internet across the globe with the push of a button. A phone call can bridge thousands of miles between family and friends. Businesses move money electronically across borders in the blink of an eye. A drought in Kansas can raise the price of bread in Moscow. It is true that domestic peace and prosperity in America are important, but you can't sustain peace and prosperity on an island in a global sea of discord.

So, I am using this opportunity to speak in support of Madeleine Albright's nomination, but also to voice my concern about the lack of direction and coordination in our foreign policy. We need to identify our goals and be very clear in our message. As the world's only superpower, we cannot stand around watching—simply reacting to random global events.

I believe Ambassador Albright has demonstrated her exceptional abilities as a diplomat and in offering thoughtful counsel to our President. I would now encourage her to utilize her proven diplomatic skills and her new high-profile job to bring some change in the President's Cabinet room. We need to introduce strategic planning into our foreign policy and she is the person to do it. With well-defined goals, a properly managed administration and a little enthusiasm, our State Department and Foreign Service could again receive the respect they deserve—both at home and abroad.

Mr. DASCHLE. Mr. President, the Senator from West Virginia [Mr. ROCKEFELLER] asked me to submit his statement in support of Madeleine Albright for Secretary of State. He is necessarily absent for the vote today because of responsibilities he has in leading a trade mission from his State of West Virginia to Asia. He regrets not being here to cast his own vote for Ms. Albright, and asks that his enthusiastic support for this outstanding individual be noted.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. ROCKEFELLER. Mr. President, I am submitting this statement to express my strongest support for the nomination of Madeleine Korbel Albright to be the Secretary of State of the United States of America. Unfortunately, I am necessarily absent from the Senate, and am unable to cast my vote for Ms. Albright. Because of plans that had to be scheduled long ago, I am presently leading a group of more than 30 West Virginians on a trade mission to Japan and Taiwan that is called Project Harvest II.

This trade mission, the second I have led to Asia, is vitally important to the long-term economic vitality of my State. Since the first Project Harvest Trade mission in 1995, tens of millions of dollars in contracts, and many new jobs have flowed back to West Virginia. That first trip also served as a key step in bringing companies like Sino-Swearingen and Toyota to West Virginia—international investments that have changed the face of West Virginia's manufacturing profile.

The globalization of the economy is the greatest force shaping international relations in the last years of the millennium, and the kinds of relationships that West Virginia is developing around the world are a key unifying factor in this new world order. Trade missions like Project Harvest can be an extension of America's international interest in fostering peace, stability, and prosperity across the globe.

I personally regret, however, that I am missing a chance to vote on the nomination of Madeleine Albright. Mr. President, I don't think President Clinton could have made a wiser choice in selecting Madeleine Albright for this central post in his administration. I have known Madeleine Albright for many years, and have rarely seen such a combination of intelligence, skill, experience, principle, values, and, Mr. President, patriotism, in all my days.

Madeleine Albright brings all these things to the service of her adopted nation. A daughter of Central European strife, she has a unique world view that brings into clear focus some of the most difficult and compelling challenges we face as the world's last true military and economic superpower.

Of course the world today is a remarkably different place than the one we faced 50 years ago, 15 years ago, and even 5 years ago. I am further struck by the fact that we are defining this time by what it is not, that is the cold war—rather than by what it is—a transition time in the world's history where one historic power, Europe, is struggling to define itself; and another, China, is struggling to assert its place in the world. It is into this breach that Madeleine Albright has been tasked to define and promote America's global interests.

Traditionally, American foreign policy has had Europe and the Atlantic as its focal point. While we must continue making Europe a priority, we also see Asia growing in importance in economic, military, and other terms. This means that geographically, strategically, and economically, the United States sits astride both worlds.

Because of my own long-time involvement in United States-Japan relations and Asia issues generally, I want to voice my confidence that Secretary of State Albright will provide the needed leadership, insight, and attention to the Pacific region in her role as the Clinton Administration's chief of international diplomacy and as a key part of his national security team. She understands the challenges we face together as Pacific neighbors; she appreciates the differences and complexities that are presented; and she will be a clear and forceful advocate for America's peaceable interests and the goals we share with our allies and the people of nations worldwide.

Mr. President, I believe that Madeleine Albright is a superb choice for Secretary of State. I ask her forgiveness that I am unable to stand and vote for her today, and I pledge to work with her in every way possible.•

Mrs. BOXER. Mr. President, I am proud to support the nomination of Madeleine K. Albright for Secretary of State. Ambassador Albright is extremely well-qualified for this important post and will make a tremendous leader of the Clinton administration's foreign policy team.

This nomination is truly historic. Ambassador Albright is the first woman ever nominated to be Secretary of State. She will not only become the most senior female appointee in this administration, but the highest ranking in the history of the United States. I am so very proud that today Madeleine Albright is shattering a glass ceiling that many thought would never be broken.

Ambassador Albright will also be the first refugee to hold this important post. Having fled totalitarianism herself, Ambassador Albright is especially sensitive to the needs of newly emerging democracies. She is a beacon of hope to the hundreds of millions of people around the world who have recently shed the shackles of authoritarian government.

Over the last 20 years, Ambassador Albright has worked tirelessly to promote a safer, more stable world. After working as a foreign policy adviser to the late Senator Edmund Muskie, she taught foreign policy at Georgetown University's School of Foreign Service. As U.S. Ambassador to the United Nations, she earned a reputation for

toughness, fairness, and the tireless advocacy of American interests.

Madeleine Albright is a diplomat, scholar, and a role model for the Nation's young people—especially our young women. I am confident that she will make an excellent Secretary of State and I proudly support her nomination.

The PRESIDING OFFICER (Mr. GREGG). Who seeks recognition? Who yields time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Could I ask for a minute and a half?

Mr. HELMS. If you want, more than that.

Mr. WARNER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Virginia is recognized for a minute and a half—5 minutes. The Senator from Virginia is recognized for 5 minutes.

Mr. WARNER. Mr. President, I commend first the distinguished chairman of the Foreign Relations Committee for the manner in which he expedited the hearing on this very important, most senior of our Cabinet positions.

Also, I wish to commend the distinguished chairman of the Armed Services Committee. Our committee just completed its hearing on Senator Cohen, and we anticipate that today the Senate is likely to turn to that nomination also for a vote.

So that under the leadership of the majority leader, with the cooperation of the distinguished Democratic leader and the chairmen, we have, I think in record time, accomplished the very careful and thorough screening of two Cabinet posts and providing the President with that advice which he needs.

I have had the privilege of knowing the distinguished Ambassador, the nominee for the post of Secretary of State, for many years. Ambassador Albright has come before the Senate Armed Services Committee, over the 18 years I have been privileged to serve on that committee, on a number of occasions as an expert witness, which is a difficult role to carry out. But she has always done it in a very careful and well-informed manner. Early on, she gained the respect and admiration of both sides on our committee, as she worked her way up through a number of important posts before going to the United Nations as our Ambassador. And now I think the President is to be commended in selecting her for this assignment, which I anticipate she will discharge with equal if not greater wisdom and skill than her previous assignments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from North Carolina.

Mr. HELMS. Mr. President, I suggest we let a quorum call be charged equally.

Mr. STEVENS. Mr. President, will the Senator yield just a moment?

Mr. HELMS. Certainly. Certainly.

Mr. STEVENS. Is there time left, Mr. President?

The PRESIDING OFFICER. The Senator from North Carolina has 19 minutes.

Mr. THURMOND. Are we going to vote, Mr. President?

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I hope we will agree to vote as quickly as possible, but I do want to say that I welcome this nomination. Madeleine Albright at the United Nations as our Ambassador helped to make the world realize how important it is we conserve the oceans. She assisted in many ways with those of us who are trying to really protect the oceans. I welcome her coming to the Department of State now where I think she can carry on the same fight and help us really deal with the overwhelming problem of assuring that the oceans of the world continue to produce the food that mankind needs.

The PRESIDING OFFICER. Who yields time? If no time is yielded, time will be charged to both sides.

The Senator from North Carolina.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LOTT. Mr. President, I believe we are prepared to complete the debate on the nominee to be Secretary of State.

I commend the committee members for the way they have handled this matter. Obviously, it was expeditious and a very pleasant experience. I thank the chairman for the way he has handled it. If he says the nominee is OK, that is very powerful in this institution. I thank the Senator from Delaware for his efforts also.

Mr. President, today is a historic day for the Senate, for the Department of State, and for the United States. Today, we will confirm America's 63d Secretary of State. Madeleine Albright will be the first woman to hold our country's highest diplomatic post.

Most of our Members are aware of Ambassador Albright' compelling personal history. As a child, she was forced to flee her native Czechoslovakia from the century's two great tyrannies: Nazi Germany and Soviet Communism. First-hand, she learned that freedom is not free, and that resistance to aggression is imperative.

Ambassador Albright is an American by choice. She has served her adopted land with distinction—at the National Security Council in the Carter administration, in politics and in the academic world, and most recently as U.S. Ambassador to the United Nations.

When I met with Ambassador Albright last week, we had a good discussion about a range of issues. I expressed my concern over the gradual decline of the role of Congress in foreign policy—at least that is the way Congress is sometimes treated by administrations—a trend that is not in keeping with my reading of what the framers of the Constitution intended.

Ambassador Albright told me she taught a course on "Congress and Foreign Policy" and that she very much understands and respects the role of the Congress in our power of the purse, our sole power to declare war, and the Senate's co-equal role in treaty making.

As secretary of State, Ambassador Albright will face many difficult issues. Perhaps her greatest challenge will be articulating a vision of America's role in the post-cold-war era—a vision that is readily understood and supported by the American people and their elected representatives.

Our leadership role in the world depends on the power of our ideals and the purpose to defend our interests. And it depends on the support of our citizens for a leadership role. I believe the American people know America must remain engaged in the world, and that they will be willing to support our engagement because it is ultimately to the benefit of each and every American.

In just the coming months, Ambassador Albright will have a very full agenda—on Capitol Hill and around the world. There are continued concerns about Russia's future, the threats posed by rogue regimes from Iran and Iraq to Libya and North Korea, the spread of weapons of mass destruction, terrorism, international crime, and narcotics trafficking, the United States relationship with Asia's emerging giant—China, pursuit of a lasting and secure peace in the Middle East, and serious attention to the problems and potential of our own hemisphere.

Each of these will demand a very experienced and committed Secretary of State. The Ambassador's skills and wisdom will be challenged every day.

Secretary Albright, assuming she is going to be confirmed here momentarily, will also need to spend much more time with the Congress. We have pledged to do what we can to move America ahead in a nonpartisan or bipartisan fashion. We will try to work together on arms control issues. We expect the administration to respect the Senate's role in providing advice and consent to the significant modifications they propose to the 1972 ABM Treaty.

The administration has tried to make a case for more money for the

United Nations and for international affairs spending in general. I do not believe in measuring American leadership by how many taxpayer dollars we send to the United Nations or to AID contractors—especially when our defense and intelligence capabilities have felt the impact of far more severe budget limitations.

We are also awaiting the administration's request for funding their decision to extend the American troop presence despite the promise of a 1-year only deployment in Bosnia. On all budget issues, we will try to work together on funding the administration's priorities and our priorities in a manner consistent with the move toward a balanced budget.

I expect to work closely with Secretary Albright to prepare the Senate and the American people for the historic expansion of the most successful alliance in history—NATO. We will work to support the historic progress toward peace in the Middle East, made possible because the enemies of Israel know that American support for our democratically is unswerving.

Today, with what I expect will be an overwhelming vote, the Senate will confirm Madeleine Albright as Secretary of State. The confirmation process moved rapidly and cooperatively, and I think it is indicative of what we can do in the months and years ahead.

I want to offer my congratulations to Secretary-to-be Albright, her family and her friends on this historic occasion. I believe President Clinton made a sound choice, and I believe Secretary Albright will serve America honorably.

With that, Mr. President, I have been asked to yield back time on both sides. I believe we are prepared to vote.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nomination of Madeleine Korbel Albright, of the District of Columbia, to be Secretary of State? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 1 Ex.]

YEAS—99

| | | |
|---|---|---|
| Abraham | Bumpers | Daschle |
| Akaka | Burns | DeWine |
| Allard | Byrd | Dodd |
| Ashcroft | Campbell | Domenici |
| Baucus | Chafee | Dorgan |
| Bennett | Cleland | Durbin |
| Biden | Coats | Enzi |
| Bingaman | Cochran | Faircloth |
| Bond | Collins | Feingold |
| Boxer | Conrad | Feinstein |
| Breaux | Coverdell | Ford |
| Brownback | Craig | Frist |
| Bryan | D'Amato | Glenn |
| Gorton | Kerry | Reid |
| Graham | Kohl | Robb |
| Gramm | Kyl | Roberts |
| Grams | Landrieu | Roth |
| Grassley | Lautenberg | Santorum |
| Gregg | Leahy | Sarbanes |
| Hagel | Levin | Sessions |
| Harkin | Lieberman | Shelby |
| Hatch | Lott | Smith (NH) |
| Helms | Lugar | Smith (OR) |
| Hollings | Mack | Snowe |
| Hutchinson | McCain | Specter |
| Hutchison | McConnell | Stevens |
| Inhofe | Mikulski | Thomas |
| Inouye | Moseley-Braun | Thompson |
| Jeffords | Moynihan | Thurmond |
| Johnson | Murkowski | Torricelli |
| Kempthorne | Murray | Warner |
| Kennedy | Nickles | Wellstone |
| Kerrey | Reed | Wyden |

NOT VOTING—1

Rockefeller

The nomination was confirmed.

Mr. HELMS. I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Chair suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## ANOTHER RECORD FOR ROBERT C. BYRD

Mr. LOTT. Mr. President, so far, January has been quite a month for our highly esteemed colleague, the senior Senator from West Virginia. On January 8, Senator ROBERT C. BYRD observed the 50th anniversary of the day he entered public service as a member of the West Virginia House of Delegates.

To commemorate this significant event, Senator BYRD returned to the West Virginia State capitol on January 11 to join hundreds of grateful West Virginians and other friends in the unveiling of a bronze statue.

This likeness of Senator BYRD, prominently placed in the capitol's rotunda, will serve to remind future generations of his service to his State and to his country.

Just 2 days after the Charleston, WV, ceremony, ROBERT BYRD achieved another major distinction. On January 13, 1997, he became the fourth longest serving U.S. Senator in the history of our republic, with a service record of 38 years and 10 days.

Think of it, Mr. President. Of the 1,843 past and present senators, only three have served longer than ROBERT C. BYRD. In another 3 years, SENATOR BYRD will exceed the 41-year service record of my immediate predecessor from Mississippi, John C. Stennis.

After that, Senator BYRD's only challengers will be the current record holder, Carl Hayden of Arizona—41 years and 10 months, and the current second longest serving member, our highly regarded colleague from South Carolina, STROM THURMOND.

I shall have more to say about Senator THURMOND in May of this year, when he breaks Senator Hayden's record.

Each of us in this body, from the most junior to the most seasoned, would do well to pay close attention to ROBERT C. BYRD—a man of great historical knowledge. When ROBERT C. BYRD speaks about the role of the Senate in American Government, he deserves our most careful attention.

On behalf of all Senators, I commend Senator BYRD for his long service to our country.

(Applause, Senators rising.)

## ORDER OF PROCEDURE

Mr. LOTT. Mr. President, momentarily, we hope to propound a unanimous-consent agreement about the time and how we will handle the nomination of our colleague, former Senator Bill Cohen. We are working on the final preparation and notification on that, and then we will ask for an agreement at that time.

## AUTHORIZING SENATE LEGAL COUNSEL REPRESENTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 21, submitted earlier today by myself and Senator DASCHLE.

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

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 21) to direct the Senate legal counsel to appear as amicus curiae in the name of the Senate in Sen. Robert C. BYRD, et al. v. Franklin D. Raines, et al.

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, the resolution directs the Senate legal counsel to appear as amicus curiae, as friend of the court, in the name of the Senate in a case pending in the United States District Court for the District of Columbia, and ask for its immediate consideration.

Mr. President, on April 9, 1996, President Clinton signed into law the Line Item Veto Act. This act was the product of years of legislative consideration and much protracted debate.

Beginning January 1 of this year and through the year 2004, the Line Item

Veto Act provides the President with the authority, under a set of carefully circumscribed limitations, to cancel particular items of appropriation, direct spending or limited tax benefit in any bill.

The President must report any such cancellation to Congress by special message within 5 days after his approval of the bill containing such spending or tax provisions. Congress then has the opportunity to decide whether to pass a law disapproving the President's cancellation and mandating the spending or tax benefit.

As I have stated, this Act was passed after much consideration and debate understanding the potential Constitutional implications. In the end, Congress determined to empower the President in this manner in recognition of the fact that strong tools are necessary if we are to achieve our goal of finally getting the Federal budget in balance.

Mr. President, the distinguished Senator from West Virginia, Mr. BYRD, and three other of our colleagues, the former senior Senator from Oregon, Mr. Hatfield, the senior Senator from Michigan, Mr. LEVIN, and the senior Senator from New York, Mr. MOYNIHAN, joined by two Members of the House of Representatives, have filed an action in the United States District Court for the District of Columbia challenging the constitutionality of the act. They assert in their lawsuit that the act violates the lawmaking provisions of article I of the Constitution by authorizing the President to nullify the effect of portions of recently enacted laws.

The lawsuit at issue was commenced pursuant to a special judicial review provision, section 3 of the act, authorizing the filing of an action by any Member of Congress to seek declaratory or injunctive relief on the ground that the act violates the Constitution.

This judicial review provision also gives each House of Congress the right to intervene in the suit in defense of the act. Further, the law provides for direct appeal from any decision of the district court to the Supreme Court and requires both courts to expedite their handling of the action.

The Department of Justice will represent the defendants in the lawsuit, namely the Director of the Office of Management and Budget and the Secretary of the Treasury. As such, there appears to be no need for the Senate to intervene formally in the suit as a party defendant.

Nonetheless, title VII of the Ethics in Government Act authorizes the Senate to appear as amicus curiae, or friend of the court, in this or any such legal action in which the powers and responsibilities of the Congress under the Constitution are placed in issue.

Mr. President, appearance as amicus curiae in this lawsuit would enable the Senate to present to the court its reasons for enacting the Line Item Veto Act and the basis for its position that the law is consistent with the Constitution.

This resolution I offer today will authorize the Senate legal counsel to appear in this case in the name of the Senate as amicus curiae to support the constitutionality of the Line Item Veto Act.

The Senate, through the Senate legal counsel, would not take any position on the other issues, such as those related to the constitutional standing of the plaintiffs in the suit to bring the action, and the timeliness, or ripeness, of the issues before the court, that may be considered by the court in the case as such issues are not covered by the explicit terms of the resolution.

Mr. MCCAIN. Mr. President, I rise in strong support of the resolution that is before the Senate.

This resolution directs the Senate legal counsel to appear in the name of the Senate to defend the constitutionality of the Line Item Veto Act, Public Law No. 104–130, 110 Stat. 1200 (1996). While both the Line Item Veto Act and the Ethics in Government Act of 1978 provide authority for the Senate to intervene or appear as amicus curiae in legal proceedings, the adoption of a resolution by the Senate is necessary in order to activate participation by legal counsel. By adopting this resolution, we will ensure that the Senate is fully represented in the case of Sen. Robert C. Byrd, et al. versus Franklin D. Raines, et al., which is pending in the U.S. District Court.

The case that has been filed by Senator BYRD, former Senator Hatfield, Senator LEVIN, Senator MOYNIHAN, Representative SKAGGS, and Representative WAXMAN challenges the constitutionality of the Line Item Veto Act on the grounds that it violates article I of the Constitution. I firmly believe that their assertion is false and that the Line Item Veto Act which was passed last year by an overwhelming vote of 69 to 31 is constitutional.

The act passed last year was very carefully drafted to ensure constitutionality. While I would not presume to tell the court how they should rule on this case, I am confident that the Senate legal counsel will present a very compelling argument that proves that Congress does have the authority to delegate this very limited and strictly defined power to the President.

Our $5 trillion debt, our voracity for spending and our lack of political courage to cut spending led Congress to pass the Line Item Veto Act. Finally, Members of Congress will be forced to defend their pork barrel spending projects publicly. I am hopeful, although not convinced, that the mere threat of a Presidential veto will cause Members of Congress to rethink putting special interest items in appropriations bills like aquaculture centers to study shrimp in landlocked Arizona, bicycle paths, and millions of dollars for pony trekking facilities in Ireland. The time has come to force Congress and the President to take responsibility for how we are spending taxpayers' dollars.

The purpose of the line-item veto is to reduce the deficit by allowing the President to cancel wasteful Congressional spending. Prior to passage of this important Government reform tool, it was easy for Members to slip projects into large appropriations bills or tax bills and not have to be accountable for wasting taxpayers' hard-earned dollars. When these large bills came to the President, often on a deadline, his hands were tied, leaving him with a take-it-or-leave-it decision on the entire bill. In essence, the old system allowed both Members of Congress and the President the ability to blame each other and point fingers without accepting responsibility for these ridiculous projects.

The court challenge launched by a few Members of Congress is simply an effort to continue their battle to preserve the status quo budget process—a budget process that favors seniority and the Appropriations Committee, and one that allows Members to hide wasteful and parochial spending projects in large appropriations bills that previously the President was forced to sign or reject in total. Some of these members support the current process because they directly benefit from it. Last September, the Portland Oregonian reported that since 1980, former Senator Hatfield sent $3.2 billion home to Oregon. It is simply not fair to allow a disproportionate share of taxpayer dollars to be distributed on the basis of position or committee assignment.

The Line Item Veto Act ends this practice of unaccountable spending by allowing the President to use an enhanced rescission process that builds on the President's current authority under the Impoundment Control Act of 1974. It strengthens the existing rescission authority by placing the onus on Congress to overturn the President's rescissions rather than waiting for Congress to act on rescissions that the President recommends.

History shows the current rescission process simply does not work because it is too easy for Congress to deliberately fail to act. Since 1974 only $23.7 billion of the $74 billion in rescissions proposed by Presidents have been adopted. That is just 32 percent—not a very good batting record. It was, after all, our frustration with the current process and the Congress' insatiable appetite for spending that led Congress to cede this limited authority to the President.

Our opponents will attempt to persuade the courts that we have abdicated our constitutional powers by delegating to the President powers that

we do not have authority to delegate. There is strong historical evidence in tax and tariff law that proves Congress can delegate this kind of power to the President. The delegation of power is narrowly defined and limited to canceling dollar amounts of discretionary budget authority in an appropriation law, new items of direct spending, or limited tax benefits for the sole purpose of deficit reduction. The statute outlines strict prescriptions for how the President must use this authority and gives Congress an opportunity to overturn the President's cancellation under expedited procedures. All of these limitations on the President's use of this power ensure the constitutionality of this process change.

Despite what the plaintiffs in this case may lead you to believe, I have found nothing in the Constitution that requires the President to spend every dollar that Congress appropriates. Our opponents would like to equate preserving Congress' autonomy to spend taxpayers money with protecting the delicate balance of power of our government. Actually these big spenders are trying to cling to power that has been unfairly tipped in their favor. Since Congress usurped the President's power to impound funds in 1974, it has been Congress that has upset the delicate balance of power in our government system.

Congress' power has been even further expanded by the evolution of a budget process that results in huge appropriations bills, omnibus tax and reconciliation measures as well as passage of continuing resolutions at the last minute just before the fiscal year ends. In addition, this process of passing enormous bills has substantially undercut the current veto power to challenge wasteful spending measures. I doubt our founding fathers could have ever envisioned fathomed legislation totaling hundreds of pages. In their day, an appropriations bill was one page—giving the President a relatively easy choice.

The line item veto finally puts the President on a level playing field with the Congress by giving the President a necessary tool to govern responsibly in light of the how the legislative process has evolved. For over 25 years it has actually been Congress that has quietly undermined our system of checks and balances. Passage of the line item veto was necessary to restore an equilibrium between the executive and legislative branch.

The line item veto in no way alters or violates any of the principles of the Constitution. It preserves wholly the right of the Congress to control our Nation's purse strings—a trust I might add the Congress has often violated. The law as crafted does nothing more than embrace the Constitutional tenet to give the President functional veto power. I am confident that the court will look at this new authority in light of the historical evidence and court precedent and find that it is fully constitutional.

I do not believe it is necessary to engage in a lengthy discussion about the line item veto since the Senate has already debated this subject vigorously and I believe the record speaks for itself. I would, however, like to remind the Senate that two former solicitors general—one Democrat and one Republican—testified before Congress that the law is fully constitutional. The American Law Division of the Congressional Research Service reviewed the law and asserted "nothing in delegation doctrine suggests that Congress may not delegate powers . . ." And the Justice Department reviewed the legislation before the President signed the bill and determined it was constitutional.

In closing, let me say, I look forward to working with the President to help him identify spending and tax provisions that he should cancel. I hope that President Clinton has the political courage to exercise this authotity diligently and will not bow to the prolific spenders in Congress, thus squandering this historic opportunity. The American people have waited for this for over 120 years. Let us not disappoint them.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

Before the Chair's ruling, for the information of all Senators, this is a resolution that allows the Senate legal counsel to file a brief on behalf of the Senate with regard to support for the line-item veto.

The PRESIDING OFFICER. Without objection, the resolution and its preamble are agreed to.

The resolution (S. Res. 21) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 21

Whereas, in the case of *Sen. Robert C. Byrd, et al. v. Franklin D. Raines, et al.*, C.A. No. 97-0001, pending in the United States District Court for the District of Columbia, the constitutionality of the Line Item Veto Act (Public Law 104-130; 110 Stat. 1200), has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978 (2 U.S.C. 288b(c), 288e(a), 2881(a)), the Senate may direct its counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is directed to appear as amicus curiae on behalf of the Senate in the case of *Sen. Robert C. Byrd, et al. v. Franklin D. Raines, et al.*, to defend the constitutionality of the Line Item Veto Act.

EXECUTIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now return to executive session to consider the nomination of William Cohen, to be Secretary of Defense, and that the time on the nomination be limited to 20 minutes under the control of the chairman, Senator THURMOND, and 15 minutes under the control of the ranking member, Senator LEVIN, and following the conclusion or yielding back of the time, the Senate proceed to vote on the confirmation of Senator Cohen.

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

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NOMINATION OF WILLIAM COHEN OF MAINE TO BE SECRETARY OF DEFENSE OF THE UNITED STATES

The legislative clerk read the nomination of William Cohen of Maine to be Secretary of Defense of the United States.

Mr. LOTT. Mr. President, I have just one bit of clarification. We had hoped to have a full discussion of support for Senator Cohen on Thursday. But we do have the wake and funeral of our former colleague, Senator Tsongas. We are trying to accommodate Senators who need to leave this afternoon to go up to Massachusetts for the wake and for other commitments that were made tonight. We needed to go ahead and get this done today because Senators would not get back until late tomorrow afternoon. I apologize to Senators who may not have as much time as they wanted. I encourage those Senators to stay after the vote to speak on this, if they wish.

So for the information of all Senators, another vote is expected on the confirmation of our former colleague, Senator Cohen, at approximately 3:25 p.m. today.

Following that confirmation vote, there will be an additional period for morning business in which to introduce bills and make statements. However, there will be no further rollcall votes today. The next opportunity the Senate will have for votes, at this point, looks like Tuesday of next week. But we will further confirm that when we do our closing statement later today.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield myself 2½ minutes.

I want to thank the majority leader, Senator LOTT, and the minority leader, Senator DASCHLE, for taking up the nomination of our former Colleague Senator Bill Cohen to be Secretary of Defense. As all Senators know, Secretary Perry, who has ably led the Department of Defense for the past 3 years, has departed. It is therefore essential that we fill the position of Secretary of Defense as quickly as possible.

The Armed Services Committee met this afternoon in an executive session and unanimously voted to recommend the confirmation of Senator Cohen as the 20th Secretary of Defense. Senator Cohen is well known by all Members of the Senate for his distinguished 18 years of service in the Senate representing the people of Maine. Each of us is aware of his character, ability, and dedication to providing unquestioned support for our men and women in uniform. Senator Cohen has repeatedly demonstrated a vision for how the United States must meet its defense needs. I believe that as the Secretary of Defense, Bill Cohen will continue to demonstrate the strong independent characteristics of New England gentlemen and will lead the Clinton administration to provide adequately for the security of the Nation and those who serve in our Armed Forces.

Mr. President, as chairman of the Armed Services Committee, I urge the Senate to confirm William S. Cohen, a dedicated public servant, as the next Secretary of Defense.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 5 minutes.

Mr. President, I am pleased to join the chairman of the Armed Services Committee in supporting the nomination of our former colleague, Senator Bill Cohen, to be Secretary of Defense.

I want to commend President Clinton for his willingness to reach across party lines to select a creative and independent thinker like Senator Cohen to serve as his Secretary of Defense. With this appointment, the President has shown his commitment to a bipartisan foreign policy and a strong national defense. He has selected someone who has very strong feelings about the role of Congress in making national security and foreign policy, and on the need for close consultation between the President and Congress in this area. I hope that Congress will reciprocate by working closely and constructively with the President and his new Secretary of Defense.

Mr. President, I come from a State that was represented in the Senate for 23 years by Senator Arthur Vandenberg, who perhaps more than any other Senator in history stands for bipartisanship in national security and foreign policy. I also sit on the Armed Services Committee where Senator Cohen, for 18 years, served with me and displayed to me over and over and over again, as he did to all of our colleagues during this period, his instinct to be a true American patriot—not a Republican, not a partisan, but a patriot when it comes to American security and foreign policy issues. I look forward to working with him in his new capacity to continue that tradition.

Senator Cohen's experience in the Senate should serve him well as he moves on to his new position. In his capacity as a member of the Armed Services Committee, Senator Cohen has been a leader in virtually every major national security debate in the Congress for the past two decades. He was a forceful advocate for improving the quality—and the quality of life—of the All Volunteer Force in the late 1970's. He played a key role in the Armed Services Committee in drafting and passing the landmark Goldwater-Nichols Department of Defense Reorganization Act in the mid-1980's, as well as the legislation that strengthened our Special Operations Forces. He has been an innovative thinker in the area of arms control, and he helped force a bipartisan compromise on antiballistic missile policy in the last Congress.

Senator Cohen has also shown his ability to work in a constructive manner across party lines on the Governmental Affairs Committee, where he and I served on the same subcommittee for 18 years, alternating as chairman and ranking minority members. We worked together on all of the recent acquisition reform legislation, including the Competition in Contracting Act, the Federal Acquisition Streamlining Act, and the Information Technology Management Reform Act. We cooperated on oversight hearings that led to significant savings in defense inventory, the purchase of commercial items, and DOD travel costs—everything from the purchase of commercial items—where we worked closely together to make sure we buy more commercial items, to DOD travel costs—where we worked to try to reduce the administrative costs associated with DOD.

Outside the defense arena, we worked side-by-side on the Senate floor to enact the Independent Counsel Act, the Whistleblower Protection Act, and the Lobbying Disclosure Act.

The Department of Defense and the Nation are fortunate to have been served by a long line of capable and effective Secretaries of Defense. I look forward to working with Senator Cohen to help him continue that tradition of effective leadership, and I am confident that my colleagues on both sides of the aisle share this view.

Mr. President, at this morning's hearing of the Armed Services Committee, I shared with Senator Cohen my experience from a visit that I recently made to Bosnia with Senator JACK REED, during which we met with our military personnel—the men and women of our Armed Forces serving there—and our leadership, as well as the governmental leadership inside Bosnia and Serbia.

We met with the three Presidents and two Prime Ministers of Bosnia and Herzegovina, with General Crouch, the Stabilization Force or SFOR Commander, and the United States and French sector commanders and troops, the Dayton Agreement High Representative Carl Bildt, and United States Embassy personnel.

As a result of these meetings, I have reached a conclusion, which I shared with Senator Cohen this morning, that two things are going to be true relative to Bosnia. One, that we are going to need some kind of an outside force at the end of the 18-month period which is currently the mission length in Bosnia. For a number of reasons, in my judgment, there is no way that the current so-called stabilization force can leave Bosnia at the end of 18 months with any other result but that the same situation will return to Bosnia as previously existed there.

Conclusion No. 1: There will need to be some form of an outside armed force to help maintain the stabilized situation which we are now creating in Bosnia.

But, No. 2, we should not have our ground forces in Bosnia at the end of 18 months. Europe should take a greater responsibility, and there is a new development inside of NATO which makes that a possibility.

There is a new development inside of NATO which is very fortuitous, which makes it possible for Europe to take over the leadership of any follow-on force after 18 months. That fortuitous development is that NATO is developing a European security and defense identity within the alliance which will permit European NATO nations, with NATO consent, to carry out operations under the political control and strategic direction of the western European Union, using NATO assets and NATO capabilities. That European initiative inside of NATO is the appropriate follow-on force after this 18-month period is over, should a follow-on force be necessary. In my judgment, at least, it will be.

I was pleased that Senator Cohen shared my view that U.S. combat forces should not remain on the ground in Bosnia for more than 18 more months, and that he shared my optimism that it was at least possible that this new European security and defense initiative would be the right follow-on force in Bosnia should an outside armed force continue to be necessary.

Although Senator Cohen has served on the Armed Services Committee for the past 18 years, the committee carried out the same thorough review of this nomination that we do for all nominations that come before the committee. We carefully reviewed his financial disclosure and his responses to the standard committee questionnaire. In late December, the committee submitted an extensive set of policy questions to Senator Cohen. His written answers were made available to all committee members and are part of the

committee's written record of this nomination. Earlier today, the committee conducted a lengthy hearing with the nominee and examined his views on the full range of national security issues facing the United States.

Mr. President, based on the committee's review of this nomination, and based on my own experience working with Senator Cohen over the past 18 years, I urge my colleagues to join me in supporting this nomination.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, how much time do I have on my side?

The PRESIDING OFFICER. The Senator from South Carolina has 18 minutes.

Mr. THURMOND. Mr. President, I now yield 10 minutes to the able Senator from Maine, Senator SNOWE.

The PRESIDING OFFICER. Senator SNOWE is recognized.

Ms. SNOWE. Mr. President, I thank the chairman of the Armed Services Committee for yielding me this time this afternoon.

Mr. President, today the Senate will have the opportunity to vote on the confirmation of America's next Secretary of Defense.

This is, of course, a position of tremendous importance and responsibility—particularly as we look toward a new millennium and the national security challenges that it will present. These challenges will be many: restructuring our forces, modernizing our defense, reconciling our defense needs with the realities of our budget, our ongoing interests in the Mideast and Bosnia, and the potential for other conflicts yet unknown. And as always, the world will be looking to us—the greatest democracy on Earth—for strong and just leadership.

So the individual who will hold this office must be of the highest moral and intellectual fiber. This is why I am pleased and honored to rise today in strong support of the nomination of William S. Cohen to be our next Secretary of Defense.

While there are now Senators in this Chamber who have never served with Bill, I feel confident in saying that every one of them is nonetheless familiar with his contributions to this institution.

And yet, as we approach the time when we will confirm Bill Cohen as Secretary of Defense, I feel compelled to share with you my thoughts about Bill as a person, as a Senator, and as a leader.

It seemed just yesterday that I stood on this very floor to pay tribute and respect to a friend and colleague who was bidding farewell to the institution he had served so well for 18 years. I talked about Bill Cohen the man, and how he helped perpetuate the Senate's claim as the greatest deliberative body on Earth. And I talked about how he made Maine and the Nation proud. Little did I know—but little am I surprised—that I would soon stand before you speaking of how the country has lost a Senator but soon will gain an outstanding Secretary of Defense.

It has been said that the world is divided into those who want to become someone, and those who want to accomplish something. The irony is that in setting out to accomplish something, Bill Cohen has also become someone—someone we admire, someone we respect, and someone who can be entrusted with one of the toughest and most demanding jobs in the world.

Like the historic Maine lighthouses that dot Maine's coastline, Bill's record has been a beacon of light. His vision and resolve stood fast against the buffeting winds of political change. In a volatile and stormy climate, Bill Cohen and his rich experience in public service helped guide us to calmer waters. But while skillful in getting things done, politics is not what moves Bill. Principles and ideas are what Bill Cohen is really about.

That's why Bill became the standard-bearer for modern Maine politics from his first days in public service.

Born and raised in Bangor, where his parents ran a bakery, he graduated from Bowdoin College and from Boston University Law School 3 years later. After practicing law in Bangor for several years, Bill was elected to the Bangor City Council in 1969 and then served as mayor of Bangor. It was clear early on that he would have a distinguished career in public service.

In 1972, he was elected to the House from Maine's Second Congressional District and faced the toughest challenge of his fledgling tenure in Congress.

In the stormy sea of the Watergate scandal, while America was suffering a crisis of confidence, Bill Cohen charted a course straight through the heart of the storm as a member of the House Judiciary Committee, which was considering Articles of Impeachment against a President of the United States. A freshman, Bill was already a man of conscience and courage—someone who was willing to make the tough calls and risk his political future for the sake of truth and America's honor. And these values ultimately launched him here—to the U.S. Senate.

Back in our home State of Maine, people believe the ultimate measure of a person is how close they remain to their principles precisely when it is most difficult to do so.

It is a tradition that Margaret Chase Smith and Edmund Muskie followed in their personal and political lives and consistent with the ideals of Maine. Bill Cohen followed in their footsteps.

Throughout Bill's career, Maine and America have come to know that they can count on Bill to approach issues with thoughtfulness and reason. And Senators on both sides of the aisle developed a tremendous respect for the virtues Bill brought to this body because, above all, Bill Cohen voted his mind and his conscience. And that is what Americans want in their leaders. He has the intellect, the integrity, and the strength to know the right thing to do and the right way to do it. And he is a leader who believes in his solemn responsibility not simply to echo conventional wisdom but to seriously deliberate on the issues of the day.

This is the kind of person we need at the helm of the most powerful defense force in world history. We need someone with a firm grasp of history and a solid vision for the future, someone with both experience and a track record that engenders unflagging trust. Mr. President, Bill Cohen is such a person.

The defense of our Nation is one of the most sacred responsibilities of the Federal Government. "Life, liberty and the pursuit of happiness" is a meaningless concept unless we have the desire and the ability to defend those rights against those who would subvert them. We entrust the person who oversees our Armed Forces with nothing less than the defense of the Constitution and the greatest democracy the world has ever known. That is a tall order, but it is without reservation that I will put my full faith and trust in Bill Cohen to be that person.

As we all know, Bill is a respected and expert voice on intelligence and national security issues. As chairman of the Armed Services Subcommittee on Seapower and chairman of the Senate Intelligence Committee, he played a leadership role in defense policy at a critical time in our Nation's history, through some of the most trying days of the cold war and the challenging moments thereafter. Bill authored the nuclear arms build-down proposal which became the United States position in negotiations with the Soviet Union. He forged a bipartisan compromise on an antiballistic-missile policy, and his unwavering commitment to a strong national defense helped lay the groundwork for the fall of the Soviet empire and the end to the cold war.

Closer to home, Bill was instrumental in bringing about significant reforms of the Defense Department, including reorganizing the Pentagon and the Joint Chiefs of Staff to be more effective and prepared for combat situations and streamlining acquisition policies to ensure cost efficiency. His legislation also created a special operations antiterrorism unit designed to counter this growing scourge.

While serving on the Armed Services Committee, Bill was visionary in reshaping our military forces to be responsive to the post-cold-war threats that we face globally as well as sizing and equipping forces to carry out our national security policy. Bill has also

been a leader in shaping our policy and forces to meet the future challenges we will face in the 21st century.

Bill Cohen also put forward a detailed proposal for reorienting our defense structure in the 1990's in a way that would reduce the burden on the Federal budget and recognize changes in the threats facing the United States. It called for sacrificing conventional forces and programs primarily designed to defeat Soviet aggression in Europe in favor of those, such as power projection forces and sealift, that will be needed to meet the variety of challenges the United States is likely to face in our changed global arena.

It is precisely this kind of responsible, visionary leadership that will be required for the next Secretary of Defense, so I can think of no finer nominee than Bill Cohen to lead and prepare the Department of Defense for this coming century. I commend President Clinton for his bold and wise and thoughtful selection of Bill Cohen to be our next Secretary of Defense, and I am thankful that Bill Cohen has decided to continue his commitment to public service.

Bill Cohen brings to the Pentagon not just a sense of bipartisanship. He also brings to the Cabinet expertise in working with Congress. And I expect we are going to be hearing a lot from Bill because he is familiar with this end of Pennsylvania Avenue. He knows that to be an effective Secretary of Defense one must have a strong and trustworthy relationship with the U.S. Congress.

Mr. President, my fellow colleagues, the world today is much different than the world of even 10 years ago. The Berlin wall has now been relegated to its rightful place—our museums. The Soviet Union is no more. And young Americans no longer go to sleep fearing that morning may never come. But let us make no mistake. The world is still a volatile and dangerous place, and that is why we need a person of Bill Cohen's caliber standing watch, willing to fight, willing to stand up for his principles, willing to take the time to do what he believes is right.

These are some of the qualities that Bill Cohen will bring to the Pentagon, and so I urge you to join with me in proudly casting your vote to confirm President Clinton's nomination of William S. Cohen to be the next Secretary of Defense for the United States of America.

Thank you. I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). Who yields time?

The Senator from South Carolina.

Mr. THURMOND. Mr. President, I now yield 2 minutes to the able Senator from Texas, Senator HUTCHISON.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair and I thank the Senator from South Carolina.

I support Senator Bill Cohen, now Secretary of Defense-designate Bill Cohen, because I believe he believes in a strong national defense, and he will fight to make sure that commitment remains true. He believes that the President should consult with Congress before deploying American troops into harm's way. He believes that mistakes have been made in Bosnia, and I think he will keep his word when he gives it to Congress and to the American people regarding our role and the clear mission that must be stated in Bosnia. He believes that we should move into the expansion of NATO very carefully, understanding that this is a mutual defense pact, and that we want to always keep our treaty obligations and therefore we must be very careful as we give them to make sure that we are covered.

Bill Cohen believes in privatization so that we will be able to maximize the use of our defense dollars for the readiness of our forces, the greatest forces on the face of the Earth today.

I am pleased to support the nomination of Bill Cohen, and I do wish to commend the President for making this kind of bold move because I think he has heard many of the things Senator Cohen has said over the past few years about the role of defense, about the role of our military in this great country, and I hope the President will listen as we move forward together in a bipartisan way to the good advice I know Bill Cohen will give him regarding the issues that are going to be before us. We cannot go separately when we are talking about the troops and the strength of our American Armed Forces.

So I do support this nomination, and I have every confidence that Bill Cohen will lead us into a strong national defense and also for America to keep all of its treaty obligations and to make sure that we have the missile defense technology to protect us and our shores and our troops when they are in the field.

I thank the Chair, and I yield the floor.

Ms. COLLINS. Mr. President, it is a tremendous honor to be able to cast my second vote as a U.S. Senator to confirm my friend and mentor, Senator Bill Cohen, as this Nation's Secretary of Defense.

In describing the characteristics that make Senator Cohen so well qualified for this job, it would be presumptuous and unnecessary for me to detail his expertise in defense matters to his former colleagues in the Senate. Most of you have worked closely with him on defense issues for many years, and all of you are certainly aware of the depth of his knowledge and experience in this arena. Simply put, Bill Cohen's understanding of the complexities of defense policy is unassailable.

But I do want to attest personally to Bill Cohen's integrity and character, and on that basis there is simply no one more qualified for this enormous responsibility. Bill Cohen embodies the patriotism, the thoughtfulness, the steadfastness, and the intellect that the task of overseeing our Nation's security requires. He brings to the job a fierce dedication to his principles, a level-headed ability to never make a rash or uninformed decision, and the desire to make the Nation's defense stronger while at the same time making it more effective and more efficient.

Most important of all, Bill Cohen will never put Americans troops at risk unnecessarily. In every decision involving the deployment of our men and women in uniform, he will see the faces of our troops, not just the statistics and logistics. He will bring to the Pentagon the reasoned, thoughtful approach that matters as weighty as war and peace require.

I have known Bill Cohen for more than 24 years. I first met him when he was running for Congress in 1972, seeking the seat representing Maine's Second District. He was walking more than 600 miles across the sprawling district, introducing himself to the voters. I volunteered to drive the campaign car as he criss-crossed the roads of northern Maine. I was inspired by his determination to meet the people whom he wanted to serve in Washington and by his sincere interest in their hopes and fears.

I was also impressed then, as I am now, by his commitment to public service, to doing what was best for the people he represented. Over the years, I saw countless examples of that commitment, whether he was representing the people of the Second District as a House Member, or the people of the whole State as a Senator. Now I have no doubt that he will bring the same dedication for public service to a job at the highest levels of public service, one that answers to the largest constituency of all—the Nation.

In the more than two decades since I first met Bill Cohen, he has been my inspiration, my guide, and my friend. It gives me great pride to be able to be here today to endorse his nomination. I am delighted that the President has made such an outstanding nomination for such a critical Cabinet post. This morning I testified before the Senate Armed Services Committee to urge its prompt and favorable consideration of Bill Cohen's nomination. I am pleased that the committee was able to act so quickly to bring this outstanding nomination to the Senate floor. And I know my colleagues will join me in unanimously approving Bill Cohen's nomination.

Mr. DOMENICI. Mr. President, I rise today to wholeheartedly support the nomination of former Senator Bill Cohen to be Secretary of Defense. Senator Cohen will be taking on a great responsibility in carrying out his duties

as Secretary of Defense. When confirmed, he will be providing the President with essential advice about planning for the defense of our Nation and in making sure that America's finest men and women have all of the assets they require to carry out their mission. I am pleased that the President has chosen Senator Cohen for this position. The vast experience and knowledge he gained as a distinguished member of the Senate Armed Services and Intelligence Committees, and this body, will serve the President and the Nation well. He is highly qualified for this important position.

I have worked with Senator Cohen on many issues and have always found him to be knowledgeable, thoughtful, and a constructive consensus builder. He has demonstrated an ability to think issues through carefully and thoroughly. His record on critical defense matters during his tenure in the Senate speaks for itself. He has demonstrated that he is able to analyze the critical issues and make decisions based upon what his conscience tells him is that right thing to do for the country.

During this time of severe budget constraints I know that he will be able to help the President align budgets with priorities. Fundamental questions will have to be answered as we prepare our military for the future wars they will have to fight. The world is still a dangerous place. The recent missions the Department has undertaken are proof of that fact. As we move into the 21st century, and as the United States becomes more involved in crisis spots around the world, Senator Cohen's challenge will be to help ensure that our Armed Forces remain the best trained, best equipped fighting force in the world. This is no small task, but he has consistently supported these objectives in his position as a member of the Senate Armed Services Committee. He played an important role in calling for the Quadrennial Defense Review, has shown keen insights into the importance of weapons modernization, and has been a stalwart supporter calling for ballistic missile defenses.

I have been very pleased to know many Secretaries of Defense in my 24 years in the Senate, but I must say that I have been especially proud to know Secretary Designate Cohen. We began our legislative careers in 1973. He first started in the House of Representatives, But I watched his career develop there and then in the Senate where he won the respect of his colleagues and became a giant here on Defense and Intelligence issues.

I have enormous respect for Secretary of Defense Designate Cohen. I believe his confirmation will be good for the country. I think it is fair to say that he enjoys the respect of every Member of this body. I look forward to working with Senator Cohen in his new position as Secretary of Defense. I think the President has made an excellent choice in nominating him. The people of Maine can be truly proud of his accomplishments, as I am proud to support his nomination.

Mr. LEAHY. Mr. President, I rise in support of the nomination of William Cohen to be Secretary of Defense. After watching the Armed Services Committee hearings on his nomination I am not sure whether the Senate is voting in confirmation or coronation of my friend from Maine.

I can certainly understand how the committee provided such overwhelming support for this nomination. I have enjoyed working with Bill Cohen on a wide range of issues. He and I have served together on the Intelligence Committee and we have traveled together on arms control delegations. I am gratified by the support he has lent to efforts I have brought before the Senate to limit the export and use of land mines. He has that unique New England philosophy, increasingly rare these days, of working in a bipartisan fashion to build support for legislative initiatives for the good of the country. There will be a void in the Senate without him but the Nation is fortunate to have his leadership on defense issues.

There are two distinct qualities about Bill Cohen that I am confident will serve him well as Secretary of Defense. As all of us who have had the honor to serve with him know, Bill Cohen is his own individual. He is not afraid to stand up for what he believes is best for the Nation. He also possesses one of the most formidable intellects that I have worked with in my 22 years in the Senate. I know that these qualities will serve him well as he guides the Department of Defense and advises the President in the coming years.

Mrs. FEINSTEIN. Mr. President, I am pleased to speak today in support of President Clinton's nomination of former Senator William Cohen as Secretary of Defense. I truly believe that Senator Cohen has an extraordinary grasp of all defense matters, especially issues of concern to the Navy, and will be an asset as Secretary of Defense.

I have always found Senator Cohen to be a fair and thoughtful public servant who takes the time to understand all issues. In fact, I am happy to say that when Senator Cohen speaks on matters of our national defense and foreign policy, I turn up the volume on my television so that I can catch every word.

Since coming to the Senate, I have stressed the need to be more bipartisan in all that we do. This is especially true when considering what is necessary for our Nation's security. I am convinced that with the Senator's nomination as Secretary of Defense our ability to work together as Democrats and Republicans will be enhanced as will Congress' ability to work with the executive branch. The value of this cooperation cannot be underestimated.

I am also pleased that Secretary-designate Cohen has a keen understanding of international security issues across the board. He is particularly knowledgeable about the Asia-Pacific region and has traveled there many times. Secretary-designate Cohen supports continuing Secretary Perry's strong policy of engagement with China, including extensive military-to-military contacts. This kind of one-on-one relationship with our Asian counterparts is vital to the continued progress in our foreign policy relationship. We, however, must continue to maintain a strong military presence in the Pacific to protect our interests. I am convinced that Senator Cohen will continue to support this effort during his tenure as Secretary of Defense.

Eliminating sexual harassment and all forms of discrimination in our Armed Forces is another issue to which I know the Secretary-designate will dedicate his efforts. He was a leader during the scourge of Tailhook and I am confident that he will continue to monitor the Army's investigations into sexual harassment and assault inside its ranks.

Finally, I know that the Secretary-designate and I will have the opportunity to discuss and to work on those matters on which we do not see eye to eye. As a Senator, Secretary-designate Cohen had differing views on the administration's current Department of Defense privatization efforts. I look forward to working with him as we continue to explore the best ways to preserve the readiness needs of our military and the most cost-effective means to support our military's depot maintenance activities. I am positive that we will have, as we have always had, the ability to discuss these differences openly and honestly.

In closing, I was pleased to hear that Senator Cohen mentioned the problem of access to bombmaking information on the Internet during his testimony to the Senate Armed Services Committee today. This is a widespread problem for which I have been seeking a solution and I am pleased that the Secretary-designate understands its gravity.

I am happy to give my support for the nomination of former Senator William Cohen to the office of Secretary of Defense. I am positive he will be an asset to the Clinton administration and to our Nation as a whole.

Mr. KENNEDY. Mr. President, I am very pleased to vote for Senator Bill Cohen's confirmation to serve as Secretary of Defense. We are all very familiar with Senator Cohen's experience and commitment to the Nation's defense as a member of the Armed Services Committee and I am confident he will put those qualities to good use in leading the Department of Defense into the next century.

In the 8 years since the fall of the Berlin Wall, the Department has guided our Armed Forces through a challenging and often painful downsizing, while maintaining the preeminent position of our forces as the world's strongest, best led, best trained, and finest performing military. And we have done so while making major progress toward balancing the budget.

Senator Cohen is eminently qualified to carry on these important responsibilities.

We continue to face major challenges in maintaining a sound defense strategy to forthcoming years in the post-cold-war world.

Our nuclear arsenal and that of the four other nuclear powers are larger and are operated on higher alerts than the threats now justify. The threat from terrorists who seek to obtain and use weapons of mass destruction demands more of our attention and resources.

The Pentagon is embarking on a quadrennial defense review to determine the proper balance of size, structure, and funding to keep our forces equipped, trained, and ready. We all look forward to working with Senator Cohen and the President to deal with these critical issues for our national security.

Another vital challenge is to ensure that our military personnel have the quality of life to which their service entitles them. Health care, child care, and adequate housing are all initiatives on which the committee works closely with the Department, and I know these will continue to be priorities for the Pentagon under Secretary Cohen's leadership as well.

Finally, it was a special privilege for me to work with Senator Cohen on the Seapower Subcommittee for many years on issues of special importance to the Navy and Marine Corps. I commend him on his nomination and I look forward to continuing to deal with him on safeguarding our national defense.

Mr. DASCHLE. Mr. President, the Senator from West Virginia [Mr. ROCKEFELLER] asked me to submit his statement in support of William Cohen for Secretary of Defense. As with the earlier vote on the nomination of Madeleine Albright to be Secretary of State, he is necessarily absent for this vote because of responsibilities he has in leading a trade mission from his State of West Virginia to Asia. He regrets not being here to cast his own vote for his former colleague, Senator Cohen, and asks that his support for this outstanding nominee be noted.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. ROCKEFELLER. Mr. President, I am submitting this statement to express my support for the nomination of my former colleague, William Cohen, to be the Secretary of Defense of the United States of America. Unfortunately, as with today's earlier vote for Madeleine Albright to be Secretary of State, I am necessarily absent from the Senate, and am unable to cast my vote for Senator Cohen. Again, because of plans that had to be scheduled long ago, I am presently leading a group of more than 30 West Virginians on a trade mission to Japan and Taiwan that is called Project Harvest II.

I personally regret, however, that I am missing a chance to vote on the nomination of William Cohen. Senator Cohen and I served together in the Senate for twelve years, and in that time he distinguished himself as a serious legislator with a keen intellect who continually transcended party boundaries to build bridges and advance America's national interests.

The challenges facing Senator Cohen today are no less daunting than those faced by Secretaries of Defense in times of war and cold war. The United States stands today as the only military superpower in the world. That brings with it great responsibility to lead in all corners of the globe. Bill Cohen is uniquely talented to take on these challenges, and like my colleagues I applaud him for agreeing to take on this challenge, and the President for nominating him.•

Mr. SPECTER. Mr. President, the Honorable William S. Cohen was a great Senator and I am confident that he will carry on his outstanding record in public service as Secretary of Defense.

I compliment President Clinton both for his bipartisanship for nominating Bill Cohen and for his wisdom in selecting this man of unique ability and integrity.

I have worked closely with Bill Cohen for the past 16 years and have found him to be brilliant, tenacious, honest, and hardworking. If Bill Cohen finds all the others in a Cabinet meeting about to make an erroneous decision, I am confident he will be smart enough and strong enough to persuade them to the correct course.

I look forward to working with Secretary Cohen on many matters in the future.

Ms. MIKULSKI. Mr. President, I enthusiastically support the nomination of our colleague Senator Bill Cohen to be Secretary of Defense.

I salute President Clinton for reaching out beyond party lines. I salute Bill Cohen for being ready to join the Democratic administration. They both know that when it comes to the national defense of our country—we have no party interest—just national interest.

Senator Cohen has shown that he cares deeply about the national interest—and that means a lot more to him than party politics. He has proven this time and time again, not just on national security issues but when he worked on behalf of senior citizens, when he sought to reach a consensus on health care reform, when he supported affirmative action and when he fought for lobbying reform. His is a voice of independence, integrity, and moderation.

As a member of the Armed Services Committee, he was one of the Senate's most articulate voices for a strong and efficient national defense. He cares deeply about the men and women of our Armed Forces. He has long fought to make sure that while we downsize our military—we do not downgrade our military.

Mr. President, I believe Senator Cohen is the ideal person to lead our Armed Forces into the new century. I am proud to support his nomination, and I look forward to working with him to ensure that we maintain the best equipped, best trained, and most ethical military in the world.

Mr. ROBB. Madam President, in my 8 years of service in the Senate, and in particular during my time on the Armed Services Committee and the Intelligence Committee, I have had the privilege and honor of working with Bill Cohen. His expertise and thoughtfulness, as well as his ability to put the national interests above partisan politics, have made him an invaluable asset to this body. Whether regarding arms controls, missile defense, or acquisition reform, Bill Cohen's independence and reasoned approach have resulted in passage of major pieces of legislation on highly complex and politicized matters. Those same qualities will enable our next Secretary of Defense to guide the Nation through an uncertain future, and to make the many difficult choices we face in reconciling protection of our vital interests overseas with ever-increasing demands on our Federal budget here at home.

Bill Perry has proven himself as one of the most capable Defense Secretaries ever, and Bill Cohen will have a remarkable legacy to follow. But I am confident he shares the same kind of dispassionate, in-depth analytic qualities and measured, even-keeled leadership qualities that will keep America safe well into the 21st century. I wish him much success in his new position, and with that, Madam President, I yield the floor.

Mr. THURMOND. Mr. President, I yield 3 minutes to the able Senator from Virginia, Senator WARNER.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Virginia.

Mr. WARNER. I thank the chairman.

Madam President, President Clinton performed an act of political courage in reaching across the aisle and getting a proven Republican warrior to take on this important post. But that act is matched by the independence and, indeed, the courage that Bill Cohen brings to this office.

For 18 years, it has been my privilege to be seated next to him on the Senate Armed Services Committee, and to travel with him throughout the world.

The hearing today was thorough, the questions were tough, and that is the way Bill Cohen would have wanted it. That is the way the committee dealt with him today. It was not easy. It was a thorough and careful hearing, and I commend the chairman and Senator LEVIN.

In the course of the questioning, by myself and others, I think Senator Cohen made—I do not think, I know he made a commitment to the Congress that he will try to work in this next Clinton administration to improve the consultation between the President and his advisers and the Congress in a timely manner before we commit the men and women of the Armed Forces of the United States into harm's way.

On that point, I questioned him about what standard should be employed when U.S. troops are deployed into hostile situations. I drew Senator Cohen's attention to responses given by the Secretary of State-designate Albright at the time of her confirmation hearing on January 8. Ambassador Albright spoke of a series of situations when "our interests and those of our allies may be affected." In those instances, our new Secretary of State would recommend the use of U.S. forces. I felt that we should be more explicit in defining the standard for using U.S. troops in hostile situations. In my view, the men and women of the Armed Forces should know, before they are deployed by the President and the Secretary of Defense, that the mission of these fine troops is in our vital national security interest.

Senator Cohen came close defining the standard that I have applied on this issue—that is, that U.S. vital national security interests must be threatened before we agree to put U.S. troops in harm's way. But he said he wanted to leave room for the use of United States troops in those instances where there was a potential for a situation to approach a vital national security interest, such as in Bosnia. While he clearly stated that Bosnia was not in the vital national security interests of this country, he pointed out that, by virtue of the intervention of our troops and others, we avoided a situation where the conflict could have spread beyond the borders of Bosnia, thereby creating a situation which would be in the vital security interests of this country and indeed other nations. I will continue to work with my good friend to further tighten his standard regarding the use of U.S. troops.

There were several other issues I explored with our Secretary of Defense-designate during this morning's hearing that I would like to discuss at this time for the benefit of the entire Senate. The first is the critical issue of congressional involvement in international agreements which substantively modify the ABM Treaty. I reminded Senator Cohen that during the last Congress—and, indeed, dating back to 1991—he was my partner in our efforts to provide adequate missile defenses for our troops deployed overseas and to Americans here at home. One issue which has been of paramount concern to many Republican Members of Congress is the Clinton administration's repeated attempts during its negotiations with the Russians on a demarcation agreement to apply the limitations of the ABM Treaty to our shorter range, theater missile defense systems. I was in Moscow in 1972 when the ABM Treaty was signed. I know that the ABM Treaty was never envisioned to restrict our shorter range systems.

Unfortunately, the battle with the administration over the demarcation issue continues. Senator Cohen joined me in 1994 in cosponoring an amendment to the Fiscal Year 1995 Defense Authorization Act which states that any international agreement which substantively modifies the ABM Treaty must be submitted to the Senate as a treaty. During last year's conference on the Fiscal Year 1997 Defense Authorization Act, National Security Advisor Tony Lake came before the conferees and stated unequivocally that the administration had determined that the demarcation agreement the administration had tentatively concluded with the Russians was indeed a substantive modification of the ABM Treaty. Despite this position, and—in my view—the clear legal requirement that flows from the law enacted in 1994, the Clinton administration refuses to acknowledge that it must submit the final demarcation agreement to the Congress for approval.

To his credit, Senator Cohen reaffirmed his view that agreements which represent substantive modifications to the ABM Treaty must be submitted to the Senate for consideration. I am hopeful that from his new position, he can help us in resolving this longstanding dispute between the Congress and the Clinton administration.

The final issue I would like to mention concerns the negative impact that the Bosnia operation and other similar contingency operations are having on the overall level of military readiness, and on defense funding levels. I pointed out to Senator Cohen that our troops deployed to such operations as those in Bosnia are distracted from their normal training evolutions which are critical to maintaining their combat readiness. This problem is compounded by the ad hoc way the administration has been funding these contingency operations. As Senator Cohen acknowledged, we will soon be faced with a supplemental budget request of over $2 billion to fund our continued involvement in Bosnia. That $2 billion will be taken out of the critical readiness and procurement accounts which are already at dangerously low levels. Senator Cohen recognized the problems I outlined, and agreed to work with the Congress to find solutions. I look forward to that dialog.

Madam President, Bill Cohen will not only be a valuable adviser to the President, but I think to the Cabinet as a whole. His hallmark in the U.S. Senate was to bring disparate factions together and to try to strike a common ground of understanding between the strongest of differing viewpoints. Therefore, in those Cabinet meetings, I anticipate he will take on an added responsibility and role. He will quickly gain the respect, not only of the President, but of his other colleagues.

Lastly, Madam President, might I say, on the question of sexual harassment, he came down with a zero tolerance standard. And that was a message that I think all Americans wanted to hear. I reminded him of the success of the military in handling a very serious drug problem at the time he and I first came to the Senate. That is the benchmark for him to follow in dealing with the sexual harassment problem, as he institutes that zero tolerance policy, which I hope he will succeed in attaining.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I yield myself 3 minutes.

I am honored to stand to support the nomination of our former colleague, Bill Cohen, to be the Secretary of Defense. Being a member of the Armed Services Committee, watching Senator Cohen testify before us this morning, you could not help but be impressed. It was a tour de force—no pun intended here—for our future Secretary of Defense. He was thoughtful, he was well informed, he was strong, and he was, I believe, ready to innovate. I think you could not help but conclude, though much has been made of Senator Cohen's party affiliation, that President Clinton chose Bill Cohen to be our next Secretary of Defense because he was the best person to be our next Secretary of Defense. And, incidentally, he happened to be a Republican.

This, obviously, is serious business and a serious responsibility Secretary-designate Cohen now undertakes, the security of our country, the first responsibility of our Government; the power, along with the Commander in Chief, to put American soldiers in harm's way. I am confident, because all of us know Bill Cohen. In fact, we are in an unusual position, an advantage that we normally do not have when we consider nominees. We know this person. We know his values. We know his balance. We know his strength, and therefore we know how well prepared he is to be the Secretary of Defense.

He comes in at a time when America is the unchallenged, strongest nation in the world. Yet, to remain that way, not just for today and tomorrow but for the decades ahead, we must continue to innovate and lead and make tough decisions. Just like America's strongest companies who, after they have completed years in which they have made record profits, their CEO's come back and look for ways to innovate to make sure they will stay successful. That is exactly what Secretary-designate Cohen must, and I am sure will, do as our next Secretary of Defense. This morning he strongly supported the quadrennial defense review and national defense panel as aids to him and us in carrying out that responsibility.

Madam President, let me conclude simply by saying that this new assignment will test Senator Cohen's strength, his foresight, and his courage. I am absolutely convinced that he is ready to pass those tests and serve our Nation brilliantly.

I thank the Chair and yield the floor.

Mr. THURMOND. Madam President, how much time do we have left?

The PRESIDING OFFICER. There are 5 minutes remaining on both sides.

Mr. THURMOND. Five minutes?

The PRESIDING OFFICER. On both sides.

Mr. THURMOND. I yield 3 minutes to the able Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, I am pleased to share my feelings on a bipartisan basis for the man who is probably the best qualified individual going into the job of Secretary of Defense in a very difficult time in this Nation's history. I will single out four areas where he has demonstrated, in my opinion, a type of courage that many do not have, not to be encumbered by partisan politics or by politics in general, but to be concerned only with protecting this Nation from attack from outside.

The first area is, under the BRAC Commission, he has made the statement in the past that the burden of BRAC, the Base Realignment And Closure Commission, was to reduce the excess capacity and move that excess capacity into consolidated functions. I have no doubt in my mind but he will do this and keep that system free from political interference.

The second area is we really cannot afford in this Nation to have more defense cuts than we have already cut. I read a quote this morning out of a new book by Caspar Weinberger called "The Next War."

> Even to think about, much less propose, further cutting our Armed Forces, betrays a clear lack of real world thinking bordering on denial and delusion.

I believe Bill Cohen understands this.

The third area is the practice of sending our troops into areas where we do not have vital strategic interests at stake. This is something we have had a chance to talk about. We stood on the floor with Bill Cohen as a U.S. Senator, and he expressed himself very clearly that we not dilute our very scarce military assets by sending our troops to places that are not strategic, vital security interests of the United States.

Very closely associated with that is I am hoping we are going to be able to get away from a problem we have had for quite some time, and that is the administration coming in, encumbering us, putting our troops into areas such as Bosnia and approximating what it will cost, which was supposed to cost somewhere between $1.5 and $2 billion and now we are finding out it is going to be closer to $6 billion, $6.5 billion. This is in a way disenfranchising the U.S. Senate. We should be in on that decision, and I have every confidence we will be in on those decisions from this point forward.

Then the last area is one I have been very much concerned with, and that is our need for a sophisticated theater missile defense system and a national missile defense system. I have stood on this floor and shared thoughts with Senator Bill Cohen concerning this problem. This morning during the confirmation hearings I was just delighted to hear Senator Cohen make his statement as he characterized the proliferation of nuclear weapons and weapons of mass destruction to be the gravest problem facing the world today.

I am looking forward to voting for his confirmation.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I yield to the distinguished Senator from West Virginia 4 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I compliment the Presiding Officer, Senator SUSAN COLLINS, who presides over this body at this moment with a degree of dignity and skill and efficiency that is so rare as a day in June.

I strongly support the nomination of Senator Bill Cohen to be our next Secretary of Defense. He is highly qualified for this important position from the perspective of the long, creative, and intense years he has studied and put into effect his ideas regarding a strong defense from the position of his membership on the Senate Armed Services Committee.

I have worked with Senator Cohen on many issues of war and peace, of foreign policy, national security actions and have always found him to be knowledgeable, thoughtful, with excellent insight and a distinct lack of partisanship, and always with an unusual dose of excellent judgment and innovation.

He has always attempted to build consensus across the aisle on vital defense matters, and I have had this experience in working with him when I served as the Democratic leader and in the context of our membership together on the Armed Services Committee.

I commend President Clinton for submitting this outstanding—truly outstanding—nomination. I suggest that the nomination reflects highly on both the Senator and the President. It highlights the need for bipartisan national security decisionmaking, and I feel that it will be constructive in taking politics out of defense budgeting and defense policy.

It is an act of political courage on the part of the President, and it is matched by the independence of judgment and courage on the part of Bill Cohen over the years. Senator Cohen has demonstrated an ability to think a problem through carefully and clearly and reach consistently wise and independent judgments.

In this regard, I commend his comment in the committee's confirmation hearing today that there should be an end to our Bosnia deployment within the near term and that our European allies need to finally step up to the plate and assume whatever further military peace-enforcing responsibilities remain at the end of that period.

I know that Senator Cohen is a strong advocate of regular substantive consultations between the administration and the Congress on critical defense matters, and in particular on the question of the deployment of American Armed Forces into harm's way. I know that he urged President Bush to come to Congress on the matter of deploying our forces to Saudi Arabia in preparation to remove Iraq's forces from Kuwait. He has indicated that it is not sufficient for an administration to go only to the United Nations for such approval, and he supports his argument with both constitutional and practical reasons.

It is far sounder to deploy forces when an adversary knows that a national decision in the United States has been taken which has been validated by the people's representatives. America's credibility is stronger under such circumstances, and we are more likely to sustain a difficult operation and to prevail.

The nomination of Bill Cohen for Secretary of Defense is an unusually good one. I look forward to working closely with Secretary of Defense Bill Cohen on the very weighty and diverse responsibilities that come with that high and critical office.

I yield the floor.

Mr. THURMOND. Madam President, how much time do we have left?

The PRESIDING OFFICER. There are 2 minutes for the Senator from South Carolina and 1 minute for the Senator from Michigan.

Mr. THURMOND. I now yield 1 minute to the able Senator from New Hampshire, Senator Smith.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. I thank the distinguished chairman of the Armed Services Committee very much and also thank you, Madam President. It isn't often you get the opportunity to preside over your predecessor's new job. So it is a great honor. You will learn when Senator BYRD gives out compliments, he means them. So I think you should take it in that vein.

I am very honored and pleased and proud to support the nomination of Bill Cohen, with whom I have worked on the Armed Services Committee for the past 6 years on a number of issues. I compliment the President of the United States for having the courage to make a bipartisan selection. I don't think he could have picked a better one.

If you want to bridge the gap, if you will, that sometimes occurs between those of us on the Republican side on defense matters and the administration, I think if anybody can do it, Bill Cohen can do it. He is very knowledgeable, and I think one of the things that adds a different, perhaps a unique, dimension to Bill Cohen as Secretary of Defense is his experience in foreign policy.

I have been on some trips with him around the world, as many of my colleagues have, and he is very knowledgeable on Europe and NATO. His knowledge of the world is pretty well unequaled. I am proud to support his nomination.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN addressed the Chair.

Mr. LEVIN. I yield 10 seconds to the Senator from Delaware.

Mr. BIDEN. Madam President, the only thing I can say in 10 seconds is it is an inspired choice of a great man at the right time.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD addressed the Chair.

Mr. LEVIN. Madam President, to Senator CONRAD I yield 10 seconds.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I was in the centrist coalition with Senator Cohen. I have enormously high regard for his integrity, his honesty, and his ability to work with others. A superb choice.

Mr. THURMOND. Madam President, I now yield a half-minute to the able Senator from Rhode Island, Senator CHAFEE.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I join in the congratulations both to the President, for having chosen Bill Cohen, and Bill Cohen, for making himself available. Bill Cohen is one of the really great Senators with whom I have had the privilege of serving in this body.

As the Senator from North Dakota mentioned, he and I and others were part of a centrist coalition that was bipartisan, which reached across the aisle. We are going to see Bill Cohen conduct his office in the same fashion. It is going to be an office that will provide for all Americans.

It is with great pleasure that I second the nomination of Bill Cohen for Secretary of Defense.

Mr. THURMOND. Madam President, I now yield the remainder of the time to the able Senator from Idaho, Senator KEMPTHORNE.

Mr. KEMPTHORNE. Madam President, I thank the Senator from South Carolina very much.

I enthusiastically support the nomination of Bill Cohen for Secretary of Defense and commend the President for his decision. One of the encouraging things Bill Cohen said today, among all the other impressive things he said, was his commitment to the men and women in uniform.

We have the best fighting force in the world, but you have to take care of them. So the quality of life issues that are so important to those men and women, whether they are four-star generals or new privates or midshipmen coming in, we need to take care of them, and we have a Secretary of Defense who will continue what Bill Perry was doing, and that is improving the life of our men and women.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Michigan has 4 seconds.

Mr. LEVIN. Madam President, this morning, there were three wonderful introductions of Senator Cohen to the Armed Services Committee. The Presiding Officer, Senator SNOWE, and Senator MCCAIN made really stirring introductions of our former colleague, Senator Cohen. Not only were they wonderful, but it is a wonderful fact, indeed, that the person who is presiding over the Senate at this moment when he will be confirmed—I am sure overwhelmingly if not unanimously—is not only someone who is the successor to Senator Cohen, but someone who has Senator Cohen still no doubt as a mentor and was, indeed, on Senator Cohen's staff where she served so brilliantly as a subcommittee staff director on a subcommittee that I also chaired and was ranking member.

So I want to congratulate the Presiding Officer for being where she is at this moment. It must be a treat, indeed, for her to be sitting there.

The PRESIDING OFFICER. All time has expired.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of William S. Cohen, of Maine, to be Secretary of Defense? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 2 Ex.]

YEAS—99

| | | |
|---|---|---|
| Abraham | Faircloth | Lieberman |
| Akaka | Feingold | Lott |
| Allard | Feinstein | Lugar |
| Ashcroft | Ford | Mack |
| Baucus | Frist | McCain |
| Bennett | Glenn | McConnell |
| Biden | Gorton | Mikulski |
| Bingaman | Graham | Moseley-Braun |
| Bond | Gramm | Moynihan |
| Boxer | Grams | Murkowski |
| Breaux | Grassley | Murray |
| Brownback | Gregg | Nickles |
| Bryan | Hagel | Reed |
| Bumpers | Harkin | Reid |
| Burns | Hatch | Robb |
| Byrd | Helms | Roberts |
| Campbell | Hollings | Roth |
| Chafee | Hutchinson | Santorum |
| Cleland | Hutchison | Sarbanes |
| Coats | Inhofe | Sessions |
| Cochran | Inouye | Shelby |
| Collins | Jeffords | Smith (NH) |
| Conrad | Johnson | Smith (OR) |
| Coverdell | Kempthorne | Snowe |
| Craig | Kennedy | Specter |
| D'Amato | Kerrey | Stevens |
| Daschle | Kerry | Thomas |
| DeWine | Kohl | Thompson |
| Dodd | Kyl | Thurmond |
| Domenici | Landrieu | Torricelli |
| Dorgan | Lautenberg | Warner |
| Durbin | Leahy | Wellstone |
| Enzi | Levin | Wyden |

NOT VOTING—1

Rockefeller

The nomination was confirmed.

Mr. THURMOND. Madam President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Madam President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to the nomination and that the Senate then return to legislative session.

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

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

## MORNING BUSINESS

Mr. LOTT. Madam President, I ask that there now be a period for the transaction of routine morning business, with Senators permitted to speak for up to 10 minutes each, noting that

a number of Senators had hoped to speak before the vote on behalf of this nominee's confirmation. I know a few would like to get their remarks in the RECORD at this point. Others will want to introduce bills and speak on their legislation.

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

Mr. GLENN. Reserving the right to object, I would like to have 25 minutes after the statements on Senator Cohen appear, if that is all right.

Mr. LOTT. Madam President, I amend that consent to allow the Senator from Ohio to take 25 minutes, with the understanding that we have a few Senators who would like to speak first for not more than 10 minutes on behalf of this nomination.

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

## ORDER OF PROCEDURE

Mr. DASCHLE. Madam President, I note to those Senators who may not have been told, there are no votes tomorrow or votes on Friday. I ask the leader if he can clarify that.

Mr. LOTT. Madam President, for the information of all Senators, we are pleased to announce that there will be no further votes today. The Senate will be in session tomorrow, Thursday, January 23, for a period of morning business, to continue the opportunity for Senators to offer bills and make statements on behalf of those bills.

The Senate then is expected to recess over until Monday, the 27th, for a pro forma session only. No business will be transacted during Monday's session. The next time the Senate will be in session to conduct business will be on Tuesday, January 28, when we hope and expect that we will have another nomination ready to be voted on. It hasn't been completed yet, but we hope to continue next week with confirmation votes. After meeting with the Democratic leader, we will begin to also notify Members as to when we hope bills will be coming up and will be ready for vote.

Mr. DASCHLE. Madam President, I thank the majority leader for his comments with regard to the schedule and also for his cooperation in moving these two nominations as quickly as we have.

I think the widespread support for both nominees is a real indication of the kind of support both colleagues have, and also a real indication of the kind of leadership demonstrated on the Republican side of the aisle when it comes to these nominations. This is in keeping with the comments made earlier by the majority leader. I appreciate his cooperation very much.

I yield to Senator ROBB at this time and reserve my right to the floor.

The PRESIDING OFFICER. The Senator from Virginia [Mr. ROBB] is recognized.

Mr. ROBB. Madam President, I will submit for the RECORD a statement relating to the nomination and confirmation of both now Secretary Madeleine Albright and now Secretary Bill Cohen. I was unable to get to the floor during those particular periods when their virtues were being extolled at some length. I have enormous respect for them individually, as all of our colleagues do.

I salute the leadership on both sides of the aisle for moving these nominations through expeditiously. I believe they are both committed to a strong national defense and assertive foreign policy. I think they will work well together as a team and with the President. I think their respective quick confirmations are good for the country. I commend all of those who helped to make that possible, including my distinguished senior Senator from Virginia and the distinguished majority leader, as well as the minority leader, for what they have done.

## CONFIRMATION OF MADELEINE ALBRIGHT TO BE SECRETARY OF STATE

Mr. ROBB. Mr. President, I am pleased to support the distinguished choice of Madeleine Albright to be Secretary of State. Ambassador Albright has served the country with distinction over a 20-year period. She brings the requisite skills, knowledge, and experience to one of the most demanding jobs in Government, and I am confident that she will help President Clinton continue our leadership of the community of nations.

During her confirmation hearing, Ambassador Albright conveyed to me a strong sense of how the United States must act and lead in addressing problems around the world where our interests and values are at stake. She demonstrated a keen understanding of how diplomacy and force work together to advance our foreign policy goals.

Ambassador Albright stated to the committee that "force, and the credible possibility of its use, are essential to defend our vital interests and to keep America safe. But force alone can be a blunt instrument, and there are many problems it cannot solve. To be effective, force and diplomacy must complement and reinforce each other."

I believe we need to tangibly demonstrate our commitment to peace and stability, in both manpower and structure, as we forge a new security order in Europe and serve as a balancing wheel in Asia. American leadership abroad will depend on the President and his national security team having the spine to lead our allies against inimical forces, including rogue nations, terrorist elements, and the spread of weapons of mass destruction.

In that regard, President Clinton has chosen well in Madeleine Albright. She has a direct, no nonsense style that suits these times well, and will invigorate our foreign policy agenda. I look forward to joining hands with her as the administration continues its efforts to promote freedom, peace, and security abroad.

## CONFIRMATION OF WILLIAM COHEN TO BE SECRETARY OF DEFENSE

Mr. ROBB. Mr. President, in my 8 years of service in the Senate, and in particular during my time on the Armed Services Committee and the Intelligence Committee, I have had the privilege and honor of working with Bill Cohen. His expertise and thoughtfulness, as well as his ability to put the national interests above partisan politics, have made him an invaluable asset to this body. Whether regarding arms controls, missile defense, or acquisition reform, Bill Cohen's independence and reasoned approach have resulted in passage of major pieces of legislation on highly complex and politicized matters. Those same qualities will enable our next Secretary of Defense to guide the Nation through an uncertain future, and to make the many difficult choices we face in reconciling protection of our vital interests overseas with ever increasing demands on our federal budget here at home.

Bill Perry has proven himself as one of the most capable Defense Secretaries ever, and Bill Cohen will have a remarkable legacy to follow. But I am confident he shares the same kind of dispassionate, in-depth analytic qualities and measured, even-keeled leadership qualities that will keep America safe will into the 21st century. I wish him much success in his new position.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

(Disturbance in the galleries.)

The PRESIDING OFFICER. The Sergeant at Arms will restore order in the galleries.

## CONGRATULATIONS TO THE NEW CABINET MEMBERS—SECRETARY MADELEINE ALBRIGHT AND SECRETARY WILLIAM COHEN

Mr. DASCHLE. Madam President, I know there are a number of colleagues who wish to be recognized, and I will be very brief. I wanted to accommodate all of those in the short timeframe that we had prior to the votes, so I withheld comment at that time.

I congratulate both of our new members of the Cabinet on the strong support they received through the votes taken this afternoon. In the case of Madeleine Albright, I have had the opportunity to inform her of the Senate's vote and to personally congratulate her. Let me say how pleased I am with

the overwhelming sentiment expressed by the Senate on both sides of the aisle.

Madeleine Albright is unquestionably qualified to be Secretary of State. She is one of our best foreign policy minds, particularly given the extraordinary experience she has had in so many roles in her past. As a professor at the Georgetown School of Foreign Service, Ambassador to the United Nations, serving as a counselor to the President on foreign policy, Madeleine Albright, as much as anybody else, has had the opportunity to be in the forefront of foreign policy in this administration. This vote, obviously, was quite historic. Madeleine Albright stands now as the first woman to be confirmed as Secretary of State in our Nation's history. I cannot think of a more appropriate honor to be bestowed on a woman of this caliber and with this degree of credibility. I commend her and commend the administration for nominating her for this most important position.

We stand ready to work with her in all the challenges that she now faces in all parts of the world given the heavy responsibility that she will face her new role as Secretary of State. I hope that we can demonstrate that politics will stop at the water's edge, as it has this afternoon in her confirmation. I look forward to working with her. And, again, let me publicly congratulate her on this historic occasion and on the overwhelming support demonstrated for her confirmation in the vote just taken.

The same could be said of our new Secretary of Defense. From the very outset of his 20-plus year service in Congress, Bill Cohen has demonstrated ability, independence, and extraordinary good judgment on a range of defense and intelligence issues. Through his work on the Armed Services and Intelligence Committees, Senator Cohen has become a real giant in the formulation of public policy and someone to whom many of us have gone for counsel, advice, and direction as we have faced many very difficult issues. He has stood on this very Senate floor on many occasions to express himself clearly and unequivocally on the issues confronting this body that require very careful judgment.

I also congratulate Senator Cohen for his clear and very decisive response to a question on the importance of the Chemical Weapons Convention. He made a compelling case for this vital treaty. I hope my colleagues on both sides of the aisle were listening to the comments made by our new Secretary of Defense on the importance of the Chemical Weapons Convention. His record in this Congress, including his testimony before the Armed Services Committee this morning, indicate why Bill Cohen is an extraordinary choice as our new Secretary of Defense. I look forward to working with him. I know that, again, on a bipartisan basis, Bill Cohen begins his tenure as our new Secretary with an appreciation for the friendships that he has created and the standing that he continues to have in our body with colleagues on both sides of the aisle.

## A NEW RECORD FOR SENATOR BYRD

Mr. DASCHLE. Finally, let me just say, for just a moment, how pleased I was that the majority leader marked the important new record set by our distinguished senior Senator from West Virginia earlier today.

Senator BYRD, having served 38 years and 10 days in the Senate, has now become the fourth longest-serving Senator in U.S. history behind Senators Hayden, THURMOND, and Stennis.

He is a remarkable legislator. Many of us have called attention to his many, many records in this body now for some time.

I want to be among those to honor him once more, and to call attention to this most historic occasion.

Again, let me congratulate Senator BYRD on this important day, and again call attention to this milestone, and commend the many, many citizens of West Virginia who have shown such good judgment to send ROBERT C. BYRD to the U.S. Senate not once, not twice, but on seven different occasions.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Thank you, Madam President.

I also want to thank the distinguished Democratic leader for his recognition of Senator BYRD of West Virginia.

## CABINET NOMINATIONS

Mr. LOTT. Madam President, let me thank the Democratic leader for his comments expressing his approval of the fact that we have moved these two very important nominees very quickly through the process. We had indicated to the President that we would try to do that and we would try to act immediately after his inauguration to confirm these nominees. We will continue to work on our nominations that we receive from the President in an expeditious manner. I am sure there will be some that will take a little longer. But we wanted to do these to make clear our good faith and our intentions to work with the President so he could have his Cabinet in place, particularly his foreign policy and national defense people.

So thank you for your comments. We will continue to hopefully work that way.

## SECRETARY OF DEFENSE WILLIAM COHEN

Mr. LOTT. Mr. President, if I could just briefly make some comments here about our good friend, the Senator from Maine, Bill Cohen, I know the Presiding Officer feels this way very, very strongly, and I know she is very proud of his confirmation.

I must say that over the course of my tenure in the Congress I have often been very honored to know Secretaries of Defense. We have had some great ones. Still today I consider many of them personal friends but I have never known one that I have been more proud of than I am today of William Cohen in this new position.

Bill Cohen and I came to Congress together at the same time in 1973. We served in the House together. We served in the Senate together. We didn't always agree. In fact, we fought or disagreed pretty strongly the first couple of years we were in Congress, and it took years to get over that disagreement. But over that period of time in the House and Senate we became close friends, and I grew to admire him and sought out his advice and counsel which I found always very good even when he didn't agree sometimes with what I was trying to do. He gave me advice and help that was invaluable. I will also be thankful for that.

We have much in common. We both represent small coastal States which face similar challenges and interests. He has truly become a great friend to me and to our people in my own home State. He has my respect and my unqualified support as the next Secretary of Defense.

I think also we should take note of the fact that this was a grand gesture by the President. The President indicated that he wanted to have a look at some Republicans for his Cabinet. I was not sure he would do it. I know he considered several. But certainly he made a wise pick here, and it did not go unnoticed by the Republicans that he made this decision. I hope he will take the advice of his new Secretary of Defense. I think he will find it interesting and on occasion challenging and sometimes advice that he will not find easy to accept. But it will be invariably good advice.

Bill Cohen will have his hands full as the new Secretary of Defense. Perhaps the largest challenge of his illustrious career I think now looms before him. I think it is to his credit that he was willing to step aside from his goal of moving into the private sector to come back and to go into this very important, very difficult position.

I have become, in the last few months, increasingly concerned—actually, it has been moving in this direction for a number of years, but I am really to the point of being alarmed about what I see happening with our military, our military leadership in the

Pentagon, and what we have been doing to the defense budget of our country. And so we are now reaching the point where we are, I think, developing serious problems in O&M and procurement, and so Senator Cohen is going to have a tremendous job in righting this military monolith that has now reached the point where it has problems and will have growing problems in the future.

I know Bill Cohen has expressed those concerns as a member, a very distinguished senior member, of the Senate Armed Services Committee. Now he will be in a position to help really do something about that.

Over the last 2½ years, I must say that I think Bill Perry has performed admirably in a very difficult environment. He has often been dealt a weak hand both by insufficient funds to do the job and multiple demands that had to be fulfilled with those limited funds. But he has performed always masterfully, with intellect and integrity, and I think he has artfully managed the Pentagon at a very difficult time. So as he departs, Secretary Perry should be recognized for the fine job he did, and he truly has the gratitude of the Senate and I believe all Americans for his service to the Department of Defense.

As majority leader and as a longtime supporter of a strong national defense, I look forward to working with Bill Cohen as our new Secretary. Many people have voiced surprise that the President would make this decision, but I was not surprised. I knew that once he talked to Bill Cohen, he would have to be impressed, and in fact he was. He recognized him as an expert in defense and security policy. He is bright and capable. He will make an exceptional Secretary of Defense, and I am very proud of his confirmation today.

I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, the Senate rules allow me to just observe that the Presiding Officer, most fittingly, is the junior Senator from Maine at this time we in the Senate are speaking to the nomination of the former distinguished senior Senator from Maine—most appropriate.

I thank the Chair. I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, I, too, join in sending my congratulations to our new Secretary of Defense, Bill Cohen, someone with whom I have had the privilege of serving on the Senate Armed Services Committee now for the past 8 years.

Bill has been a most articulate and most thoughtful member of that committee—obviously, someone whom we have all come to respect, someone of great intellect and experience, arriving at the House in 1973 and spending a significant part of his lifetime serving the people of Maine and serving the people of this country.

He is known as a writer. I think he has published eight books, and so it was always interesting to listen to his statements in the Chamber. They were always well-reasoned. They were always well-researched. They were always thoughtful. They were challenging and provocative. Bill had an independent streak which was a great asset. It allowed him to escape the orthodoxy of the political mantra we sometimes find ourselves repeating without a great deal of forethought. Yet Bill's challenge, I think, raised issues that we needed to discuss and needed to consider. While I did not always come to the same conclusion he did, I always respected his thoughtfulness and respect for the conclusions he reached.

He now assumes a very difficult assignment. These are not easy times at the Department of Defense, not because we find ourselves engaged in any major conflict but because, for a period of more than a decade, we have been undertaking a very significant reorganization following the demise of the cold war and following our success in the gulf. This is not without consequence, and we are now approaching, I believe, our 12th or 13th consecutive year of reductions in defense spending.

That has taken its toll. It has placed us in a very difficult position. Secretary-designate Cohen this morning in testimony before the Armed Services Committee talked about the world as it is today, the challenges that exist in that world, the threats that we still face, albeit in a different form, and the need to be militarily prepared and to have a strong national security.

We are undertaking a quadrennial review process which is going to force us, as Secretary Cohen said, to make and face some very difficult choices. The declining budget has not allowed us to maintain the kind of capability that many of us feel is necessary if we are going to pursue a two-regional-response strategy. We face some serious questions regarding modernization, balancing that with the need for readiness and the need for adequate compensation for our personnel and adequate benefits for our personnel, as well as the research and development needed to take us into the next century.

All of these difficult choices will now fall to our new Secretary of Defense. He is clearly someone with whom both Republicans and Democrats can work. In fact, we have worked together probably in a more bipartisan way on the Armed Services Committee than any other committee in the Senate. And so we stand ready to work with him in attempting to address some of these fundamental questions that are going to determine the course of our defense in future years.

I asked Bill Cohen this morning what experiences in his life and particularly during his tenure in Congress helped shape his views in terms of the role of the military and the role of defense. He shared with us a response which I had hoped he would give and was pleased that he did give in outlining some of the experiences he has had in traveling to and visiting with and being with our troops as they serve around the world.

We are often criticized here for some of the travel that we take. I note the Senator from Ohio [Mr. GLENN], is in the Chamber. I will never forget—and it has been a basis of some of the critical decisions I have had to make regarding defense expenditures and defense policy—the trip we took to Kuwait right after the war and watching Senator GLENN interact with marines and naval personnel and military personnel and they react with him. Senator MCCAIN was with us. There is no substitute for leaving the charts and leaving the Vu-Graphs and leaving the cold facts on a piece of paper and getting out in the field and talking to soldiers, whether it is generals or captains or privates or sergeants.

There is no substitute for learning some of the difficulties that take place, in terms of putting together an adequate defense, some of the challenges that face our country and face those personnel. There is no substitute for dealing with that on a personal basis. Senator Cohen shared that view and shared the view that, when you do that, when you personalize our decisions, when you realize that someone's son or daughter is going to be put at risk in defense of this country, it gives you a different perspective in terms of the kind of equipment, the kind of quality of life, the kind of support for their family, the kind of training and, frankly, the kind of decisions we make in terms of their deployment. I think it is important for every Member to have that perspective.

I have taken advantage of the opportunity as a member of the Armed Services Committee to travel as much as the schedule will allow and spend as much time with our troops in the field as time allows. It has been just an invaluable experience. I know Senator Cohen will place those experiences at the forefront of his thinking, in terms of the decisions he has to make in the Department of Defense.

I also congratulate Secretary Perry for just an outstanding tenure as Secretary of Defense. I was one of the people who raised the question early on as to whether Secretary Perry, while I acknowledged his masterful technological skills and management skills, whether he could be an effective Secretary of Defense in a political world, trying to deal with all of us and the give and take that takes place, because

he is a mild, soft-spoken man. But he is a man of steel. It does not take shouting and it does not take fist pounding to be effective. Secretary Perry proved that.

I watched him in negotiations with the Soviets and with the Russians. I watched him in serious policy debates with some of our allies. I watched him interact with us on very important questions relative to defense, in testimony before our committee. He was a model of civility, a model of decency, a great intellect, a thoughtful, articulate spokesman for the Department of Defense. He served this country well and deserves our accolades.

Finally, let me say when Bill Cohen and I were in the House of Representatives we would participate in the annual Democrat and Republican baseball game. Bill Cohen was known for the best fastball on the team. He struck some fear in the hearts and minds of some of our Democrat opponents. It made me glad I was a Republican. I used to warm up Bill Cohen and that ball was not always down the middle of the plate. I never saw anybody really dig in against him.

There probably are Members of the House today who owe their health to the fact that every time Bill and I would try to run over from the Senate to play in that game, which Bill was then senior Senator, Senator Mitchell would not adjourn the Senate for us so we could participate. We had to carry our beepers. Inevitably, Senator Mitchell or someone else would call a vote and, before Bill made it to the mound to strike fear in the Democrats, the beeper would go off. I always suspected Senator Mitchell had some kind of communication system with his Democrat colleagues in the House and they would say, "Cohen is warming up in the bullpen, call a vote and get him out of here. Our very lives are at risk."

The ability to throw those high hard ones and sometimes keep his adversaries a little bit looser at the plate than maybe they would otherwise be, will serve him well as Secretary of Defense in the tough negotiations that he has coming before him. I wish him nothing but success and I look forward to working with him.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Madam President, I associate myself with the remarks all the people made regarding our new Secretary of Defense, now made official in that capacity this afternoon.

I have known Bill for many years. I worked with him. I think he will be a great Secretary of Defense. He will try to fill some very big shoes over there that Bill Perry leaves, who I think turned into one of the greatest Secretaries of Defense since there has been that position in Government.

But I have talked to Bill personally. He knows my admiration for him and my support for him in that office. So I just want to associate myself with all the other fine congratulations that are being offered here on the floor today.

Madam President, I also rise today to introduce the Human Research Subject Protection Act of 1997.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. I thank the Chair.

(The remarks of Mr. GLENN pertaining to the introduction of S. 193 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## MEDICAL RESEARCH APPROPRIATIONS

Mr. SPECTER. Mr. President, I was pleased to support yesterday as an original cosponsor Senate Resolution 15 which proposes to double appropriations for medical research over the next 5 years. That is a lofty goal. I subscribe to that goal.

During my tenure in the U.S. Senate I have served on the Appropriations Committee and on the subcommittee which has jurisdiction over the Department of Health and Human Services and the funding responsibility for the National Institutes of Health.

I am pleased to note that, notwithstanding very severe budget constraints over the years, the subcommittee has consistently raised the funding, whether it was Senator Weicker, Senator Chiles, or Senator HARKIN, or under my stewardship as chairman.

When I joined the committee in 1981 the appropriations were $3.6 billion. That has now risen to $12.7 billion. Since I became chairman in 1996 we raised the funding by 5.7 percent, and in 1997, fiscal year 1997, 6.9 percent, some $820 million to a total now of $12.7 billion dollars. When the resolution calls for doubling NIH spending within 5 years, that is a very, very tough goal and a very, very tough objective to me. That would really call for an increase of expenditures of about $2.5 billion a year. My own view is that it would be a priority worth meeting to reach the goal of $2.5 billion a year if the allocation to the subcommittee did permit that. But I have grave doubts that will be possible, although it is as I say a lofty goal.

We do need more grants in that field. There are some 27,000 grants now in operation. But only a fraction of the applications receive the grants, and there are many worthwhile grants that ought to be accepted.

There have been tremendous advances in breast cancer and prostate cancer, heart disease, Alzheimer's, and many, many more.

What I want to say today and do say is that as chairman of the subcommittee I am prepared to commit to an increase in the next year's budget of 7.5 percent, which would amount to some $950 million.

In making that statement, I want to emphasize how difficult it will be to reach $950 million and a 7.5-percent commitment. But in articulating, stating that view, that is a strong stretch, considering the funding and the allocation which is present for the subcommittee which I chair. So I invite my colleagues to look toward alternative methods of financing if we are to be able to meet the $2.5 billion mark, which we really ought to do. But I did want to make a statement today, following the introduction of the resolution yesterday, that there is the commitment that I am prepared to undertake the 7.5-percent figure or $950 million.

Mr. FAIRCLOTH. Mr. President, I am pleased to support the nomination of Madeleine Albright to be Secretary of State. Additionally, I am pleased to support the nomination of our former colleague, Bill Cohen to be Secretary of Defense.

I am concerned, however, about the general direction of President Clinton's foreign policy.

It has been a policy with very little direction. I fear that the U.S. Armed Forces have become an international cleanup force sent to all parts of the world that have no strategic relationship to the United States. Somalia, Bosnia, Haiti, and other U.N. peacekeeping missions have been costly with little tangible benefits for the United States.

In the case of Bosnia, clearly, the administration misled the Congress about the length of time troops would be present there. Only after the election did the President have the courage to tell the American people that the troops would not be coming home in December of 1996 and that the deployment would extend another 18 months.

Further, with respect to Bosnia, it has now become apparent that this conflict dragged on longer than it should have because the administration and Democratic leaders in Congress blocked arm shipments for the Bosnians. Yet, in a secret policy, they allowed Iran to arm the Bosnian muslims. This administration told the Congress one thing and Iran another.

This is an unacceptable way to conduct American foreign policy.

The Clinton administration has pursued what I call the un-Reagan doctrine. Rather than preside over the decline and fall of the last remaining Communist regimes, this administration has reached out and befriended them. It gave diplomatic recognition to Vietnam. We provided foreign aid to North Korea, and we sought warmer relations with Fidel Castro until he shot down innocent civilians out of the sky. In contrast, this administration ignored, almost to its peril, the new democracies in Eastern Europe and Russia, to the point that the Communists

tried to stage an electoral comeback in Russia.

This is not foreign policy America can be proud of.

Another problem with this administration is its handling of our future security from nuclear attack.

In my view, nothing is more important to the national defense of this country than deployment of a national ballistic missile defense for the United States. More than 25 countries now possess or are seeking to acquire nuclear weapons.

We have to address this issue—we cannot ignore it.

I would hope that the two people we are confirming today, both of whom are honorable, decent, hard-working people will work on these issues and improve our defense and foreign policy in the next 4 years.

Finally, Mr. President, I wish Senator Cohen well in his new position. I was pleased to serve with him for the last 4 years, and we will certainly miss him in the Senate, but the United States will be better off by having him as Secretary of Defense.

## THE NUCLEAR WASTE POLICY ACT OF 1997

Mr. GRAMS. Mr. President, I want to join with my distinguished colleagues, Mr. MURKOWSKI, chairman of the Energy and Natural Resources Committee, and Mr. CRAIG of Idaho, in introducing the Nuclear Waste Policy Act of 1997. As a cosponsor of the legislation passed by the Senate during the 104th Congress, I believe this legislation represents the best means of ensuring that the Department of Energy meet its legal obligations to begin accepting spent nuclear fuel by 1998.

Last year, nearly identical legislation was adopted by a strong bipartisan vote in the Senate. And with nuclear waste scattered over some 35 States, including my home State of Minnesota, it was no surprise that the national interest in resolving this issue is strong. However, a variety of factors, including a lack of action by the House of Representatives, led to the demise of the 104th Congress' bill.

But support for enacting a real solution has never been stronger. Last July, the U.S. Court of Appeals reaffirmed that the DOE continues to have responsibility for permanently storing our Nation's commercial waste. It is no wonder, considering our Nation's ratepayers have already contributed some $12 billion; over $250 million from Minnesotans alone.

Having recently returned from Yucca Mountain, the proposed permanent storage site located in Nevada, I believe much progress has been made over the last year. But after 15 years and with nearly half the nuclear trust fund depleted, there still remains no measurable value and the American public is fed up with empty promises from their Federal Government. They deserve action now.

The Nuclear Waste Policy Act of 1997 delivers such action. It provides all the tools necessary to break our interim storage impasse. Furthermore, it provides mechanisms to complete the characterization of Yucca Mountain and gets the program moving out of the current stalemate.

With 1998 just around the corner, timely action on this legislation is critical. For States like Minnesota, which stand to lose nearly 30 percent of its overall energy resources, action should have occurred last year. And now, with the confirmation of a new Energy Secretary required, and the program in transition, Congress is faced with some tough challenges but our resolve must remain strong. And the introduction of this legislation today is our first step.

In the coming weeks and months, we will be asking our colleagues to join us in supporting this long overdue legislation. Rarely does the Congress have the opportunity which meets the twin goals of protecting our environment and strengthening our economy. Mr. President, I hope that the support we had last Congress will be even stronger this year. I would encourage my colleagues to add their name today as cosponsors to the Nuclear Waste Policy Act of 1997.

## TRIBUTE TO MIKE CANNELL

Mr. FEINGOLD. Mr. President, I rise to pay tribute to Mike Cannell, a dairy farmer and sustainable agriculture advocate from Cazenovia, WI who perished in a farming accident on December 2, 1996 while helping a neighbor unload corn. Mike died the same way he lived—helping others.

While those of us fortunate enough to have known Mike will miss him terribly, he has left us a great gift: his tireless work toward restoring and sustaining an agricultural community of healthy and economically viable family farms. His support of sustainable agriculture reflected his approach to life: balance. Sustainable agriculture is an integrated system of production that provides an adequate supply of food and fiber in a manner that enhances environmental quality, makes efficient use of limited natural resources, sustains small and medium sized farms and improves the quality of life for farmers and the community. It is an agricultural system that balances the many needs of our people and our planet.

Mike not only recognized the economic importance and the environmental benefits of a large number of small scale family farms, he recognized the ability of successfully owning and operating one's own farm to instill a sense of pride, accomplishment and satisfaction in the farmer-owner. In Mike's view, these things were at least as important as the many economic and environmental reasons to sustain small farms. In all things, especially farming, he sought balance.

I first met Mike Cannell when I was a State senator. He, along with other dairy farmers, met with me to express concern about the development of a new dairy technology that he felt was ill-timed, unnecessary and irresponsible. That technology was Bovine Growth Hormone, a product which when injected in cows results in greater milk production. The arguments made against BGH were many: increased milk production necessarily lowers milk prices; the technology will favor large farms over smaller ones; small farms will be driven out of business; there may be indirect but harmful environmental impacts, and many more.

But Mike's objections to BGH ran deeper. He did not believe in technology for technology's sake. He felt scientists and society's leaders were obligated to consider and recognize cultural traditions and predominant value systems of the community for which they were developing new technology. To him, the economic benefits of technology had to be weighed against the real or perceived ramifications on society. Mike didn't believe that the universities and private sector firms developing BGH had done that. He predicted the outrage that introduction of the product caused among dairy farmers and consumers in Wisconsin. To this day, many dairy products in Wisconsin are labeled as free of BGH in part, due to Mike's efforts. As usual, Mike's balanced approach was right on target.

Mike, however, did not reject new technology on its face and in fact, embraced and doggedly promoted technologies and new practices that advanced his goal of a sustainable agricultural community consisting of small and medium sized family farms.

Mike's approach to dairy farming was unique when he began milking cows 15 years ago.

He was an intensive rotational grazier—a practice that many said couldn't work in Wisconsin because of our harsh winter climate. Unlike confinement dairying, rotational grazing requires fewer chemical inputs, less labor, less capital and is environmentally beneficial as well. Mike, however, viewed grazing in a broader context. Grazing was not only an environmentally friendly method of producing quality milk at reduced cost, it was also capable of supporting a family and providing a high quality of life. Mike chose to become a dairyman because of the value he placed on these last two criteria. Mike, when speaking about grazing, put it in this context: "This is the real reason we live: for our families

and for our communities. Any practice that promises to make us better farmers, in part, I evaluate by how much it contributes to our families and communities." For technology to be appropriate it had to be appropriate for the farm and the community surrounding it. Again, this was Mike's balance. He supported technology and practices that promoted the goals he believed to be most important.

Mike Cannell was an innovative leader among Wisconsin farmers, resolutely seeking solutions to the complex problems facing our dairy industry. To many farmers in Wisconsin, those problems appear insurmountable; so complicated, multifarious, and seemingly incomprehensible that one person couldn't possibly make a dent in them. Mike not only believed he could make a difference, he believed he had an obligation to use his talents to do so.

Even more remarkable than Mike's willingness to actively intervene in agricultural problems, was Mike's concept of a solution: one which was not only achievable and effective but which was also socially and morally responsible. In a manner more effective than few others I've known, Mike was able to articulate the problems and identify solutions. He was not shy at criticizing entities he felt were standing in the way of a sustainable family farm sector. But he always went beyond criticism to suggest solutions and to actively work with the entities—including universities, local, State and Federal Government—he was criticizing to eliminate the barriers facing family farms.

But Mike went still further. Rather than rely on others to solve all the dilemmas facing family farmers, he believed farmers also had both the ability and responsibility to help each other. And he put that into practice too.

Mike Cannell believed so strongly in the ability of rotational grazing to reverse the dramatic losses of Wisconsin family dairy farmers in the past decade that he spent the last 10 years trying to teach other farmers how to become graziers. He is responsible for starting a grazier technology transfer discussion group on the Internet—known as a List Serve—so that dairymen could share their expertise on grazing. That group now claims more than 1,000 members. He was also the founder of both regional and statewide farmer to farmer grazing networks, known as the Ocooch Graziers and Grassworks. Because of Mike Cannell, rotational grazing is no longer considered an unusual dairying practice in Wisconsin. It is fast becoming mainstream.

Mike also took initiative to solve one of Wisconsin's most challenging farm problems—the retirement of older dairy farmers without younger farmers to replace them. The long hours, hard work, low return and often dim outlook for dairying have dissuaded many young people from entering the dairy industry. Rather than consider this an inevitable outcome, Mike took steps to encourage young people to enter dairying. While his positive attitude might have been enough to persuade young farmers that there was a future in dairy farming, to persuade the cynics he founded the School for Beginning Dairy Farmers to teach young farmers how to be successful in a difficult profession.

Mike's contributions to the sustainable agriculture community are real and measurable and he will be remembered for them for many years. But Mike will likely be remembered more for his steady and unswerving pursuit of a way of life he loved and from which he gained great joy, his strong belief in the value of that way of life, his efforts to share his success with others, and most important, for his commitment to community and family. In Mike's view, all things in life and agriculture should be conducted with an eye toward how they contribute to community and family. It is a valuable lesson to learn. And it is the world's great loss that Mike Cannell won't be around to teach us anymore.

I yield the floor.

## PAUL TSONGAS

Mr. KERRY. Mr. President, I rise today to speak about Paul Tsongas, who lost his battle against cancer on Saturday. I have lost a great friend; our Nation has lost an extraordinary American who defined the concept of public service and whose courage and conviction set an example for each and every one of us.

A son of Greek immigrants in Lowell, MA, Paul Tsongas worked in his father's drycleaning business, and served in the Peace Corps, as a Lowell City Councilor, as a Middlesex County Commissioner, as a U.S. Congressman and as a U.S. Senator in the seat that I am now honored to occupy.

Paul was able to achieve so much in his life because no matter where he went, no matter what office he held, he never left the people of Lowell. He instinctively understood not only their problems but also how government could help provide some of the solutions which were necessary to resolve them.

In 1992, when George Bush looked unbeatable, Paul Tsongas ran for the Democratic Presidential nomination because he knew his ideas for our future were better.

We must not forget the timeless principles for which Paul Tsongas fought throughout his career in elective office: balancing the Federal budget and establishing sound fiscal principles for the Federal Government, investing in our country and our children, and building our economy so future generations can attain the dreams which seem to elude us today.

Although Paul did not win the nomination, he became the catalyst who turned the national spotlight on our fiscal policies and changed the political dialog in the United States forever.

After the campaign, Paul Tsongas joined with Warren Rudman and Pete Peterson to found the Concord Coalition to promote fiscal responsibility. This organization again and again has drawn national attention to our Nation's fiscal agenda.

Since the 1992 Presidential campaign, we have cut the Federal budget deficit by more than half. The question in Washington is no longer "Can we balance the budget?", but "How soon can we do so?" Much of the progress we have made can be attributed to Paul Tsongas and his economic call to arms.

The rebuilt, reinvigorated city of Lowell, MA is another long-lasting memorial to Paul. He as much or more than any other person shepherded the revitalization program through the Congress, and by seeing and breathing life into a local pride and spirit that was still alive, he transformed a rundown mill town into an international destination with an amazing story to tell and show visitors from near and far.

Paul Tsongas' accomplishments only explain part of what made him so extraordinary. There is no way to explain the impact on others of his decency, integrity and courage. But that impact was real and pronounced.

In 1983, he was diagnosed with non-Hodgkin's lymphoma. The next year he retired from the Senate in order to spend more time with his wife Niki, and his three daughters, Ashley, Katina and Molly. He successfully battled cancer for over a decade with a sense of grace and a strength of character that are remarkable.

It is terribly hard to acknowledge the death of such a person. Paul will be greatly and genuinely missed because he was greatly and genuinely loved. That is a compliment to which all of us can aspire when we leave this Earth. But Paul's life took him a step beyond even that status among his family and friends and all who know or observed him in his public service.

We can say truthfully and appreciatively that we are better people because of the example Paul Tsongas set during his life. In that way, he not only improved the lives of many in very direct ways, he will continue to live on as an inspiration to us.

We will miss him, but we are comforted by what he has given to us.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the Federal Government is running on borrowed money—more than $5 trillion of it. As of the close of business yesterday, Tuesday, January 21, the Federal debt stood at $5,310,267,076,516.85. On a

per capita basis, every man, woman, and child in America owes $19,919.19 as his or her share of the Federal debt.

More than two centuries ago, the Continental Congress adopted the Declaration of Independence. It's time for Congress to adopt a Declaration of Economic Responsibilities and an amendment requiring the President and Congress to come up with a balanced Federal budget—now.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 3:27 p.m., a message from the House of Representatives announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 25. Joint resolution making technical corrections to the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208), and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. THURMOND).

## REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. SHELBY, from the Select Committee on Intelligence:

Special Report on Committee Activities of the Select Committee on Intelligence January 4, 1995 to October 3, 1996 (Rept. No. 105–1).

By Mr. MACK, from the Joint Economic Committee:

Special Report of the Joint Economic Committee Congress of the United States of the 1996 Economic Report of the President (Rept. No. 105–2).

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 20. A resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

William S. Cohen, of Maine, to be Secretary of Defense.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON:

S. 179. A bill to reform the financing of Federal elections, and for other purposes; to the Committee on Rules and Administration.

S. 180. A bill to amend the Internal Revenue Code of 1986 to allow married individuals to contribute to an IRA even if their spouse is a participant in a pension plan; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. DORGAN, Mr. GORTON, Mr. BAUCUS, Mr. LOTT, Mr. NICKLES, Mr. GRAMM, Mr. HATCH, Mr. BREAUX, Ms. MOSELEY-BRAUN, Mr. CONRAD, Mr. KERREY, Mr. DASCHLE, Mr. SHELBY, Mr. BUMPERS, Mr. HUTCHINSON, Mr. MCCAIN, Mrs. FEINSTEIN, Mr. CAMPBELL, Mr. HARKIN, Mr. CRAIG, Mr. KEMPTHORNE, Mr. DURBIN, Mr. LUGAR, Mr. COATS, Mr. BROWNBACK, Mr. ROBERTS, Mr. FORD, Mr. MCCONNELL, Mr. SARBANES, Ms. SNOWE, Mr. ABRAHAM, Mr. GRAMS, Mr. BOND, Mr. COCHRAN, Mr. BURNS, Mr. HELMS, Mr. HAGEL, Mr. BINGAMAN, Mr. DEWINE, Mr. INHOFE, Mr. WYDEN, Mr. JOHNSON, Mrs. HUTCHISON, Mr. WARNER, Mrs. MURRAY, Mr. ENZI, Mr. KOHL, Ms. MIKULSKI, Mrs. BOXER, Mr. ROBB, Mr. GREGG, Mr. ASHCROFT, and Mr. WELLSTONE):

S. 181. A bill to amend the Internal Revenue Code of 1986 to provide that installment sales of certain farmers not be treated as a preference item for purposes of the alternative minimum tax; to the Committee on Finance.

By Mr. BYRD:

S. 182. A bill to make available for obligation such sums as are necessary to pay the Federal share of completion of construction of the Appalachian development highway system, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DODD (for himself, Mr. DASCHLE, Mr. KENNEDY, Mrs. FEINSTEIN, and Mr. KERRY):

S. 183. A bill to amend the Family and Medical Leave Act of 1993 to apply the Act to a greater percentage of the United States work force, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. D'AMATO:

S. 184. A bill to provide for adherence with the MacBride Principles of Economic Justice by United States persons doing business in Northern Ireland, and for other purposes; to the Committee on Finance.

By Mr. HELMS:

S. 185. A bill to prohibit the provision of Federal funds to any State or local educational agency that denies or prevents participation in constitutional prayer in schools; to the Committee on Labor and Human Resources.

By Mr. AKAKA:

S. 186. A bill to amend the Energy Policy and Conservation Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HELMS:

S. 187. A bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services; to the Committee on Labor and Human Resources.

S. 188. A bill to amend the Civil Rights Act of 1964 to make preferential treatment an unlawful employment practice, and for other purposes; to the Committee on Labor and Human Resources.

S. 189. A bill to prohibit the executive branch of the Federal Government from establishing an additional class of individuals that is protected against discrimination in Federal employment, and for other purposes; to the Committee on Governmental Affairs.

S. 190. A bill to protect the lives of unborn human beings; to the Committee on Governmental Affairs.

By Mr. HELMS (for himself, Mr. DEWINE, Mr. HATCH, Mr. NICKLES, Mr. ABRAHAM, and Mr. FAIRCLOTH):

S. 191. A bill to throttle criminal use of guns; to the Committee on the Judiciary.

By Mr. HELMS:

S. 192. A bill to make it a violation of a right secured by the Constitution and laws of the United States to perform an abortion with the knowledge that the abortion is being performed solely because of the gender of the fetus; to the Committee on the Judiciary.

By Mr. GLENN:

S. 193. A bill to provide protections to individuals who are the human subject of research; to the Committee on Labor and Human Resources.

By Mr. CHAFEE (for himself, Mr. MOYNIHAN, Mr. ABRAHAM, and Mr. KYL):

S. 194. A bill to amend the Internal Revenue Code of 1986 to make permanent the section 170(e)(5) rules pertaining to gifts of publicly-traded stock to certain private foundations and for other purposes; to the Committee on Finance.

By Mr. HELMS:

S. 195. A bill to abolish the National Endowment for the Arts and the National Council on the Arts; to the Committee on Labor and Human Resources.

By Mr. MCCAIN:

S. 196. A bill to amend the Public Buildings Act of 1959 to require the Administrator of General Services to prioritize construction and alteration projects in accordance with merit-based needs criteria, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ROTH (for himself, Mr. LOTT, Mr. BREAUX, Mr. GRASSLEY, Mr. NICKLES, Mr. MURKOWSKI, Mr. ABRAHAM, Mr. KYL, Mr. HELMS, Mr. D'AMATO, Mr. CRAIG, Mrs. HUTCHISON, Mr. MCCONNELL, Mr. THOMAS, Mr. SMITH of Oregon, Mr. DEWINE, Mr. INHOFE, Mr. BRYAN, Mr. ROBERTS, Ms. MIKULSKI, Mr. SMITH of New Hampshire, Mr. HATCH, Mr. BENNETT, Mr. KEMPTHORNE, Mr. INOUYE, Mr. ENZI, Mr. FORD, Mr. BURNS, Mr. LIEBERMAN, Mr. HAGEL, Mr. GRAMM, Mr. DODD, Ms. COLLINS, Mr. GREGG, Mr. GRAMS, Mr. BOND, and Mr. KOHL):

S. 197. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes; to the Committee on Finance.

By Mr. McCAIN:

S. 198. A bill to prohibit campaign expenditures for services of lobbyists, and for other purposes; to the Committee on Rules and Administration.

S. 199. A bill to require industry cost-sharing for the construction of certain new federally funded research facilities, and for other purposes; to the Committee on Governmental Affairs.

By Mr. AKAKA (for himself and Mr. INOUYE):

S.J. Res. 10. A joint resolution to consent to certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 20. A resolution authorizing expenditures by the Committee on Agriculture, Nutrition and Forestry; from the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Mr. LOTT (for himself, Mr. McCAIN, Mr. COATS, and Mr. STEVENS):

S. Res. 21. A resolution to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in Sen. Robert C. Byrd, et al. v. Franklin D. Raines, et al; considered and agreed to.

By Mr. LOTT (for himself, Mr. DASCHLE, and Mr. KERRY):

S. Res. 22. A resolution relative to the death of the Honorable Paul Tsongas, formerly a Senator from the Commonwealth of Massachusetts; considered and agreed to.

By Mr. CONRAD (for himself, Mr. DORGAN, Mr. DODD, Mr. BIDEN, Ms. MOSELEY-BRAUN, and Mr. DASCHLE):

S. Con. Res. 4. A concurrent resolution commending and thanking Honorable Warren Christopher for his exemplary service as Secretary of State; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON:

S. 179. A bill to reform the financing of Federal elections, and for other purposes; to the Committee on Rules and Administration.

THE CAMPAIGN FINANCE REFORM AND DISCLOSURE ACT OF 1997

Mrs. HUTCHISON. Mr. President, the bill that I introduce is the Campaign Finance Reform and Disclosure Act of 1997. This important legislation will correct several of the abuses that we have seen take place under the present system and will demonstrate to the American people that we in Congress intend to do everything possible to bring campaign-related activities into the light of day. Moreover, this bill will not force the American taxpayer to further subsidize Federal campaigns, nor will it impose an elaborate new system of costly and burdensome campaign regulations. First, the act will require that at least 60 percent of a Senate candidate's campaign funds come from individuals within that Senator's home State. It will terminate the mass mail franking privilege for Senators during the year in which he or she is seeking election, and thereby end one of the more substantial advantages of incumbents over challengers.

The bill will also make the contribution limits for political action committees equal to those in place for individuals, and will index that uniform limit to the rate of inflation. I believe PAC's serve a beneficial and necessary purpose in our system by allowing groups of individuals, whether at their place of employment, through an issue advocacy group, or elsewhere, to participate in a more direct way in the grassroots political process that is at the heart of our electoral system. But I want those PACs to have the same allowances and the same limitations as individuals, so that one does not have a disproportionate advantage over the other. The bill accomplishes this in a simple and responsible way by leveling the playing field between people who contribute to candidates directly and those who choose to leverage their contribution through PAC's. Individuals who wish to contribute money should continue to have that choice.

However, I do not believe that candidates should have the right to buy and then resell their office. Therefore, this bill will also place a limitation of $250,000 on the amount that a congressional candidate may repay himself from campaign funds for personal loans he or she makes to the campaign. Again, this will help level the playing field for all candidates.

In addition, the Campaign Finance Reform and Disclosure Act will ban once and for all campaign contributions by noncitizens. The use of campaign funds for personal use will also be totally banned. And political parties will be prohibited from accepting contributions earmarked for specific candidates, thereby bypassing the limitations that are in our laws today.

Mr. President, these are the main provisions of my legislation to reform our campaign finance laws. As the Senate continues to address this most important issue, I encourage my colleagues to review these simple and workable proposals and to answer the American people's call for reform in this area.

By Mrs. HUTCHISON:

S. 180. A bill to amend the Internal Revenue Code of 1986 to allow married individuals to contribute to an IRA even if their spouse is a participant in a pension plan; to the Committee on Finance.

HOMEMAKER IRA LEGISLATION

Mrs. HUTCHISON. Mr. President, this bill closes a loophole in the homemaker IRA bill that we passed in the last Congress. We made the homemakers of our country equal to wage earners in their ability to save for their retirement futures through individual retirement accounts. Presently, every person who is working at home or working outside the home can set aside $2,000 a year that earns tax-free interest for their retirement security. However, what families are not able to do under existing law and what this bill will enable them to do, up to $40,000 in income, is to save under a homemaker IRA even if the homemaker's spouse has a pension plan. This revision is critical to encourage average-income families to save for their retirement.

Mr. President, if our young people will avail themselves of this wonderful new opportunity which Congress has given them to allow homemakers as well as those who work outside the home to contribute $2,000 a year to an IRA, by the time they retire at age 65, they will be able to build a nest egg of a remarkable $1 million, if they both start contributing the maximum allowable amount from age 25—$1 million for this working, one-income family. If they even wait until they are 35, they would be able to build up $500,000 for retirement.

This is an opportunity that I hope every young couple will look at and take advantage of to provide for their retirement security. Last year we in Congress did the right thing by extending the IRA to homemakers. Now we simply need to ensure that this opportunity is available to all families of up to $40,000 of income. This bill will do just that.

By Mr. GRASSLEY (for himself, Mr. DORGAN, Mr. GORTON, Mr. BAUCUS, Mr. LOTT, Mr. NICKLES, Mr. GRAMM, Mr. HATCH, Mr. BREAUX, Ms. MOSELEY-BRAUN, Mr. CONRAD, Mr. KERREY, Mr. DASCHLE, Mr. SHELBY, Mr. BUMPERS, Mr. HUTCHINSON, Mr. McCAIN, Mrs. FEINSTEIN, Mr. CAMPBELL, Mr. HARKIN, Mr. CRAIG, Mr. KEMPTHORNE, Mr. DURBIN, Mr. LUGAR, Mr. COATS, Mr. BROWNBACK, Mr. ROBERTS, Mr. FORD, Mr. McCONNELL, Mr. SARBANES, Ms. SNOWE, Mr. ABRAHAM, Mr. GRAMS, Mr. BOND, Mr. COCHRAN, Mr. BURNS, Mr. HELMS, Mr. HAGEL, Mr. BINGAMAN, Mr. DEWINE, Mr. INHOFE, Mr. WYDEN, Mr. JOHNSON, Mrs. HUTCHISON, Mr. WARNER, Mrs. MURRAY, Mr. ENZI, Mr. KOHL, Ms. MIKULSKI, Mrs. BOXER, Mr. ROBB, Mr. GREGG, Mr. ASHCROFT, and Mr. WELLSTONE):

S. 181. A bill to amend the Internal Revenue Code of 1986 to provide that installment sales of certain farmers not be treated as a preference item for purposes of the alternative minimum tax; to the Committee on Finance.

THE FAMILY FARM ALTERNATIVE MINIMUM TAX RELIEF ACT OF 1997

Mr. GRASSLEY. Mr. President, today, as I introduce this legislation called the Family Farm Alternative Minimum Tax Relief Act of 1997, it is a way that 54 of us in this body—and we will still yet get more cosponsors, I am sure—are saying, "Shame on the Internal Revenue Service." This is our effort to hold the tax-collecting bureaucracy of the U.S. Government accountable to what Congress intended. We are holding them accountable to the taxpayers, and we will reduce somewhat the power of the IRS which comes through intimidation. I have worked very closely with three other Senators in a bipartisan fashion, Senator DORGAN, Senator GORTON, and Senator BAUCUS. I thank them for their leadership and their cooperation. We have been joined now by 50 of our colleagues in a broad bipartisan effort, with the support of the leadership of both parties, meaning Senator LOTT and Senator DASCHLE. I think that the sort of membership cosponsoring this legislation speaks louder, frankly, than anything I can say about the rationale behind this bill.

This bill repeals a very large problem created by the IRS regarding farmer-deferred contract arrangements. The problem is currently at a crisis level because it is income tax time. Particularly, it is income tax time for the farmers of America who must file earlier than others.

The IRS has found a way to tax farmers for their deferred sales contracts. This is contrary to congressional intent. I know the Presiding Officer is from Kansas and he understands this, but some might not. A deferred sales contract is a situation where a farmer delivers his crop this year and gets paid by the local cooperative elevator, or privately owned elevator, or some other buyer next year. Since Congress intends farmers to be able to use the cash accounting method, deferred contracts have been a perfectly acceptable method to defer income to another year for taxation. It has been perfectly legal over a long period of time.

Now the IRS has unilaterally decided to deem these traditional deferred sales contracts as if, in the words of the IRS, these were "installment sales" agreements. The problem is that installment sales are subject to the alternative minimum tax. Then, of course, by doing this, the IRS puts the family farmer in trouble for things that, over a long period of time, have been entirely legal.

This IRS initiative is a way for the IRS to deny farmers the use of the cash accounting method. When Congress passed the Tax Reform Act of 1986, it specifically intended that farmers retain the cash accounting method. That same act repealed the income averaging method for farmers. Income averaging was a way for farmers to level out their regularly large fluctuations of income between years. Farmers can have those fluctuations because, while local farmers are affected by local weather and the weather all over the world.

Listen to the prices of soybeans today. You will find that whether or not it rains right now in Brazil or Argentina is impacting the price of soybeans in Iowa and Kansas. The crop prices are affected by crop disease and a host of other things that ordinary taxpayers take for granted, that farmers have no control over. When income averaging was repealed, Congress intended farmers to retain the cash method of accounting. We are here today with this bill because the IRS has effectively repealed cash accounting, in opposition to the intent of Congress.

Cash accounting is repealed because the traditional deferred sales contracts are the practical application of cash accounting. By applying the alternative minimum tax, IRS has repealed the deferral in deferred contracts. They are contracts but no longer deferred income. Thus, the IRS has unilaterally broken the promise that Congress made to farmers, and our legislation rights that wrong.

Ironically, the IRS knows it is in the wrong on this matter, but, of course, the IRS is going to go ahead anyway. After all, they encourage, from the top to the bottom of the IRS bureaucracy, auditors to go out and find all the income they can to tax, and to stretch the law as far as they can. And if they do it in this instance, in the case of taxing deferred sales contracts, do you think the Internal Revenue Commissioner or the Secretary of the Treasury is going to say to some auditor out there—slap their hands and say, "You are wrong"? No, they are not going to do that. That would be the right thing to do, but they are not going to do that because that would discourage this attitude we have had in the IRS. They want to go out and get every dollar they can, even if they have to stretch the law to do it.

Well, in a sense, the Secretary of the Treasury, Robert Rubin—and I thank him—and IRS Commissioner Richardson—and I thank her—have agreed that this problem results from what they call legislative oversight in 1986, because they do not want to say their auditors may be wrong. So, they have agreed, in the spirit of this Presidency, this second term of office, that we are going to be bipartisan and we are going to work together to solve these problems. So Secretary Rubin and IRS Commissioner Richardson have said they would not oppose this legislation. They agree that Congress did not intend for farmer deferred contracts to make these contract incomes subject to the AMT. However, as I indicated, these two individuals believe they still must enforce what they know to be a bad law. Hence, the urgent need for our legislation.

You know, it would be really simple for the Commissioner to say, "We are wrong. We are not going to collect this money." But they cannot do that, presumably.

Not only is this ruling of the IRS effective right now and into the future, it is also retroactive. It is retroactive because, since it is a new interpretation of an old law, the IRS can pretend it has not changed its position, though it obviously has. Since it is retroactive, farmers are exposed to audit, not only for the current year and upon future years, but also on previous years. This problem is now in crisis proportions for farmers. The IRS made its retroactive change in October of 1996. At that time, much of the 1996 crop was already harvested. Farmers had already entered the traditional binding deferred contracts. They normally do this throughout the 12 months of the year. So, do we wonder why it is all of a sudden a crisis among farmers?

Before the IRS release, farmers had every reason to believe they would enjoy the same legal tax treatment previously allowed by IRS.

Congress and the President must address and solve this problem as soon as possible. Farmers are required to file their tax returns before March 1, 1997. This is unlike most other taxpayers who have until April 15. If Congress waits until after March 1 to fix this problem, then hundreds of thousands of farmers all across this country will already have been injured.

The IRS knows it is wrong on this issue, but it is out of control. It injures its own public relations by actions such as this. It is a sad commentary that it takes an emergency action of Congress to make the IRS do its job as Congress intended. Nonetheless, our bill will do exactly that.

Mr. President, besides being on the Finance Committee where this legislation will be considered, I happen to also be a member of a commission the Congress set up last year to restructure the IRS. There are two Senators, two House Members, and 13 people from the private sector on that commission. We have 1 year from last fall to make our report to the Congress.

The charter from the Congress to all 17 of us is to, in a sense, make the IRS more user friendly. Although we are at the same time kept from recommending changes in tax policy, how we administer the existing Tax Code is what we are dealing. We are examining how the IRS does its work and what we can do to enhance that from an efficiency standpoint. We want to save the taxpayers money and also to make IRS more customer friendly.

After 6 months of being on this commission—though the ultimate good is

making the IRS more efficient and more customer friendly—it is my opinion that we need to make the Tax Code so simple that every single taxpayer understands the Tax Code as well as any IRS auditor understands that Tax Code. The complexity of the Tax Code gives the IRS its power. It is the mystery of the Tax Code, a mystery that the bureaucrat can sort through and understand, and the inability of the taxpayer to do that which brings the power of the auditor that gives IRS its power. The power to intimidate comes through the tax system.

So I ask my colleagues to observe the action of the commission to restructure the IRS and work with Senator KERREY from Nebraska and myself as representatives of the Senate on this issue. Let us know your opinions, but also understand that the complexity of the Tax Code is the major problem that we must fix. The bill that I am introducing today is just one very small example of the complexity of the Tax Code. It is an action against the intimidation of the IRS and impacts. In most cases, IRS usually attacks maybe just a few hundred taxpayers throughout the United States on some issues. On this particular issue, affecting a practice that has been legal by the farmers of the United States of America for decades, they are attacking thousands and thousands. They want farmers to think that all of a sudden what they have been doing is now presumably wrong.

I hope that Congress will work very quickly to pass this legislation before that March 1 deadline. It is badly needed to prevent an irreparable injury to farmers, and to make the Tax Code more understandable for the taxpayers. We also are sending a clear signal to the IRS: Shame on you.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 181

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Family Farm Alternative Minimum Tax Relief Act of 1997".

**SEC. 2. MINIMUM TAX NOT TO APPLY TO FARMERS' INSTALLMENT SALES.**

(a) IN GENERAL.—The last sentence of paragraph (6) of section 56(a) (relating to treatment of installment sales in computing alternative minimum taxable income) is amended to read as follows: "This paragraph shall not apply to any disposition—

"(A) in the case of a taxpayer using the cash receipts and disbursements method of accounting, described in section 453(l)(2)(A) (relating to farm property), or

"(B) with respect to which an election is in effect under section 453(l)(2)(B) (relating to timeshares and residential lots)."

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by this section shall apply to taxable years beginning after December 31, 1987.

(2) SPECIAL RULE FOR 1987.—In the case of taxable years beginning in 1987, the last sentence of section 56(a)(6) of the Internal Revenue Code of 1986 (as in effect for such taxable years) shall be applied by inserting "or in the case of a taxpayer using the cash receipts and disbursements method of accounting, any disposition described in section 453(l)(2)(A)" after "section 453C(e)(4)".

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DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
*Washington, DC, December 19, 1996.*

Hon. CHARLES E. GRASSLEY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR GRASSLEY: Thank you for giving me the opportunity to meet with you to discuss your concerns about an Internal Revenue Service Technical Advice Memorandum or TAM concerning the tax treatment of farmers. The TAM stated that farmers utilizing deferred payment contracts for the sale of farm commodities were required to include the amount of the advanced sale for Alternative Minimum Tax or AMT purposes in the year of sale.

As I told you in our meeting, we believe that this TAM correctly interprets current law. I understand that Congress may consider legislation early next session to change this result for farmers who use the cash method of accounting. As you may be aware, Secretary Rubin, in a letter to Senator Daschle on the same issue, stated the following regarding this legislative change. "We would support the goals of this effort, as a reasonable tax policy, and recognize it is likely that Congress was not aware of the effect that its 1986 amendments to the AMT would have on farmers. I welcome the opportunity to work with you to address this matter through corrective legislation."

We also will be pleased to work with you and Treasury on the corrective legislation. Please feel free to contact me if I can be of any further assistance.

Sincerely,

MARGARET MINER RICHARDSON.

Mr. DORGAN. Mr. President, today Senator GRASSLEY and I are introducing legislation called the Family Farm Alternative Minimum Tax Relief Act. This legislation deals with a tax matter affecting farmers that is a foreign subject to some people. But, simplified, what has happened is the Internal Revenue Service has turned logic on its head and said to family farmers, "We're going to ask you to pay taxes on income you have not yet received." There is no basis for them doing that. That is not what we ever intended them to do.

It is not the way they interpreted the law previously or the instructions for IRS auditors and accountants all across the country or farmers across the country, but they have now decided to change the way they do business. The brain is apparently disconnected from the hand, and the hand writes that farmers should pay taxes on income they have not received.

I introduced the first piece of legislation on this. The Senator from Washington pointed out it was introduced in the House. But 18 months before it was introduced in the House in the last Congress, I introduced legislation to try to correct this.

When we introduced it today, Senator GRASSLEY from Iowa and I have organized a group of 54 Senators who support this legislation, including the cosponsorship of the Republican leader and the Democratic leader, including the support of the Treasury Secretary and of the agricultural community.

We are going to pass this. It ought not be necessary for us to pass this legislation, because the IRS should not have made the mistake it made. It should not have turned logic on its head. But we must pass it because in this country when the IRS makes a mistake, everybody pays. Somebody once said, "You have a right to be wrong in America." But the IRS does not have that right. When they are wrong in this case, family farmers are going to have to pay unfairly. And we are going to change that.

Mr. President, today I'm joined by Senator GRASSLEY and a majority of our colleagues in the Senate in reintroducing my legislation to rectify a serious tax problem confronting our family farmers.

The Internal Revenue Service [IRS] has, in my opinion, mistakenly taken a position that threatens to hit many farmers with huge tax bills for using deferred payment commodity contracts, which have been routinely used in their businesses for decades. In my judgment, the IRS's position is deadwrong and is going to impose an unintended and unacceptable financial hardship on the farming industry.

For years, family farmers have used deferred payment contracts to sell their commodities in order to better manage their business income. For example, a typical grain contract between a farmer and grain elevator calls upon a farmer to sell and deliver grain to a grain elevator—often because the farmer does not have adequate storage—for a fixed amount. In many cases, one or more payments paid by the elevator to the farmer under the contract occur after the close of the farmer's taxable year.

For regular tax purposes, farmers are allowed to defer income from the deferred payments under the grain contracts in computing their regular tax liability. But because the IRS apparently now views all deferred payment grain contracts as installment sales, it now requires them to add back this income in computing the Alternative Minimum Tax [AMT] in the tax year preceding the year of payment. As a result, thousands of family farmers are potentially facing hefty tax bills because they are being whip-sawed by a new IRS policy which effectively repeals their ability to use such contracts, and to benefit from the cash basis method of accounting.

To make matters worse, many farmers were advised by tax experts and IRS field representatives, for that matter, that some traditional deferred payment commodity contracts will not amount to an installment sale that would require an AMT calculation. For this reason, many farmers have not made AMT adjustments on their income tax returns. Now they are being told by the IRS that they may owe large tax bills on income that they will not receive until later. This position is based upon an incorrect interpretation by the IRS which ignores the fact that our family farmers are, by law, permitted to manage their business operations on a cash basis.

That's why we are reintroducing my legislation from the last Congress to ensure that our family farmers are allowed to engage in deferred payment transactions and get the same kind of tax treatment they have always received.

We do not believe that Congress intended this kind of tax treatment for farmers using deferred payment commodity contracts for legitimate business purposes. Moreover, Treasury Department officials, who agree that this misguided IRS position was likely not the intent of Congress, support the goals of this effort as "reasonable tax policy, and * * * welcome the opportunity to work with Congress to address this matter through corrective legislation."

Our bill simply makes clear the original intent of Congress which is to allow farmers to continue to receive the tax benefit provided from the use of cash method accounting and from installment sales for their deferred payment transactions.

I urge my colleagues to include this much-needed legislation—which is strongly supported by the agricultural community—in any revenue measure considered by the Senate this year. This measure needs to be considered quickly to resolve any lingering doubt about the correct tax treatment for farmers using deferred commodity contracts.

Mr. ABRAHAM. Mr. President, today I join several of my colleagues in cosponsoring the Family Farm Alternative Minimum Tax Relief Act of 1997. This legislation will permit farmers to continue to defer tax liability through the use of deferred payment contracts.

Like other businesses, farmers are subject to the same peaks and valleys in consumer demand that govern product pricing and earned income. Unlike other businesses, however, farmers are also subject to the uncertainties of Mother Nature. In agriculture, poor growing seasons are inevitable. Probably every farmer has had a crop devastated by harsh weather or been challenged to feed their livestock because of resulting shortages.

The ability to defer tax liability on deferred payment contracts helps farmers prepare for these difficult times. To put it simply, deferred payment contracts allow farmers to receive a portion of payment on a crop in the next year. In addition to deferring payment, farmers also defer their resulting tax liability to the following year. Deferring payments and tax liabilities is a limited form of income averaging that allows individuals to cope with seasonal difficulties.

Now, a recent IRS decision has put this important economic tool in jeopardy. The IRS has stated that payments made under a deferred payment contract are subject to the Alternative Minimum Tax [AMT]. Under the IRS ruling, taxes on the latter year's payments are now due in the first year of the contract. With the sudden repeal of deferred tax liability, farmers all across the country now face unexpected, sizable tax bills and many could be driven out of business. This is absolutely unacceptable.

Mr. President, for the sake of this Nation's farmers, the IRS interpretation must be repealed. Since 1986, the only tool left for deferring tax liability has been the use of deferred payment contracts. In just the last 4 years, however, farmers in the midwest have suffered one of the centuries worst floods, the west has endured a terrible drought and last year, a long winter and tremendous rainfall significantly reduced Michigan's drybean, soybean, corn, and wheat harvests.

The Family Farm Alternative Minimum Tax Relief Act of 1997 will permit farmers to continue to defer tax liability through the use of deferred payment contracts and I am pleased to be a cosponsor. With tax time fast approaching, I hope that this bill can be acted upon by both Chambers of Congress and sent to the President for his signature as soon as possible.

Mr. President, the President of the Michigan Farm Bureau, Jack Laurie, recently explained the significance of the IRS's ruling in the Michigan Farm Bureau's Farm News. I think this article illustrates clearly the reasons why this legislation is necessary and I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECENT TAX POLICY ISSUES PROFOUND FOR AGRICULTURE

As the year draws to a close, many of us will be making crucial tax management decisions as a normal course of business. Making advance purchases of inputs for next year, delaying sales, and/or deferred payment contracts allow producers to manage tax burdens in good and in bad years.

Tax code provisions, such as cash accounting and deferred payment contracts, provide important financial and tax management tools for producers. Recognizing the impact of budget cuts for agricultural programs, Congress included language in the 1996 budget resolution that pledged to reexamine agricultural cuts unless, among other things, Congress acted to provide mechanisms to allow farmers to average tax loads over strong and weak income years.

Several pieces of Farm Bureau-supported legislation to allow income averaging were considered by the 104th Congress but were not enacted into law. Farm Bureau will be working to secure their passage as the bills are reintroduced next year.

Farm Bureau supports the option of cash accounting for farmers and the continuation and expansion of tax code provisions that allow farmers to match income with expenses. Farm Bureau also supports the reinstatement of income averaging for farm income and the creation of "farmer savings plans," which would allow farmers to put money into a pre-tax account for use during emergencies.

Farmers are also at risk of losing another tax management tool, thanks in large part to a recent change in tax policy interpretation by the Internal Revenue Service in how the agency will treat deferred payments. Recent rulings in Washington state and in Iowa penalize farmers attempting to average their income and tax burdens from year to year through the use of deferred payment contracts.

The IRS has begun classifying deferred payment contracts as a tax preference by allowing farmers to delay income through deferred payment contracts for their regular tax calculation but not for their Alternative Minimum Tax calculation, which can result in additional tax liabilities for farmers.

Several farmers in Washington state and Iowa are currently being examined by the IRS regarding the use of forward contracting in the sale of their crops. At least 35 Washington farm families are currently in IRS appeals awaiting the opinion of the Tax Court. Commodities included in the proposed adjustments include sweet corn, beans, hogs, potatoes, onions, and various seed crops.

Why is the IRS pursuing this issue? The answer is pretty simple. By disallowing farmers to defer income into the next year via deferred payment, they essentially throw two years of income into one year. This in turn increases the amount of taxes due, significantly, in some cases. There has been no change in the law, only a change in the IRS interpretation.

Legislation was introduced last year to provide that installment sales not be treated as preference with respect to the Alternative Minimum Tax. This language would have retroactively exempted farmers who entered into deferred payments contracts from being subject to Alternative Minimum Tax.

Unfortunately, this legislation did not pass. However, there is already a movement underway to pursue this issue again at the start of the next congressional session. Several senators from Iowa, North Dakota, Montana, and Washington will introduce legislation in January to clarify that deferred payment contracts are not a tax preference item that subjects farmers to AMT.

Michigan Farm Bureau will be working to secure the support of Sens. Carl Levin and Spencer Abraham for this legislation. As you go through the process of completing your farm books and begin tax preparation, I encourage you to take a moment to let your respective U.S. Representative and both of your Senators know how vital these tax management tools are and what their loss will mean to your operation.

Sincerely,

JACK LAURIE,
*President.*

Mr. CAMPBELL. Mr. President, today my colleagues, Senators CHUCK GRASSLEY and BYRON DORGAN, introduced legislation which will correct a tax problem facing many farmers across the country, including many in the State of Colorado. Along with over 40 of my Senate colleagues, I am pleased to join Senators GRASSLEY and DORGAN as an original cosponsor to this bill.

Farmers have typically used the deferred payment contract system as a means for managing their business income. It is common for a farmer to forward contract to sell a product. Under this type of contract, a farmer may deliver the product in a given tax year, and he may not receive one lump-sum payment at the time of delivery. In fact, the payments may be spread over 2 tax years.

Up until recently, the farmer was taxed on this income only for the actual amount received in a given tax year. However, last October, the Internal Revenue Service issued a ruling which disallows this practice. Under the ruling, all payments received under a deferred payment contract are subject to the Alternative Minimum Tax. Now, regardless of whether the actual payments under the contract are spread out over a multiple year period, the payments will be taxable in the year the contract is made.

Needless to say, this ruling requiring farm families to pay a tax on income they have not yet received places an unfair burden on those families. Farmers cannot control the weather, especially in Colorado where farmers fall victim to everything from tornados to droughts. Because of the uncertainties inherent in farming, deferred payment contracts offer farmers a critical financial management tool. We must allow them to manage the risks without unfairly penalizing them.

With the farmers' early filing deadline looming on the horizon, there is a need to act upon this legislation as quickly as possible. Many farmers are already calculating their taxes for their early deadline and without a reversal of the IRS' ruling, they will be forced to comply at what will no doubt be a severe financial burden for many.

I urge my colleagues to support this important piece of legislation and pass it in a timely manner.

Mr. GRASSLEY. Mr. President, I yield 5 minutes to the Senator from Minnesota. I thank him for his cosponsorship of this legislation, because in the State of Minnesota obviously he has, as in my State of Iowa, many farmers who are affected by the action of the IRS. I yield 5 minutes.

Mr. GRAMS. Thank you very much.

Mr. President, I rise in strong support of the bill introduced today by my colleagues, Senator GRASSLEY and Senator DORGAN, to clarify the intent of Congress and to allow farmers and ranchers to use deferred payment contracts without tax penalty under the alternative minimum tax.

Last year this Congress passed, and the President signed, the most sweeping reforms in agricultural policy in 60 years, giving our farmers and ranchers the freedom to farm. Farmers can now plant for the market, not for Uncle Sam.

But our commitment to agriculture did not—and cannot—end there. We promised farmers and ranchers regulatory reform, free and fair trade, market-oriented tools to better manage their risk, and tax relief. Unfortunately, the Internal Revenue Service has caused us to radically depart from this commitment in regard to tax relief. By ruling that producers are subject to tax liability on deferred payment contracts in the year the contract is signed, instead of when he or she actually receives the payment, the IRS has dealt American agriculture a very serious blow.

Cash-based accounting, as it is often called, is extremely important to Minnesota farmers because incomes fluctuate so radically from year to year depending on what Mother Nature decides to unleash on us. This is especially important in my home State of Minnesota because, as many of you know, some say it is the land of 9 months of winter and then 3 months of poor sledding.

But adding further to the importance of cash-based accounting is the fact that farmers and ranchers are only paid once or twice a year. Understandably, many farmers and ranchers like to receive their payments in installments. And that is much the way school teachers do over the summer months. Getting paid in increments can ease their cash flow problems that might otherwise occur.

Congress, to its credit, has always understood these unique circumstances and therefore always intended agriculture to have the benefit of cash-based accounting. As late as 1980, Congress reaffirmed this. But according to the IRS, this all changed in amendments to the Tax Code in 1986. I disagree. Without rehashing all of the arguments of why this decision is in error, let me offer just one.

As one Rutgers University tax law professor observed, had this been the intent of the proposed changes to the Tax Code in 1986, surely there would have been large-scale opposition at that time. And, no doubt, the opposition would have been spearheaded by Senator GRASSLEY, who sits on the tax writing committee. But there was not a word about it. Maybe that is why it took the IRS a decade to find out why.

None of us want to point fingers at who is responsible for this mistake. We only want congressional intent carried out. If the most efficient way of accomplishing this end is to pass legislation to clarify things, then that is what we should do.

Mr. President, I am proud to be an original cosponsor of this bill. I commend Senators GRASSLEY and DORGAN for their leadership on this issue. I urge timely consideration and passage of this extremely important bill.

Mr. GORTON. Mr. President, the Senator from Iowa, Mr. GRASSLEY, my friend Senator DORGAN from North Dakota, who is on the floor, and I and 51 other Senators have introduced today a bill on the alternative minimum tax as it is being unjustly and without precedent applied to farmers in all of our States and across the United States of America.

In short, farmers are now being told that they must pay taxes on income that they have not received. I repeat that, Mr. President. Our farmers are now being told by the Internal Revenue Service that they are to pay taxes on income that they have not received when they have transferred ownership of their crops to some other entity but are not to receive payment for those crops until the next tax year.

Mr. President, that is unprecedented. It is unjust. It is a terrible burden on many farmers who live under difficult circumstances and from hand to mouth. And it is not what Congress has intended in any of its amendments to the Internal Revenue Code.

It is wrong, Mr. President. It was discovered or started initially, I regret to say, in the State of Washington last year aimed against a particular potato farmer. It has now spread like wildfire all across the country and it has become the policy of the Internal Revenue Service.

A year ago, one Member of the House of Representatives from my State, GEORGE NETHERCUTT, introduced a bill on this without it being able to attain the attention that has been focused on it since that time. As I said, there are now 54 Members of this body who are sponsors of this bill to bring pure justice back to the administration of the Internal Revenue Code as it respects our farmers.

I am convinced that as soon as we have a revenue bill from the House, which under the Constitution must deal with such a bill first, that we will pass this proposal almost unanimously. Mr. President, so far we have no revenue estimate on it. It was estimated last year to be minimal because of course these taxes will in fact be collected when the cash is received by the farmers.

Farmers are not attempting through this bill to avoid a tax obligation. They are simply asking for the simple justice that that tax obligation not be imposed upon them until they have received the income on which the obligation is based.

It is for that reason and under the leadership of the Senator from Iowa

and the Senator from North Dakota, who is here and whom I believe is next, that this bill is drafted, that we have made this proposal. We have now received the support of Mr. Rubin, the Secretary of the Treasury.

I do not know of any reasonable opposition or, for that matter, any opposition at all to doing justice in this case. I am delighted we have such strong support for this bill. I urge not only action on this bill, Mr. President, but the promptest action possible for the Senate to remedy an injustice against our farmers.

Mr. ENZI. Mr. President, I, too, join my new colleagues in cosponsoring this legislation. It is important that we act on this legislation before April 15 to correct a ruling by the Internal Revenue Service regarding the alternative minimum tax. It is a ruling that could dramatically and unfairly increase the tax burden on our farmers who use the cash method of accounting and who utilize installment sales on crops and livestock.

It is interesting to me that this tax problem is one of the first issues needing legislative correction to present itself to the 105th Congress. It is interesting because the problem arises in the areas of small business and accounting, two areas in which I feel I have some particularly relevant insight. I am a small businessman and an accountant—the only accountant in the Senate, in fact.

I have wondered for a long time why United States tax policymakers continue to subject small business owners to the onerous burden of calculating both corporate and alternative minimum tax liabilities. The fact is that fewer than 2 percent of the companies filing Federal income tax returns end up paying the alternative minimum tax. Still, all of these companies, many of them small businesses, have to maintain separate sets of records for tax purposes, and that is at a considerable cost.

In 1993, a Joint Tax Committee analysis confirmed what I as a small business owner and corporate accountant already knew, that compliance with the alternative minimum tax requirements can add 15 to 20 percent to a company's accounting bills at tax time. The effect is that we bury 100 percent of our small businesses in paperwork in order to increase tax revenue for about 2 percent of corporate tax filers. If that is not an unnecessary burden, I do not know what is.

The legislation that is introduced today will amend the 1986 Tax Reform Act to clarify confusion that was unintentionally created by the revenue act of 1987. I do not blame the IRS for the position it takes in the technical advice memorandum filed in 1995, which states that installment sales of farm property are not exempt from the alternative minimum tax liability in the year that it is expensed. It is the job of the IRS to maximize tax revenue within the confines of the congressionally approved statutes. The question then is, did Congress intend to subject cash receipts on forward commodity sales to a farmer's prior year alternative minimum tax? I do not believe that the 99th Congress intended to do that. For 10 years the IRS has not applied this rule in this way. To do so now is a retroactive tax increase on farmers. We, the 105th Congress, should make the necessary clarifications and pass this bill.

I believe the bill will pass because reasonable people can recognize simple facts and should agree to correct the problem. I am proud to be a cosponsor of the legislation, but I also hope that it will renew interest in reviewing the issue of alternative minimum tax reform in general. One of the issues I promised my constituents I would pursue if elected to the Senate is simplification of the U.S. Tax Code, and I believe that the phaseout of the alternative minimum tax is a necessary part of that promise. The alternative minimum tax inhibits capital investment, ties up resources and credits, and piles unnecessary compliance costs particularly on small business. It actually produces relatively small amounts of Federal revenue, not all of which would be foregone using regular tax computation.

The problem this bill would correct typifies the difficulties small business owners in our country have complying with this onerous AMT law. I was pleased that the last Congress was able to achieve consensus on a very good AMT reform bill, a bill that unfortunately became entangled in the highly emotional web of election year politics and subsequently suffered a swift death at the hands of the President.

I do believe we can and should move toward a more sensible corporate tax system, and I hope the administration is willing to work with us on that.

Mr. DASCHLE. Mr. President, I would like to express my strong support for the legislation Senators GRASSLEY and DORGAN are introducing today. The bill addresses one of the most pressing problems facing many family farms, and I am proud to cosponsor it.

Last fall, the IRS released a technical memorandum calling into question the tax treatment of deferred crop sales. Released during the harvest just as farmers were making marketing decisions, this apparent shift in policy created enormous confusion in the farm community. I say apparent shift in policy because, strictly speaking, the technical advice memorandum applies only to one taxpayer; the IRS has yet to issue a formal revenue ruling on the matter as guidance for all taxpayers.

It has been a long-standing and common practice for farmers to sell their crops on a deferred basis. Farmers often delay their receipts from commodity sales into future years in order to maximize their marketing opportunities and average their incomes over good and bad years. The legal basis for these deferred contracts dates at least as far back as an IRS revenue ruling issued in 1958.

Congress has repeatedly expressed its intention that smaller farms be permitted to manage their affairs on a cash-basis system of accounting. If implemented, the policy described in the IRS memorandum would have the effect of eliminating this important tool for many family farmers.

In my view, the IRS has mistakenly interpreted tax law and legislative history in arriving at the conclusion that deferred contract receipts are a "preference" for purposes of calculating alternative minimum tax liability. I and a number of my colleagues communicated this directly to the Secretary of the Treasury last month, and he agreed to support legislation to correct the problem.

Mr. President, I would hope that we could obtain agreement on both sides of the aisle to pass this legislation as promptly as possible. Doing so could save many families tens of thousands of dollars this winter—money they never anticipated owing to the government.

On November 21st of last year, I asked the Treasury Department to either suspend the application or narrow the scope of the IRS memorandum in order to prevent this from happening. Today, I would like to call publicly on the IRS to reconsider its resistance to my request. The Treasury Department supports our effort to fix this problem legislatively, and half of the Senate is cosponsoring the Grassley-Dorgan bill. Why force taxpayers to pay money this winter that they in good faith never thought they owed, and then place them in the position of having to file an amended return to get their money back when the legislation passes later this year? Surely, there must be a better way, and, in the interest of taxpayer service, I urge the IRS to try to find it.

Let's not forget that farmers are the backbone of rural America and one of the foundations of our economy. Family farmers tell me often of the hardships they face in managing businesses that are often as unpredictable as the weather. The apparent change in IRS policy on deferred commodity contracts does not help matters.

I congratulate Senators GRASSLEY and DORGAN on their legislation and look forward to working with them to secure its speedy passage.

Mr. SARBANES. Mr. President, I am pleased to join as an original cosponsor of the Family Farmer Alternative Minimum Tax Relief Act of 1997. This legislation will provide relief for family

farmers from a recent Internal Revenue Service decision regarding deferred payment contracts which could result in sizable and unexpected tax bills for the coming year.

For over 16 years, family farmers in Maryland and across the country have used deferred payment contracts to sell their crops and livestock in order to better manage and even out their business income from year to year. The tax code has specifically permitted farmers to manage their business on a cash basis of accounting and use deferred payment contracts without AMT liability. However, a recent IRS decision to enforce alternative minimum taxation on all crop and livestock sales, including deferred payment contracts, effectively repeals farmers' ability to use these contracts to move their tax liability into future years. If relief is not soon provided, many family farmers will face sizable—and unexpected—tax bills for the coming tax year. The purpose of this legislation is to clarify the law and ensure that family farmers can continue to receive the tax benefit provided from the use of the cash method of accounting and from installment sales for their deferred payment commodities contracts as Congress originally intended.

I hope the committee will schedule hearings on this matter as quickly as possible so that this legislation can be enacted prior to the taxation filing deadline. I urge my colleagues to join me in supporting this important legislation.

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By Mr. BYRD:

S. 182. A bill to make available for obligation such sums as are necessary to pay the Federal share of completion of construction of the Appalachian development highway system, and for other purposes; to the Committee on Environment and Public Works.

THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM COMPLETION ACT

Mr. BYRD. Mr. President, I rise today to introduce a critically important measure to ensure that sufficient funds will be made available over the next six years to complete the Appalachian Development Highway System by the year 2003, some 38 years after the initial authorization of this vital 3,025-mile highway network.

As Senators are aware, the funding authorizations for the Federal-Aid Highway program will expire at the end of fiscal year 1997. Consequently, one of the most important pieces of legislation we will take up during this congressional session will be the reauthorization of the Intermodal Surface Transportation Efficiency Act, or ISTEA. This legislation will provide new direction for our Federal highway and transit programs for the next six years. I commend the Majority Leader for recognizing the importance of this legislation in his remarks on the Senate Floor during the first day of this session, during which he cited his hope that we might turn to it prior to the Easter recess.

Our colleagues in the other body have already completed several hearings on the reauthorization of ISTEA, and I understand that the Senate Environment and Public Works Committee will begin its hearings shortly. As we approach the drafting of a new, comprehensive, Federal-aid highway bill, I am introducing this bill today so that my colleagues have available to them my proposal to ensure that the Federal government finally completes its commitment to the Appalachian Development Highway System in all affected thirteen states.

The necessity to expand highway access to spur the development of the Appalachian region was first cited by the President's Appalachian Regional Commission of 1964. The Commission's report stated: "Developmental activities in Appalachia cannot proceed until the regional isolation has been overcome by a transportation network which provides access to and from the rest of the nation and within the region itself. The remoteness and isolation of the region . . . are the very basis of the Appalachian lag. Its penetration by an adequate transportation network is the first requisite of its full participation in industrial America."

One year later, the Appalachian Regional Development Act of 1965 authorized several programs for the development of the region, the first of which called for the construction of a new highway network. According to the Act, these highways "will open up an area or areas with a developmental potential where commerce and communication have been inhibited by lack of adequate access." Subsequent amendments to the act defined the 3,025 miles that comprise the Appalachian Development Highway System.

Unfortunately, today, we find that while the Interstate Highway System is virtually 100 percent complete, the Appalachian Development Highway System is only 76 percent complete. Of the 3,025 miles that comprise the Appalachian system, roughly 725 miles remain unfinished. These unfinished miles are spread throughout the 13 states that have counties within the statutorily designated boundaries of Appalachia. These states include Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

Mr. President, the purpose of my legislation is to ensure that we expeditiously complete this vital highway network. Its completion is even more important today than it was 30 years ago, not only for the local economies of the Appalachian region but also for the entire nation. The citizens of Appalachia are required to drive through the existing, inadequate road system—dangerous, narrow roads which generally wind through the paths of river valleys and stream beds between mountains. These roads are, more often than not, two-lane roads that are squeezed into very limited rights-of-way. They are characterized by low travel speeds and long travel distances. They were often built to inadequate design standards and, thus, present very hazardous driving conditions.

Just last year, the Federal Highway Administration published a report indicating that substandard road conditions are a factor in 30 percent of all fatal highway accidents. I am quite sure that the percentage is a great deal higher in the Appalachian region. [In my own state, the inadequate two-lane road that currently lies along the alignment of our largest uncompleted segment of the ADHS represents the second most dangerous road in the entire state.] The Federal Highway Administration has found that upgrading two-lane roads to four-lane divided highways has served to decrease fatal traffic accidents by 71 percent and that widening traffic lanes has served to reduce fatalities by 21 percent. These are precisely the kinds of road improvements that will be funded through the legislation which I am introducing today. And until this legislation is enacted, many citizens will die unnecessarily on inadequate, unsafe roads.

While several of the thirteen Appalachian states have enjoyed significant economic expansion and job growth over the last three decades, each such state continues to have pockets of severe economic distress characterized by low academic achievement, chronic unemployment, and an inadequate tax base. There are still children in Appalachia who lack decent transportation routes to school. There are still pregnant mothers, elderly citizens, and others who lack timely road access to area hospitals. There are many people who cannot obtain sustainable well-paying jobs because of poor road access to major employment centers. These critical conditions affect not only the citizens of these local communities but also the economy of the entire nation. Instead of enjoying the full productive potential of all the citizens of Appalachia, our nation must bear the costs of Federal assistance that must be provided to those who cannot adequately care for themselves through no fault of their own—costs associated with unemployment benefits, health care, school lunch programs, etc.

The Appalachian Regional Commission has conducted a number of studies and surveys which confirm the linkage between economic prosperity and the completion of segments of the Appalachian Highway System. These same studies also highlight the fact that it is almost impossible for communities still awaiting completion of their segments of these highways to attract

businesses and investment opportunities to their areas, largely due to an inadequate transportation system, inhibiting their access to the national markets.

The most rigorous of these studies was financed by the National Science Foundation and published just a year and a half ago. This study covered a twenty-year period and compared conditions in Appalachian counties versus similarly-situated counties outside the Appalachian region. When looking at conditions in the sixty-two rural Appalachian counties, the study revealed that the income levels of those counties with substantially complete Appalachian Development highways grew 80 percent faster and that earnings grew 62 percent faster than did the counties without such highway access.

Mr. President, the people of Appalachia have waited long enough for the Federal Government to fulfill its commitment to the Appalachian region. The bill I am introducing today will ensure that sufficient funds are set aside in the next major highway bill to complete the remaining 24 percent of the Appalachian Development Highway System in the thirteen-state region. This bill takes a different approach from that of the prior authorization acts for the Appalachian Highway System. The bill calls for direct contract authority to be made available from the highway trust fund. This contract authority would be distributed to the thirteen states of the Appalachian Region solely for the purpose of completing the 725 unfinished miles of the Appalachian Development Highway System.

One of the primary reasons why completion of the Appalachian Highway System has lagged behind that of the Interstate Highway System is because the interstate system has benefited from the direct availability of highway trust funds while the Appalachian Development Highway System has been required to be financed largely through incremental annual appropriations of general funds.

The bill I introduce today also makes clear that funds provided to the Appalachian states for the completion of the Appalachian Development Highway system will be provided in addition to the funds those states will receive from the Federal Aid Highway Program for their customary purposes. These states should not be required to choose between the maintenance of their interstate and other federal highways and the completion of the Appalachian system.

Under this bill, states will still be required to provide the standard 20 percent matching share for Federal funds for the completion of these roads, as is the case for all major Federal aid highway programs. The bill authorizes the Secretary to distribute "such sums as are necessary" for the completion of the Appalachian Development Highway System. Similar to the manner in which Federal funds are currently administered for Appalachian highways, the funds provided under this bill will be administered by the Appalachian Regional Commission (ARC). The ARC, with the cooperation of the Federal Highway Administration, is currently updating its estimate for the cost to complete the system. This study is expected to be completed by May 1 of this year, and I anticipate that, when this bill is incorporated into this year's highway legislation, it will identify and authorize the appropriate dollar figure that results from this ongoing study.

I should point out, Mr. President, that the Administration shares my goal for the completion of the Appalachian Development Highway System in the near term. In addition to having written to President Clinton several times in support of this legislative approach, I met with him personally in the Oval Office on December 16, 1996—last year. I have also had meetings on this subject with his OMB Director, Mr. Franklin Raines, and his Federal Highway Administrator and Transportation Secretary-designate, Mr. Rodney Slater. I am confident that the Administration will be supportive of my efforts to complete the construction of the ADHS as soon as possible.

So, Mr. President, I urge all my colleagues to support this legislation. Our entire nation has benefited from the improvements brought about by the Appalachian Development Highway System. So, too, will we all benefit from its completion in the near future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 182

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Appalachian Development Highway System Completion Act".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) enacted into law a Federal commitment to the completion of the Appalachian development highway system for the purpose of expanding highway access to the Appalachian region;

(2) economic prosperity within the Appalachian region since that time has been brought about by, and has centered around, the availability of adequate highway access;

(3) the rationale behind the completion of the Appalachian development highway system is as sound today as it was in 1965, but while the Interstate System is nearly 100 percent complete, the Appalachian development highway system is only 76 percent complete;

(4) those areas in which the Appalachian development highway system is not yet complete suffer from inadequate road systems characterized by low travel speeds, long travel distances, and unsafe conditions; and

(5) there are unfinished miles of the Appalachian development highway system in all 13 of the States with counties in the statutorily-designated Appalachian region.

**SEC. 3. COMPLETION OF APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.**

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to subsection (d), there are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003 such sums as are necessary to fund the Federal share of the total estimated cost of completion of construction of the Appalachian development highway system authorized by section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.), as determined by the Secretary of Transportation.

(2) TRANSFER AND ADMINISTRATION OF FUNDS.—The Secretary shall transfer the funds made available by paragraph (1) to the Appalachian Regional Commission, which shall be responsible for the administration of the funds.

(b) FEDERAL SHARE.—The Federal share under this section shall be 80 percent.

(c) APPORTIONMENT TO STATES.—In carrying out subsection (a), the Secretary shall apportion the funds to the 13 States in the Appalachian region in accordance with each State's portion of the total estimated cost of completion.

(d) ALLOCATION PERCENTAGES.—One-sixth of the funds allocated by subsection (a) for the construction shall be available for obligation in each of fiscal years 1998 through 2003.

(e) DELEGATION TO STATES.—Subject to title 23, United States Code, the Secretary shall delegate responsibility for completion of construction of each segment of the Appalachian development highway system under this section to the State in which the segment is located, upon request of the State.

(f) ADVANCE CONSTRUCTION.—When a State that has been delegated responsibility for construction of a segment under subsection (c)—

(1) has obligated all funds allocated under this section for construction of the segment; and

(2) proceeds to construct the segment without the aid of Federal funds in accordance with all procedures and all requirements applicable to the segment, except insofar as the procedures and requirements limit the State to the construction of segments with the aid of Federal funds previously allocated to the State;

the Secretary, upon approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the segment at such time as additional funds are allocated for the segment under subsection (d).

(g) CONTRACT AUTHORITY.—Funds authorized by this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that—

(1) the Federal share of the cost of any construction under this section shall be determined in accordance with subsection (b); and

(2) the funds shall remain available until expended.

(h) INAPPLICABILITY OF OBLIGATION LIMITATIONS.—Notwithstanding any other provision of law, any obligation limitation enacted for any of fiscal years 1998 through 2003 shall not apply to obligations authorized under this section.

(i) OTHER STATE FUNDS.—Funds made available to a State under this section shall not be considered in determining the apportionments and locations that any State shall be entitled to receive, under title 23, United States Code, and other law, of amounts in the Highway Trust Fund.

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By Mr. DODD (for himself, Mr. DASCHLE, Mr. KENNEDY, Mrs. FEINSTEIN, and Mr. KERRY):

S. 183. A bill to amend the Family and Medical Leave Act of 1993 to apply the act to a greater percentage of the U.S. work force, and for other purposes; to the Committee on Labor and Human Resources.

THE FAMILY AND MEDICAL LEAVE FAIRNESS ACT OF 1997

Mr. DODD. Mr. President, we do a great deal of important business here in the U.S. Senate, but much of it seems arcane and distant from the lives of American families. But last evening, with the airing of a CBS made for TV movie, "A Child's Wish," we had a particularly moving example of the power we have to make a positive difference in the lives of America's families. I don't know how many of my colleagues had a chance to see it. It was a fictional story based on the true life experiences of two families impacted by the Family and Medical Leave Act signed into law by President Clinton in 1993.

Dixie Yandle was one of those children. I believe she came from North Carolina, I say to my colleague from North Carolina. Dixie's father lost his job during her struggle with cancer as he sought to spend more time with her. She and her parents testified in fact before the Congress about the need for family medical leave legislation so that what happened to them would not happen to the other parents.

The second child, Melissa Weaver, was also diagnosed with cancer that ultimately proved to be fatal. But due to the Family and Leave Act the family was able to spend the last days of her life together. Melissa's story is one of many that I heard in 1994 during a series of public hearings of the Commission on Family and Medical Leave on the impact of the Family and Medical Leave Act.

"A Child's Wish" took the lives of these two children and wove them together to dramatize how important the Family and Medical Leave Act is and how meaningful it is to families. I am hopeful that this movie may have helped a lot of people understand the legislation better.

Today, at a time when many Americans are deeply cynical toward the work we do here in Washington, the family and medical leave stands in sharp contrast.

Not only is this legislation making a real difference in the lives of the American people, but it has been judged by a bipartisan commission to be an unqualified success.

The Family and Medical Leave Act fulfilled a genuine need among America's working families to take leave in times of medical and family need.

With this legislation we established in law a basic standard of decency toward America's families.

Eligible employees were guaranteed 12 weeks of unpaid leave during times of genuine family need—such as a birth or adoption, placement of a foster child, or in times of serious medical emergency for a child, spouse or parent.

This minimal benefit—unpaid leave—is providing millions of workers and their families with vital assistance during times of crisis.

Yet, even with the apparent success of the FMLA there is still more work to be done.

Millions of Americans continue to face painful choices involving their competing responsibilities to family and work.

Employees not covered by the Family and Medical Leave Act are still often told that they must choose between sick family members and their jobs.

In fact today, 43 percent of private sector employees remain unprotected by the Family and Medical Leave Act because their employer does not meet the current 50 or more employee threshold.

This legislation I introduce today—the Family and Medical Leave Fairness Act of 1997—will extend the Family and Medical Leave Act to millions of Americans who remain uncovered.

This bill would lower the threshold to include coverage for companies with 25 or more workers.

This small step would provide 13 million additional workers with the protection of the Family and Medical Leave Act—raising the total percentage of the private sector work force covered by the FMLA to 71 percent.

In my view, these workers deserve the same job security in times of family and medical emergency that workers in larger companies receive from the Family and Medical Leave Act.

With this legislation they will receive it.

Now, for those of my colleagues who still harbor doubts about the success of the Family and Medical Leave Act I strongly urge them to examine a recent bipartisan report that documents the positive impact of this legislation.

When the bill was passed in 1993, provisions in the legislation established a commission to examine the impact of the act on workers and businesses.

The Family and Medical Leave Commission's analysis spanned 2½ years.

It included independent research and field hearings across the country to learn first hand about the act's impact from individuals and the business community.

The report's conclusions are clear—the Family and Medical Leave Act is helping to expand opportunities for working Americans while at the same time not placing any undue burden on employers.

According to the Commission's final report, the Family and Medical Leave Act represents "A significant step in helping a larger cross-section of working Americans meet their medical and family care giving needs while still maintaining their jobs and economic security."

Due to this legislation, Americans now possess greater opportunities to keep their health benefits, maintain job security, and take longer leaves for a greater number of reasons.

In fact, according to the bipartisan commission—12 million workers took job-protected leave for reasons covered by the Family and Medical Leave Act during the 18 months of its study.

But, not only are American workers reaping the benefits. The law is working for American business as well. In fact, the conclusions of the bipartisan report are a far cry from the concerns that were voiced when this law was being considered in Congress.

The vast majority of businesses—over 94 percent—report little to no additional costs associated with the Family and Medical Leave Act.

More than 92 percent reported no noticeable effect on profitability.

And nearly 96 percent reported no noticeable effect on business growth.

Additionally, 83 percent of employers reported no noticeable impact on employee productivity.

In fact, 12.6 percent actually reported a positive effect on employee productivity from the Family and Medical Leave Act, twice as many as reported a negative effect.

And not only did employers report that compliance with the Family and Medical Leave Act was relatively easy and of minimal cost, but worksites with a small number of employees generally reported greater ease of administration and even smaller costs than large worksites.

Today, I introduce this legislation with the hope and expectation that we can put aside our political differences and build on the success of the Family and Medical Leave Act. Last November, the American people gave us a mandate—a mandate for good governance.

The Family and Medical Leave represents the fulfillment of this goal and I urge all my colleagues to join with me in supporting this critically important legislation for America's working families.

I think the fact that the law has been working so well has made a sufficient difference in people's lives in moments of crises. The fact that people are able to be there particularly when a child is dying, so that you have the love of parents and a family coming together and you don't have to choose between that

job and your family is a wonderful thing. It has made such a difference in people's lives.

There have been many issues dealt with in this body over 16 years, and there is none that I am more proud of than the day that this body voted to support the family and medical leave legislation, and when President Clinton signed it into law.

I am pleased to be joined in this effort by Senator DASCHLE, Senator KENNEDY, Senator FEINSTEIN, and Senator KERRY. Mr. President, I can't miss the opportunity to briefly say that a friend of mine who is here from Pennsylvania, who I know is going to speak on the nomination of Madeleine Albright, but the body should know that the Senator from Pennsylvania, Senator SPECTER, was an invaluable ally in that effort beginning in the first day we arrived in the Senate some 16 years ago. We formed a caucus on children's needs. I thank him for his efforts over the years in that regard.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleague from Connecticut for those generous comments. He and I cochaired the Children's Caucus in the early 1980's. And he mentioned that he and I cosponsored the first family leave act exactly 10 years ago at this time—it was in 1987—which was very important legislation.

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By Mr. D'AMATO:

S. 184. A bill to provide for adherence with the MacBride Principles of Economic Justice by United States persons doing business in Northern Ireland, and for other purposes; to the Committee on Finance.

THE NORTHERN IRELAND FAIR EMPLOYMENT PRACTICES AND PRINCIPLES OF ECONOMIC JUSTICE ACT OF 1997

Mr. D'AMATO. Mr. President, I rise today to offer the Northern Ireland Fair Employment Practices and Principles of Economic Justice Act of 1997. This amendment seeks to deter efforts to use the work place as an arena of discrimination in Northern Ireland. The Northern Ireland Fair Employment Practices and Principles of Economic Justice Act of 1997 incorporates the MacBride Principles, which are modeled after the famous Sullivan Principles, one of the initial efforts to apply United States pressure to change the system of apartheid in South Africa. The MacBride Principles are named in honor of the late Sean MacBride, winner of the Nobel Peace Prize and cofounder of Amnesty International.

This amendment will enlist the cooperation of United States companies active in Northern Ireland in the campaign to force the end of discrimination in the workplace by:

First, eliminating religious discrimination in managerial, supervisory, administrative, clerical, and technical jobs and significantly increasing the representation in such jobs of individuals from under represented religious groups.

Second, providing adequate security for the protection of minority employees at the workplace.

Third, banning provocative sectarian and political emblems from the workplace.

Fourth, publicly advertising all job openings and undertaking special recruitment efforts to attract applicants from under represented religious groups, and establishing procedures to identify and recruit minority individuals with potential for further advancement, including managerial programs.

Fifth, establishing layoff, recall, and termination procedures which do not favor particular religious groupings.

Sixth, abolishing job reservations, apprenticeship restrictions, and differential employment criteria which discriminate on the basis of religious or ethnic origin.

Seventh, developing and expanding upon existing training and educational programs that will prepare substantial numbers of minority employees for managerial, supervisory, administrative, clerical, and technical jobs.

Eighth, appointing a senior management staff member to oversee the U.S. company's compliance with the principles described above.

It is in the workplace in Northern Ireland, which can be used to eliminate discrimination, where improving the employment opportunities for the underprivileged will help factor out the economic causes of the current strife in Northern Ireland. This will hopefully begin the process toward a peaceful resolution of the so-called troubles.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 184

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Northern Ireland Fair Employment Practices and Principles of Economic Justice Act of 1997".

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) Currently, overall unemployment in Northern Ireland is approximately 13 percent, as compared to 9 percent in the rest of the United Kingdom.

(2) Unemployment in the minority community in Northern Ireland is 16 percent (22 percent for males and 8 percent for females), and in some portions of the minority community unemployment has historically exceeded 70 percent.

(3) The British Government Fair Employment Commission (F.E.C.), formerly the Fair Employment Agency (F.E.A.), has consistently reported that a member of the minority community is two times more likely to be unemployed than a member of the majority community.

(4) The Investor Responsibility Research Center (IRRC), Washington, District of Columbia, lists more than 90 United States companies doing business in Northern Ireland, which employ approximately 11,000 individuals.

(5) The religious minority population of Northern Ireland is subject to discriminatory hiring practices by some United States businesses.

(6) The MacBride Principles are a nine point set of guidelines for fair employment in Northern Ireland which establishes a corporate code of conduct to promote equal access to regional employment but does not require disinvestment, quotas, or reverse discrimination.

**SEC. 3. RESTRICTION ON IMPORTS.**

An article from Northern Ireland may not be entered, or withdrawn from warehouse for consumption, in the customs territory of the United States unless there is presented at the time of entry to the customs officer concerned documentation indicating that the enterprise which manufactured or assembled such article was in compliance at the time of manufacture with the principles described in section 5.

**SEC. 4. COMPLIANCE WITH FAIR EMPLOYMENT PRINCIPLES.**

(a) COMPLIANCE.—Any United States person who—

(1) has a branch or office in Northern Ireland, or

(2) controls a corporation, partnership, or other enterprise in Northern Ireland,

in which more than ten people are employed shall take the necessary steps to ensure that, in operating such branch, office, corporation, partnership, or enterprise, those principles relating to employment practices set forth in section 5 are implemented and this Act is complied with.

(b) REPORT.—Each United States person referred to in subsection (a) shall submit to the Secretary—

(1) a detailed and fully documented annual report, signed under oath, on showing compliance with the provisions of this Act; and

(2) such other information as the Secretary determines is necessary.

**SEC. 5. MACBRIDE PRINCIPLES OF ECONOMIC JUSTICE.**

The principles referred to in section 4 are the MacBride Principles of Economic Justice, which are as follows:

(1) Increasing the representation of individuals from underrepresented religious groups in the workforce, including managerial, supervisory, administrative, clerical, and technical jobs.

(2) providing adequate security for the protection of minority employees at the workplace.

(3) Banning provocative sectarian or political emblems from the workplace.

(4) Providing that all job openings be advertised publicly and providing that special recruitment efforts be made to attract applicants from underrepresented religious groups.

(5) Providing that layoff, recall, and termination procedures do not favor a particular religious group.

(6) Abolishing job reservations, apprenticeship restrictions, and differential employment criteria which discriminate on the basis of religion.

(7) Providing for the development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to

train, upgrade, and improve the skills of minority employees.

(8) Establishing procedures to assess, identify, and actively recruit minority employees with the potential for further advancement.

(9) Providing for the appointment of a senior management staff member to be responsible for the employment efforts of the entity and, within a reasonable period of time, the implementation of the principles described in paragraphs (1) through (8).

**SEC. 6. PROHIBITION.**

Nothing in this Act shall require quotas or reverse discrimination or mandate their use.

**SEC. 7. WAIVER OF PROVISIONS.**

(a) WAIVER OF PROVISIONS.—In any case in which the President determines that compliance by a United States person with the provisions of this Act would harm the national security of the United States, the President may waive those provisions with respect to that United States person. The President shall publish in the Federal Register each waiver granted under this section and shall submit to the Congress a justification for granting each such waiver. Any such waiver shall become effective at the end of ninety days after the date on which the justification is submitted to the Congress unless the Congress, within that ninety-day period, adopts a joint resolution disapproving the waiver. In the computation of such ninety-day period, there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain or because of an adjournment of the Congress sine die.

(b) CONSIDERATION OF RESOLUTIONS.—

(1) Any resolution described in subsection (a) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(2) For the purpose of expediting the consideration and adoption of a resolution under subsection (a) in the House of Representatives, a motion to proceed to the consideration of such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

**SEC. 8. DEFINITIONS AND PRESUMPTIONS.**

(a) DEFINITIONS.—For the purpose of this Act—

(1) the term "United States person" means any United States resident or national and any domestic concern (including any permanent domestic establishment of any foreign concern);

(2) the term "Secretary" means the Secretary of Commerce; and

(3) the term "Northern Ireland" includes the counties of Antrim, Armagh, Derry, Down, Tyrone, and Fermanagh.

(b) PRESUMPTION.—A United States person shall be presumed to control a corporation, partnership or other enterprise in Northern Ireland if—

(1) the United States person beneficially owns or controls (whether directly or indirectly) more than 50 percent of the outstanding voting securities of the corporation, partnership, or enterprise;

(2) the United States person beneficially owns or controls (whether directly or indirectly) 25 percent or more of the voting securities of the corporation, partnership, or enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(3) the corporation, partnership, or enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(4) a majority of the members of the board of directors of the corporation, partnership, or enterprise are also members of the comparable governing body of the United States person;

(5) the United States person has authority to appoint the majority of the members of the board of directors of the corporation, partnership, or enterprise; or

(6) the United States person has authority to appoint the chief operating officer of the corporation, partnership, or enterprise.

**SEC. 9. EFFECTIVE DATE.**

This Act shall take effect 180 days after the date of enactment of this Act.

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By Mr. AKAKA:

S. 186. A bill to amend the Energy Policy and Conservation Act with respect to purchases from the strategic petroleum reserve by entities in the insular areas of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

THE EMERGENCY PETROLEUM SUPPLY ACT

Mr. AKAKA. Mr. President, today I am introducing the Emergency Petroleum Supply Act, a bill to ensure that Hawaii has access to the strategic petroleum reserve during an oil supply disruption. The Emergency Petroleum Supply Act would guarantee Hawaii oil at a fair price and give tankers bound for Hawaii priority loading during an emergency.

This legislation passed the Senate in two previous Congresses. During the 104th Congress, the Senate Committee on Energy and Natural Resources once again approved the bill. Only the inability of the House to adopt strategic petroleum reserve reforms has prevented my bill from becoming law. I will work aggressively during the 105th Congress to enact this measure.

The objective of the Emergency Petroleum Supply Act can be summarized in one word: access. Because of its tremendous distance from the Gulf Coast, Hawaii needs guaranteed access to the strategic petroleum reserve [SPR], as well as priority access to the SPR loading docks.

My bill addresses both these concerns. First, it provides a mechanism to guarantee an award of SPR oil. Hawaii's energy companies will be allowed to submit binding offers for a fixed quantity of oil at a price equal to the average of all successful bids. This concept is modeled after the Federal Government's method of selling Treasury bills. It would give Hawaii ready access to emergency oil supplies at a price that is fair to the Government. Without this bill, Hawaii's energy companies, and the population they serve, face the risk that their bid for SPR oil would be rejected and that oil inventories would run dry.

The second component of my bill addresses the problem of delay. The Emergency Petroleum Supply Act grants Hawaii-bound ships expedited access to SPR loading docks. It would be a terrible misfortune if deliveries to Hawaii were delayed because the tanker scheduled to carry emergency supplies was moored in the Gulf of Mexico, waiting in line for access to the SPR loading docks.

As any grade-school geography student knows, Hawaii is a long way from the Gulf of Mexico, especially when you have to transit the Panama Canal. The distance between the SPR loading docks and Honolulu, by way of the canal, is 7,000 miles—more than one-quarter of the distance around the globe.

But distance alone is not the issue. When you add together the time between the decision to draw down the reserve and the time for oil from the reserve to reach our shores, the seriousness of the problem emerges. It takes time to solicit and accept bids for SPR oil, time to locate and position tankers, time for tankers to wait in line to gain access to SPR loading docks, and more time to transit the canal to Hawaii. Obviously, Hawaii is at the end of a very, very long supply line. People overlook the fact that insular areas have a limited supply of petroleum products on hand at any time. While Hawaii waited for emergency supplies to arrive, oil inventories could run dry and our economy could grind to a halt.

Recently, the Department of Energy asked Hawaii's East-West Center to study this problem. The East-West Center report concluded that my SPR access measure "is an excellent proposal which would greatly reassure the islands that their basic needs would be maintained."

The East-West Center report provides strong justification for granting Hawaii special access to SPR oil during an energy emergency. The report found that a major oil supply disruption would have a much more severe impact on the Pacific islands than on the rest of the United States. Although all of Asia would experience some degree of inflation and recession, the small economies of the insular areas would be virtually unprotected from volatile economic forces. While the rest of the United States does not have to rely on ocean transport from other nations for essential goods and services, the economies of Hawaii and the Pacific islands are heavily dependent on ocean-borne trade and foreign visitors.

The need for this provision is further justified by a December 1993 Department of Energy/State of Hawaii analysis of Hawaii's energy security which found the following:

> Hawaii depends on imported oil for over 92 percent of its energy. This makes Hawaii the most vulnerable State in the Nation to the disruption of its economy and way of life in the event of a disruption of the world oil market or rapid oil price increases.
>
> Currently, 40 percent of Hawaii's oil comes from Alaska and the remainder from the Asia-Pacific region. The export capabilities

of these domestic and foreign sources of supply are projected to decline by approximately 50 percent by the year 2000. This will likely increase Hawaii's dependence on oil reserves of the politically unstable Middle East.

Hawaii is also vulnerable to possible supply disruptions in the event of a crisis. The long distance from the U.S. Strategic Petroleum Reserve in Louisiana and Texas, combined with a declining number of U.S.-flag tankers capable of transiting the Panama Canal, make timely emergency deliveries problematic.

Other studies have consistently verified Hawaii's energy vulnerability and its need for special access to the SPR. An analysis by Mr. Bruce Wilson, an accomplished oil economist, determined that the delivery of SPR oil to Hawaii from the Gulf of Mexico could take as long as 53 days. That exceeds the State's average commercial working inventory by 23 days. As Mr. Wilson's research shows, an oil supply disruption is Hawaii's greatest nightmare.

Some suggest that market forces will ensure that Hawaii and the territories receive the oil they need during an energy emergency. Unfortunately, these are the same market forces that cause Hawaii's consumers to pay 50 percent more per gallon of gasoline than consumers pay on the Mainland. When a crisis hits, our energy prices can double or triple.

Hawaii may be the 50th State, but we deserve the same degree of energy security that the rest of the Nation enjoys. It's simply a matter of equity. Hawaii's tax dollars help fill and maintain the reserve; Hawaii should enjoy the energy security the SPR is designed to provide.

My bill will safeguard Hawaii from the harsh economic consequences of an oil emergency. The Emergency Petroleum Supply Act is not only good energy policy, it's good economic policy for Hawaii.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 186

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Emergency Petroleum Supply Act".

**SEC. 2. PURCHASES FROM STRATEGIC PETROLEUM RESERVE BY ENTITIES IN INSULAR AREAS OF UNITED STATES.**

Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended by adding at the end the following:

"(j) PURCHASES FROM STRATEGIC PETROLEUM RESERVE BY ENTITIES IN INSULAR AREAS OF UNITED STATES.—

"(1) DEFINITIONS.—In this subsection:

"(A) BINDING OFFER.—The term 'binding offer' means a bid submitted by the State of Hawaii for an assured award of a specific quantity of petroleum product, with a price to be calculated pursuant to this Act, that obligates the offeror to take title to the petroleum product without further negotiation or recourse to withdraw the offer.

"(B) CATEGORY OF PETROLEUM PRODUCT.—The term 'category of petroleum product' means a master line item within a notice of sale.

"(C) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that owns or controls a refinery that is located within the State of Hawaii.

"(D) FULL TANKER LOAD.—The term 'full tanker load' means a tanker of approximately 700,000 barrels of capacity, or such lesser tanker capacity as may be designated by the State of Hawaii.

"(E) INSULAR AREA.—The term 'insular area' means the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(F) OFFERING.—The term 'offering' means a solicitation for bids for a quantity or quantities of petroleum product from the Strategic Petroleum Reserve as specified in the notice of sale.

"(G) NOTICE OF SALE.—The term 'notice of sale' means the document that announces—

"(i) the sale of Strategic Petroleum Reserve products;

"(ii) the quantity, characteristics, and location of the petroleum product being sold;

"(iii) the delivery period for the sale; and

"(iv) the procedures for submitting offers.

"(2) IN GENERAL.—In the case of an offering of a quantity of petroleum product during a drawdown of the Strategic Petroleum Reserve—

"(A) the State of Hawaii, in addition to having the opportunity to submit a competitive bid, may—

"(i) submit a binding offer, and shall on submission of the offer, be entitled to purchase a category of a petroleum product specified in a notice of sale at a price equal to the volumetrically weighted average of the successful bids made for the remaining quantity of the petroleum product within the category that is the subject of the offering; and

"(ii) submit 1 or more alternative offers, for other categories of the petroleum product, that will be binding if no price competitive contract is awarded for the category of petroleum product on which a binding offer is submitted under clause (i); and

"(B) at the request of the Governor of the State of Hawaii, a petroleum product purchased by the State of Hawaii at a competitive sale or through a binding offer shall have first preference in scheduling for lifting.

"(3) LIMITATION ON QUANTITY.—

"(A) IN GENERAL.—In administering this subsection, in the case of each offering, the Secretary may impose the limitation described in subparagraph (B) or (C) that results in the purchase of the lesser quantity of petroleum product.

"(B) PORTION OF QUANTITY OF PREVIOUS IMPORTS.—The Secretary may limit the quantity of a petroleum product that the State of Hawaii may purchase through a binding offer at any offering to 1/12 of the total quantity of imports of the petroleum product brought into the State during the previous year (or other period determined by the Secretary to be representative).

"(C) PERCENTAGE OF OFFERING.—The Secretary may limit the quantity that may be purchased through binding offers at any offering to 3 percent of the offering.

"(4) ADJUSTMENTS.—

"(A) IN GENERAL.—Notwithstanding any limitation imposed under paragraph (3), in administering this subsection, in the case of each offering, the Secretary shall, at the request of the Governor of the State of Hawaii, or an eligible entity certified under paragraph (7), adjust the quantity to be sold to the State of Hawaii in accordance with this paragraph.

"(B) UPWARD ADJUSTMENT.—The Secretary shall adjust upward to the next whole number increment of a full tanker load if the quantity to be sold is—

"(i) less than 1 full tanker load; or

"(ii) greater than or equal to 50 percent of a full tanker load more than a whole number increment of a full tanker load.

"(C) DOWNWARD ADJUSTMENT.—The Secretary shall adjust downward to the next whole number increment of a full tanker load if the quantity to be sold is less than 50 percent of a full tanker load more than a whole number increment of a full tanker load.

"(5) DELIVERY TO OTHER LOCATIONS.—The State of Hawaii may enter into an exchange or a processing agreement that requires delivery to other locations, if a petroleum product of similar value or quantity is delivered to the State of Hawaii.

"(6) STANDARD SALES PROVISIONS.—Except as otherwise provided in this Act, the Secretary may require the State of Hawaii to comply with the standard sales provisions applicable to purchasers of petroleum product at competitive sales.

"(7) ELIGIBLE ENTITIES.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C) and notwithstanding any other provision of this paragraph, if the Governor of the State of Hawaii certifies to the Secretary that the State has entered into an agreement with an eligible entity to carry out this Act, the eligible entity may act on behalf of the State of Hawaii to carry out this subsection.

"(B) LIMITATION.—The Governor of the State of Hawaii shall not certify more than 1 eligible entity under this paragraph for each notice of sale.

"(C) BARRED COMPANY.—If the Secretary has notified the Governor of the State of Hawaii that a company has been barred from bidding (either prior to, or at the time that a notice of sale is issued), the Governor shall not certify the company under this paragraph.

"(7) SUPPLIES OF PETROLEUM PRODUCTS.—At the request of the governor of an insular area, the Secretary shall, for a period not to exceed 180 days following a drawdown of the Strategic Petroleum Reserve, assist the insular area in its efforts to maintain adequate supplies of petroleum products from traditional and non-traditional suppliers.".

**SEC. 3. REGULATIONS.**

(a) IN GENERAL.—The Secretary of Energy shall issue such regulations as are necessary to carry out the amendment made by section 2.

(b) ADMINISTRATIVE PROCEDURE.—Regulations issued to carry out the amendment made by section 2 shall not be subject to—

(1) section 523 of the Energy Policy and Conservation Act (42 U.S.C. 6393); or

(2) section 501 of the Department of Energy Organization Act (42 U.S.C. 7191).

**SEC. 4. EFFECTIVE DATE.**

The amendment made by section 2 takes effect on the earlier of—

(1) the date that is 180 days after the date of enactment of this Act; or

(2) the date that final regulations are issued under section 3.

By Mr. GLENN:

S. 193. A bill to provide protections to individuals who are the human subject of research; to the Committee on Labor and Human Resources.

HUMAN RESEARCH SUBJECT PROTECTION ACT

Mr. GLENN. Madam President, I rise today to introduce the Human Research Subject Protection Act of 1997. I send the bill to the desk.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. GLENN. Madam President, if I approached any Senator here and I said, "You did not know it, but the last time they went to the doctor or went to the hospital, your wife or your husband or your daughter or your son became the subject of a medical experiment that they were not even told about. They were given medicine, they were given pills, they were given radiation, they were given something and were not even told about this, were not even informed about it, yet they are under some experimental research that might possibly do them harm—maybe some good will come out of it, but maybe it will do them harm also—but they do not know about it," people would laugh at that and say that is ridiculous. That cannot possibly happen in this country. Yet, that very situation is what this piece of legislation is supposed to address.

I have been in public life and have served this country for many years. Frankly, I do not think too many things that I see surprise me anymore about our laws and about Government. Three years ago, though, I began to learn about a gap in our legal system that does truly concern me. In 1993 the Governmental Affairs Committee began to investigate the cold war radiation experiments. These experiments are one of the unfortunate legacies of the cold war, when our Government sponsored experiments involving radiation on our own citizens without their consent. They did not even know the experiments were being run on them. It was without their consent.

One of the most infamous of these experiments took place in my own State of Ohio, when scores of patients at the University of Cincinnati were subjected to large doses of radiation during experimental treatments, without their consent, without their informed consent. During the course of this investigation, I began to ask the question, what protections are in place to prevent such abuses from happening again? What law prohibits experimenting on people without their informed consent?

What I found, when I looked into it, is there is no law on the books requiring that informed consent be obtained. More important, I believe there is a need for such a law, as there continue to be cases where this basic right—I do view it as a basic right—is abused. As I started out, I would like to put this on a personal level for everyone of my colleagues. You just think about your own family, your own son, your own daughter, or grandchildren who might be, the next time they go to a doctor, the subject of some medical experiment that they are not even told about. I do not think there can be many things more un-American than that.

With the introduction of this bill today I hope to begin the process of correcting some serious gaps in our legal system. I want to make clear right now I am not seeking to bring medical research to a screeching halt. Please do not anybody at NIH, or anybody doing research throughout this country, think we are trying to stop that. We are not. That is not my intent and not the intent of this bill.

This country has the very finest health care system in the world, in part because of basic research. In fact, in large part because we have put more effort, more resources, more of our treasure into health research than any other nation in this world. In fact, I believe most people are not opposed to participating themselves in scientific research, if they are told about the pros and the cons. That is the goal of this legislation, to make sure that people have the appropriate information to make an informed choice about their medical treatment.

Everyone listening today probably has heard of the Nuremberg Code. That is the list of 10 ethical research principles which were produced as part of the judgment against Nazi physicians who engaged in truly heinous medical experiments during World War II.

The first principle of the Nuremberg Code states that the voluntary consent of the human subject of research is absolutely essential. Unfortunately, as we look back through our history since the late 1940's, it appears that researchers in America may not have taken all that Nuremberg lesson completely to heart.

I ask my colleagues what the following names might have in common: thalidomide, Tuskegee, and Willowbrook?

Well, the answer is that these are all sad examples of unethical research conducted in the United States, and in the United States well after the Nuremberg Code was issued, adopted and worldwide attention had been focused on some of the abuses of that time during World War II.

Given this history, I find it astounding that even after Nuremberg, the thalidomide babies, Willowbrook, Tuskegee and the cold war radiation experiments, and who knows how many other cases, we still don't have a law on our books requiring that informed consent—those two words, "informed consent"—be obtained prior to conducting research on human subjects.

I have had research conducted on me because of my past activities before I came to the Senate in the space program and so on, but I knew what was being looked at, what was being tried. I knew the objectives of it, and I was willing to do that. I was happy to do it. But it was informed consent that I had personally, and I knew what I was getting into and glad to do it.

I think most people feel the same way. If they know what they are getting into and they feel there is a good purpose to it, they are willing to do it. But to do research on people when they don't even know what the research or the medicines or the radiation is that is being tried on them, I think is unconscionable.

What it comes down to is there are no criminal fines or penalties for violating the spirit or the letter of that Nuremberg Code that should be the basis of all of our informed consent in this country.

In fact, our own Constitution says, "The right of the people to be secure in their persons . . . shall not be violated."

So there is no explicit statutory prohibition against improper research. I must add that just because there is no law on the books does not mean there are no protections for people from unethical medical or scientific research.

These tragic incidents I have mentioned have resulted in changes in the way human research subjects are treated. I don't want to misrepresent this, because there is a very elaborate system of protections that have developed over the years. Unfortunately, though, this system does have some gaps and, if enacted, I believe this legislation will close those gaps.

Let me briefly describe the system that is currently in place.

Regulations governing the protection of human research subjects were issued by the Department of Health, Education, and Welfare in 1974 and may be found at part 46 of title 45 of the Code of Federal Regulations.

In 1991, 10 years after a recommendation of a congressionally chartered Presidential advisory board, 16 other agencies adopted a portion of this rule, a portion of the rule to apply to research that these agencies sponsored. And at that point, these regulations became known as the common rule.

The common rule requires research institutions receiving Federal support and Federal agencies conducting research to establish committees, and these are known as—the shorthand version is IRB's—Institutional Review Boards. Their job is to review research proposals for risk of harm to human subjects and to perform other duties to protect human research subjects.

The common rule also stipulates requirements related to informed consent, how researchers must inform potential subjects of the risks to which they, as study participants, agree to be exposed.

It should also be noted that HHS regulations contain additional protections not included in the common rule for research involving vulnerable populations; namely, pregnant women, fetuses, subjects of in vitro fertilization research, prisoners and children. No other Federal agency has adopted these additional protections.

Several mechanisms have been developed by HHS and research institutions over the years to extend the common-rule protections to more people. For example, many, but not all, research institutions which receive some Federal support voluntarily apply common-rule guidelines to all research conducted at their institutions.

Additionally, in order to receive approval for a drug or device from the Food and Drug Administration, a research institution or pharmaceutical company must comply with the requirements of the common rule as administered by the FDA.

In addition to the Federal regulations, most professional medical societies and associations have adopted ethical codes of conduct regarding research.

The first such ethical code, called the Helsinki Code, was adopted by the World Medical Association in 1964. So it has been on the books for a long time. Since that time, other prominent organizations, like the American Medical Association, the American Society for Clinical Investigation, and the American Federation of Clinical Research have also adopted such ethical codes.

Most recently, in October 1995, the President exhibited, I believe, strong leadership and established the National Bioethics Advisory Commission, NBAC. This had been a long time coming. It had been suggested, but no one had ever gone ahead and done this, and the President exerted the leadership and established the NBAC.

Quite simply, the scientific and ethical issues which the NBAC are supposed to evaluate represent some of the most important, some of the most complex and controversial questions of our time. NBAC's input will be critical to informed policymaking for both the legislative and executive branches.

The two primary goals of NBAC are to, first, evaluate the current level of compliance of Federal agencies to the common rule, and, second, evaluate the common rule and advise both the executive and legislative branches on any changes that might be needed to it.

I very strongly support the work of the NBAC but recently have become extremely concerned to hear that more than 15 months after its establishment, the NBAC is still operating with a volunteer staff. It was my understanding that a number of Federal agencies supported the creation of the NBAC and agreed to back up their support with resources and staff. Some NBAC members have stated in public meetings that they are frustrated with the progress the Commission is making and attribute the slow pace to the lack of resources. Additionally, the resource problem may be limiting the number of meetings of the Commission.

Further, if this problem is not resolved in the near term, the Commission may have to stop meeting altogether. I sent a letter to the President's science adviser a few days ago, Dr. John Gibbons, to express my concerns about this. Dr. Gibbons was working to resolve this funding problem, which I view as an urgent priority.

I am very glad to announce—as a matter of fact, it was just today—that these groups in Government that are interested in this had a meeting under Dr. Gibbons' leadership, and the $1.6 million that was supposed to accrue from these different agencies to be used by the NBAC is now forthcoming. So the NBAC is now funded so they can do the job they were originally supposed to do.

We are very glad to say that has happened just today, and I am glad it happened today, just when I am introducing this bill, because it looks as though we now truly are moving to support the NBAC that did not receive the kind of monetary support, the kind of funding that we thought it was going to have when it was first formed a year and a half ago.

There are a number of existing mechanisms that do protect human research subjects today. In fact, in March of 1996, the GAO reported to me that the testing protection system has reduced the likelihood of serious abuses from occurring. However, the GAO also pointed out a number of weaknesses and gaps in the current system.

There are at least four areas, four major gaps.

First, not all agencies have adopted the common rule, including agencies that currently sponsor research involving human subjects. The Department of Labor and the Nuclear Regulatory Commission are examples of agencies that sponsor such research but those agencies have not adopted the common rule, which I think they should have.

Second, the common rule's research is voluntarily applied in many cases. Most institutions which receive Federal funds will voluntarily apply the common rule to all research conducted at their institution. However, not all research institutions adopt this policy. And in any case, if any improper research is discovered at these institutions, there are very few steps available to the Federal Government to do much about it.

Third, a private institution or a researcher who conducts nonfederally funded research or is not seeking approval of a drug or device with the FDA does not have to apply the principles of the common rule to its research. In other words, there is a huge area of all the private medical research out there that is not under the common rule unless they just choose themselves to just voluntarily do it.

Fourth, no Federal agency, other than HHS, has applied the additional protections described in 45 CFR 46 for vulnerable populations—pregnant women and their fetus, children, prisoners—to their own research. So the purpose of this legislation is to help close the gaps that exist within the current system for protecting research subjects.

Well, is there really a problem out there?

Is this just a paper loophole that I am trying to close?

Unfortunately, Mr. President, there are ongoing problems with inappropriate, ethically suspect research on human subjects. It is difficult to know the extent of such problems because information is not collected in any formal manner on human research.

The Cleveland Plain-Dealer in my home State of Ohio has recently reported in a whole series of articles, after much investigation of this issue. And I quote from them:

> What the government lacks in hard data about humans, it more than makes up for with volumes of statistics about laboratory animals. Wonder how many guinea pigs were used in U.S. research? The Agriculture Department knows: 333,379. How many hamsters in Ohio? 2,782.

So we have all this data on animals and little on human beings. I would hasten to add that the guinea pigs the Plain-Dealer refers to are the four-legged kind too and not the guinea pigs that are humans being used for research.

The reason we know so much about the use of animals in research is that we have laws governing the handling and treatment of them.

For example, the Animal Welfare Act requires that certain minimum standards be maintained when using animals in research.

Let me give you some recent examples which indicate why, notwithstanding the common rule and the other protections that are in place, I think additional protections are needed in statute.

In 1994–95, in an effort to explore the rights and interests of people currently involved in radiation research conducted or sponsored by the Federal Government, the Presidential Advisory Committee on Human Radiation Experiments conducted an in-depth review of 125 research projects funded by HHS, DOE, DOD, VA, and NASA. According to the ACHRE report:

> Our review suggests that there are significant deficiencies in some aspects of the current system for the protection of human subjects.

The ACHRE found that documents provided to IRB's often did not contain

enough information about topics that are central to the ethics of research involving human subjects. In some cases the committee found it was difficult to assess the scientific merit of a protocol based on the documentation provided.

ACHRE's report states that some consent forms studied by the committee are—and I quote—

. . . flawed in morally significant respects, not merely because they are difficult to read but because they are uninformative or even misleading.

The report states further:

Our review also raises serious concerns about some research involving children and adults with questionable decision-making capacity.

And the ACHRE concludes:

All told, the documents of almost half the studies reviewed by the committee that involved greater than minimal risk [to the subject] raised serious or moderate concerns.

That is a horrible indictment.

As I mentioned earlier, from December 15 to 18, 1996, the Cleveland Plain-Dealer published a series of articles entitled "Drug Trials: Do People Know the Truth About Experiments."

And I want to give credit to the people that worked on that. Keith Epstein, has covered Capitol Hill here and has written much and done much investigative reporting working on this, as did Mr. Sloat, S-l-o-a-t, Bill Sloat. Those two fellows worked on this and did a great job in pointing out some of the problems that still exist. And we have talked to them about some of these things.

The Plain-Dealer uncovered a number of disturbing cases, very disturbing cases as a matter of fact, where people were either unaware of the fact that they were involved in research or were not provided full information about potential side effects of research. The series raises very serious questions about the adequacy of our current system of protecting human research subjects.

The Plain-Dealer found, for example, of "4,154 FDA inspections of researchers testing new drugs on people [since 1977] . . . more than half the researchers were cited by FDA inspectors for failing to clearly disclose the experimental nature of their work."

Another serious finding in this series is that researchers who receive the most severe penalty by the FDA, being designated "Disqualified Investigators," have little fear of this fact being found out by their peers or patients. One of the articles discusses potentially serious problems in the way research conducted outside of the United States is incorporated into applications for drug approvals in the United States.

The Plain-Dealer uncovered much evidence to suggest that the Federal Government continues to sponsor research where informed consent is not obtained. And this fact disturbed me greatly also.

On November 14, 1996, the Wall Street Journal published an article that examined the practice at one pharmaceutical firm, Eli Lilly and Co. in using homeless alcoholics in their clinical trials. The article raises some disturbing questions about the quality of the phase I trials conducted by this one company. Also serious ethical questions are raised concerning the appropriateness of paying homeless alcoholics significant sums to be human guinea pigs. It is not clear from the article whether these tests were reviewed by any IRB.

On December 27, 1996, the New York Times reported on a New York State appeals court ruling which found that the State's rules governing psychiatric experiments on children and the mentally ill were unconstitutional. The court found that the rules did not adequately protect people who, because of age or illness, cannot give informed consent to take part in drug tests or other experiments. The article mentions 10 to 15 of the 400 psychiatric experiments covered by the ruling as being "privately financed" and therefore outside the coverage of Federal rules.

How would you like it if your father, mother, son or daughter, husband, wife was in one of those institutions and was having experiments conducted on them without your knowing about it or without them knowing about it? That is what we are up against.

On August 15, 1994, the New York Times reported on ethical and legal questions regarding a company's efforts to promote a drug that can make some children grow taller than they otherwise would. The drug in question, Protropin, has been approved by FDA for use in children whose bodies do not make sufficient quantities of human growth hormone. However, once approved, doctors may prescribe it for other purposes at their discretion. In this case the company was apparently surveying schools for short children and then trying to funnel those children to doctors who would prescribe the drug whether or not the children lacked the human growth hormone. This unapproved research was occurring without the oversight of an IRB. And at least 15,000 children have taken this drug.

Another illustration of the precarious coverage of the common rule occurred in 1995 when it became known that researchers from the Center for Reproductive Health at the University of California Irvine, were fertilizing humans and implanting theses in different mothers without the consent of the donor. This research was not being funded by any Federal agency; however, NIH was funding more than $20 million worth of other research at the university. Even though several internal and external investigations by the university and the district attorney were being conducted on this experiment, a clarifying moment occurred when investigators from OPRR visited UC Irvine early last year. These investigators reminded university officials of the common rule; the fact that the university had agreed to apply it to all research conducted there—through OPRR's assurance process; and that NIH was currently funding a good deal of research at the institution. Within a week of OPRR's visit, the university took public action to halt the research and formally investigate the researchers.

On October 10, 1994, the New York Times reported on a New York doctor who adopted two types of drugs approved by FDA for cancer treatment and stomach ulcers for an unapproved use to perform nonsurgical abortions. The article quotes the doctor saying that in 121 of 126 cases his approach was successful. The remaining five cases required surgery to complete the procedure. Because the drugs were FDA approved and the doctor was not funded or connected to federally sponsored research, no IRB or approved informed consent procedures were required. Apparently, each patient signed a three-page consent form, but this was not approved by an IRB. According to the Times, once FDA approves a drug, physicians are generally allowed to use it for off label purposes.

Now Mr. President, some of the issues discussed in these articles are problems with how the common rule itself is being applied. Some of these examples illustrate the gaps in the common rule coverage. My legislation will address both the coverage and the application of the common rule.

Now how precisely would the legislation work?

It would require all research facilities to register with HHS. Registration shall include: First, statement of principles governing the research facility in its conduct of human subject research; second, designation of the official responsible for all human subject; third, designation of membership roster of IRB(s); and fourth, attestation that the research facility is complying with the protection requirements of the common rule.

The legislation includes a grandfather provision for all research entities which currently have negotiated project assurances with HHS. The vast majority of research facilities have such assurances.

The legislation contains a 3-year reregistration requirement.

The legislation includes criminal penalties for failure to comply with the act. Therefore, if enacted it would be a felony offense to experiment on someone without their informed consent.

The intent therefore of this legislation is twofold: First, to fill in the gaps of coverage of the common rule by requiring all research involving human subjects to abide by the rule; and second, to elevate the importance of conducting research ethically, the bill provides criminal fines and penalties for

failure to comply with the requirements of this law, and by extension 45 CFR 46.

Finally Mr. President, my legislation would codify a recommendation which the Advisory Committee on Human Radiation Experiments made regarding the conduct of classified research involving human subjects.

Specifically, the advisory committee recommended that informed consent of all human subjects of classified research be required, and that such requirement not be subject to waiver or exemption. Under current rule and executive order, it is possible to waive informed consent and IRB review for classified research. Title II of this legislation would prohibit the waiver of either informed consent or IRB review for classified research.

The advisory committee also recommended that human subjects of classified research be provided with certain information regarding that research. My legislation would require that such subjects be information concerning: First, the identify of the sponsoring Federal agency; second, a statement that the research involves classified information; and third, an unclassified description of the purpose of the research.

Mr. President I have tried today to briefly lay out the case for the need for the legislation I am introducing. I know that my colleague from Ohio, Senator DEWINE, is also concerned about the issues I have raised today, and about those that appeared last month in the Plain Dealer. I believe that he has requested that the chairman of the Labor and Human Resources Committee hold hearings on this subject. I think that is entirely appropriate. And I hope that this legislation could be considered in that process. I look forward to working with the Labor Committee in this regard.

I do not claim to have the magic bullet solution with this bill. However, I believe there are some key principles which should guide the Senate's consideration of this legislation. These principles are:

First, informed consent and independent review of experiments involving human subjects must be required.

Second, anyone who violates the right of research subject to have informed consent, should be held criminally responsible for that violation.

I want to put this in personal terms once again. You can imagine your spouse, husband, wife, father, mother, children, being experimented on without your knowledge or their knowledge. That is unconscionable, and we should not permit that. This legislation will close many of the loopholes that permit that to happen now.

As the legislative process moves ahead, it is certain that the bill will undergo scrutiny and amendments. But I think the outcome, if this legislation is enacted into law, will be improved protections for all Americans.

Madam President, obviously, I welcome any cosponsors on this legislation. I will be sending out a "dear colleague" letter to all the offices, and I hope we get a good response to that. I think there are very few Senators who will not back this when they hear what can happen then to them, their families, and their constituents back home, if we do not pass something like this.

I think this is many years overdue. I don't want to scare people to death with this, because I think most of the research in this country is conducted in a way that is good and is with informed consent—in most cases. But just the few examples that I have mentioned here today, as well as the articles in the Cleveland Plain Dealer and New York Times I quoted from, indicate there is still a very major problem in this area and one that we want to close the gaps on so that no American is subjected to experiments like this, unless they know exactly what is going on and have given informed consent.

Thank you. I yield the floor.

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By Mr. CHAFEE (for himself, Mr. MOYNIHAN, Mr. ABRAHAM, and Mr. KYL):

S. 194. A bill to amend the Internal Revenue Code of 1986 to make permanent the section 170(e)(5) rules pertaining to gifts of publicly traded stock to certain private foundations and for other purposes; to the Committee on Finance.

PRIVATE FOUNDATIONS LEGISLATION

Mr. CHAFEE. Mr. President, today, I am introducing legislation which makes permanent the full value deduction for gifts of appreciated stock to private foundations. I am pleased that my distinguished colleagues, Senator MOYNIHAN and Senator ABRAHAM, have agreed to join me in this effort.

Since 1984, donors have been allowed to deduct the full fair market value of certain gifts of public traded stock to private foundations. This provision of the tax code was added as part of the Tax Reform Act of 1984 to encourage individuals to create foundations during their lifetime. Unfortunately, when this section was enacted it included a sunset date of December 31, 1994 which was extended through May 31, 1997 as part of the Small Business Jobs Protection Act. Without this provision, the number of new foundations—as well as additional endowments to existing foundations—is likely to fall off dramatically.

Private foundations are nonprofit organizations that support charitable activities in order to serve the common good. They provide support by making grants to other nonprofit agencies, or through operating their own programs. In some cases, such as scholarships and disaster relief, foundations may make grants to individuals.

Foundations are created with endowments—money given by individuals, families, or corporations. They make grants or operate programs with the income earned from investing the endowments. Since most foundations have permanent endowments, they do not need to raise funds each year from the public in order to continue their work. Freed from these constraints, foundations are perfectly positioned to act as the research and development arm of society.

In a 1965 Report on Private Foundations, the Treasury Department recognized the special nature of foundations by describing them as "uniquely qualified to initiate thought and action, experiment with new untried ventures, dissent from prevailing attitudes, and act quickly and flexibly." Indeed, foundations reflect the innovative spirit of the individuals and corporations that endow them.

There are more than 34,000 private foundations in America today that provide over $9 billion annually to support innumerable projects, large and small. Among other things, they help the poor and disadvantaged, advance scientific and medical research, and strengthen the American educational system.

Let me give you a few examples of some of the medical advances that have occurred as a result of the financial assistance provided by private foundations: The polio vaccine developed by Dr. Jonas Salk in 1953 after the Sarah Scaife Foundation provided him with the money he needed to establish and equip his virus laboratory.

With the help of the Commonwealth Fund, Dr. Papanicolaou discovered in 1923 that cervical cancer could be diagnosed before a woman presented any symptoms. That breakthrough led to the basic and now routine diagnostic technique known as the Pap smear.

In 1951, Dr. Max Theiler received the Nobel Prize in medicine for his work in developing the yellow fever vaccine. That effort was the direct result of a 30-year, all-out commitment by the Rockefeller Foundation to eradicate this disease.

But, Mr. President, private foundations have been involved in many more aspects of our daily lives than simply funding medical advances. Dr. John V.N. Dorr was an engineer in the early 1950's. He speculated that many accidents occurring on our Nation's highways during inclement weather were the result of drivers hugging the white lines painted in the middle of the road. Dorr believed that if similar lines were painted on the shoulder side of the road, lives could be saved.

Dorr convinced transportation engineers in Westchester County, NY, to test his theory along a particularly treacherous stretch of highway. The dropoff in accidents along this part of the road was dramatic, and Dr. Dorr used his own foundation to publicize

the demonstration's results nationally. Today, although State funds are now used to paint white lines on the shoulder side of the Nation's highways, every person traveling in motor vehicles is indebted to Dorr and his foundation for implementing this lifesaving discovery.

As these examples indicate, private foundations provide a great many benefits to our society. By permanently extending this tax incentive, we can continue to encourage individuals to dedicate a substantial portion of their wealth to public, rather than private purposes. I hope my colleagues will support this legislation.

Our bill permanently extends the tax incentive for an individual who contributes stock to a private foundation. This provision currently expires on May 31, 1997.

Under this bill, a taxpayer who contributes publicly traded stock to a private foundation would be allowed a deduction for the full fair market value of the stock. Absent this legislation, the deduction would be limited to the cost basis of the stock, which for many donors effectively eliminates the incentive to make the donation.

The legislation also conforms the due date for a private foundation's first quarter estimated tax payment with the filing date for the annual tax return. Currently, a private foundation is required to make its first quarter estimated tax payment on April 15, even though the annual income tax return is not due until May 15. Under this bill, a foundation's first estimated tax payment would be due on May 15.

Finally, the bill also simplifies the rules governing distributions from a private foundation to a charity located outside the United States.

A similar proposal introduced in the 104th Congress was estimated by the Joint Committee on Taxation to cost $287 million over 5 years.

Mr. MOYNIHAN. Mr. President, I am pleased to join my distinguished colleague, Senator CHAFEE, in introducing this legislation to extend permanently the full, fair market value deduction for gifts of publicly traded stock to private foundations.

Much of the focus in Congress over the last several years has been on efforts to control or reduce Government spending in order to balance the budget. As programs are cut to meet budget constraints, pressure will be placed on other sectors, particularly the independent sector, to fill the void. Already, the extent to which nonprofit institutions in the United States perform functions that are typically governmental undertakings in other countries is perhaps not fully understood or appreciated. It is a unique feature of our society of inestimable value and must be sustained. As demand on the independent sector grows, we must support its efforts to promote the common good and confront social problems.

A bit of history: prior to 1969, contributions of appreciated property were deductible at their fair market value. In 1969, Congress adopted a number of rules to address certain abuses then occurring with respect to a small number of private foundations. These included a series of targeted Treasury Department recommendations to impose excise tax penalties on self-dealing transactions, excess business holdings, insufficient distributions for charitable purposes, and the like. However, in response to the negative publicity surrounding private foundations at the time, Congress felt it necessary to impose other restrictions beyond the targeted Treasury proposals. These included a provision to limit the deduction for gifts of appreciated property to private foundations to the donor's basis, usually, the original purchase price.

After 1969, the IRS and other experts concluded that the targeted antiabuse rules worked well to correct the problems with private foundations. And nothing indicated that the 1969 limit on deductibility of gifts of appreciated property to private foundations was necessary to prevent abuse, at least to the extent that the property's value was readily determinable. Thus, in 1984, Congress approved a rule, that sunset after 10 years, providing a deduction for the full value of gifts of publicly traded stock to private foundations. This temporarily restored parity of treatment to contributions of stock to public charities—already fully deductible—and to private foundations.

Then came the Tax Reform Act of 1986, which was largely an effort to broaden the tax base and reduce rates. One such base-broadening provision was the creation of a tax preference under the individual alternative minimum tax [AMT] for gifts of appreciated property to charitable organizations. Thus, taxpayers subject to the AMT could only deduct the basis of property donated to charitable organizations.

As it turned out, the 1986 Tax Act worked all too well. Not only was the base broadened, but charitable giving of appreciated property nearly disappeared. And the charitable organizations let us know that our action had hurt them financially in such a way that not only they, but the larger public trust they serve, were suffering. Thus, at the behest of this Senator, in 1990 Congress at first temporarily, and then in 1993 permanently, repealed the tax preference for contributions of appreciated property.

At the end of 1994, however, the full deduction for contributions of appreciated stock to private foundations expired. It had been intended as a 10-year experiment; the 10 years ran out, and the experiment was over. But most observers concluded that the experiment had worked—the private foundation rules continued to work reasonably well to prevent abuse, even while gifts of appreciated stock were fully deductible. In particular, the rule was not a source of compliance problems for the Internal Revenue Service. Thus, we agreed to extend the provision temporarily just last year in the Small Business Job Protection Act. Unfortunately, it will expire once again at the end of May. There being no harm done by this provision, and much good, it is a rule we should like to see extended once again—and this time permanently.

Mr. President, no reason exists to provide different treatment under the Tax Code for gifts of appreciated stock to private foundations than is provided for such gifts to public charities. Private foundations are an important component of our nonprofit, independent sector. They make vast contributions to our society in the areas of education, health, disaster relief, the advancement of knowledge and the preservation of historical and cultural artifacts, to name only a few. Government must play a role in ensuring that nonprofit institutions not merely survive, but thrive—particularly during an era of Government cutbacks. The legislation we introduce today will be a great help in this regard. I look forward to its early and favorable consideration in the 105th Congress.

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By Mr. MCCAIN:

S. 196. A bill to amend the Public Buildings Act of 1959 to require the Administrator of General Services to prioritize construction and alteration projects in accordance with merit-based needs criteria, and for other purposes; to the Committee on Environment and Public Works.

THE FEDERAL BUILDING CONSTRUCTION AND ALTERATION FUNDING IMPROVEMENT ACT

Mr. MCCAIN. Mr. President, today I am introducing legislation to establish a system to ensure that funding for the construction and repair of Federal buildings is allocated according to need and priority. First, the bill would require the President to submit the administration's building construction budget request in the form of a prioritized list of projects. Second, and most importantly, the bill would require the General Services Administration to prepare and maintain a ranked priority list of all ongoing and proposed construction projects. The list would be updated and reprioritized with each new project added either through administrative or congressional action.

Last year, Congress provided nearly $900 million for Federal building construction and major repairs not including the funds provided to the Department of Defense. Over the past 5 years Congress obligated over $4 billion for this purpose. This is an enormous sum of money. Clearly, the Federal building

construction program can and must share in the sacrifice as we seek to gain, control over the deficit.

As we rein in spending, it is more critical now than ever to ensure that scarce financial resources are allocated to our highest priorities. In order to trim the fat in an informed and efficient manner, Congress, the administration and the taxpaying public must know what our construction priorities are.

During debate on the rescission bill in the last Congress, the Senate considered proposals to cut Federal construction funding. The list of projects proposed for defunding was rather arbitrary and capricious. The tenets of good government dictate that when we reduce spending, our lowest priorities should be put on the chopping block first. Yet, Congress cannot readily determine what those priorities are. By requiring the General Services Administration, which administers the Federal building fund, to maintain a ranked list of project priorities, we can be sure that funding decisions will be made on the basis of merit rather than politics or congressional caprice.

Mr. President, foremost, this legislation will help us address the pork barrel politics which has played far too great a role in the process of Federal building construction. Currently, when a Member of Congress decides a new building is needed in his or her State or district, the General Services Administration conducts what is known as an 11b survey to determine the need. In most cases, the GSA determines that a need exists. The study is then used to justify project authorization and appropriation, even though a finding of need is not a finding that such a project is a priority.

As projects that are not in the President's budget request are added by Congress, we do not always have a clear idea of where they are ranked among competing priorities. Passage of this legislation will ensure that this vital information is readily available.

I urge the relevant committees to expeditiously examine this proposal so that we can approve rapidly this relatively minor but, I believe, important and helpful change in procedure.

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By Mr. ROTH (for himself, Mr. LOTT, Mr. BREAUX, Mr. GRASSLEY, Mr. NICKLES, Mr. MURKOWSKI, Mr. ABRAHAM, Mr. KYL, Mr. HELMS, Mr. D'AMATO, Mr. CRAIG, Mrs. HUTCHISON, Mr. MCCONNELL, Mr. THOMAS, Mr. SMITH of Oregon, Mr. DEWINE, Mr. INHOFE, Mr. BRYAN, Mr. ROBERTS, Ms. MIKULSKI, Mr. SMITH of New Hampshire, Mr. HATCH, Mr. BENNETT, Mr. KEMPTHORNE, Mr. INOUYE, Mr. ENZI, Mr. FORD, Mr. BURNS, Mr. LIEBERMAN, Mr. HAGEL, Mr. GRAMM, Mr. DODD, Ms. COLLINS, Mr. GREGG, Mr. GRAMS, Mr. BOND, and Mr. KOHL):

S. 197. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes; to the Committee on Finance.

THE SAVINGS AND INVESTMENT INCENTIVES ACT OF 1997

Mr. ROTH. Mr. President, today we reintroduce the super IRA, a savings plan that is well-known as the Roth-Breaux super IRA.

I'm honored again to be joined by Senator JOHN BREAUX, in introducing this bill. I believe now, as I did last Congress, that this is extremely well conceived legislation that succeeds in strengthening two fundamental components of our society: the family and the future of our economy. Much has been written and said about both of these lately, particularly as we look to a new century. Likewise, we're hearing more and more about the need to promote personal responsibility and self-sufficiency.

The Roth-Breaux super IRA will have a positive influence in all of these areas. Congress understands this. That's why Congress has passed similar legislation in the past. We all know that Washington must promote policies that strengthen family and create an environment where our economy can grow, this is why our IRA legislation in the past has been marked by a strong, cooperative, bipartisan spirit. In 1991, legislation similar to this had 78 cosponsors. In 1994, we had 58 cosponsors and in 1995, 52 cosponsors. I believe this legislation will find similar support.

Why? Because this super IRA will go a long way toward strengthening our families and restoring equity to work-at-home spouses and other workers without pensions. It will also boost our Nation's saving rate and lead to capital formation, increased investment and economic growth. The lack of saving in this country, as we all know, is a real concern. Chairman Alan Greenspan at the Federal Reserve says that the single most important long-term economic issue for this country is savings—savings that are essential for jobs, opportunity, and growth.

This super IRA has been designed to address our Nation's need for savings and to provide families with as much flexibility as possible to use their savings not only for their security, but for the important goals and challenges in life. For example, this super IRA allows withdrawals to be made penalty-free to purchase first homes, to pay for college, and to cover expenses during extended periods of unemployment.

This super IRA removes many of the Tax Code's barriers to retirement saving. First, this bill increases and phases out the IRA's income limits over 4 years, and increases the contribution limit to keep up with inflation. Furthermore, one of the key features of our bill is that we separate the IRA and the 401(k) or 403(b), so Americans can save the maximum in both, and so that spouses who work at home will not have their savings limited by their husband's or wife's 401(k).

To strengthen the way this super IRA serves our families, this legislation not only allows parents to use penalty free withdrawals to help their children meet these goals and challenges, but children can use their IRA's to help their parents. Grandparents can make penalty free withdrawals to help grandchildren. And grandchildren can use their IRA's to help their grandparents. Our objective is to make this IRA as family oriented, as flexible and as useful as possible. It will go a long way toward promoting opportunity and reliance on self and family.

Let me stress, this super IRA bill builds on what we did in the Small Business job Protection Act of 1996 and eliminates the unequal treatment of work-at-home spouses that now exists under current law. This bill allows spouses—husbands or wives—who work at home to make equal IRA contributions, up to $2,000, in their own accounts regardless of whether their spouse has an employer pension.

With the super IRA, we also create a new type of individual retirement account—an IRA in which an individual's contribution is not tax deductible, but where the earnings can be withdrawn tax free if the account is open for at least 5 years, and the account owner is at least 59½ when the funds are withdrawn.

Mr. President, it's clear to see why this is a bill whose time has come. We have passed it before—in both Houses of Congress—now we must pass it again. It serves the individual. It serves the family. It serves the Nation. It is equitable, restoring spousal contributions to where they should be. It is flexible, offering penalty free withdrawals for life's necessities. It promises the vital capital formation America needs to invest in its future. And it builds upon the very important concept of self-reliance.

Mr. BREAUX. Mr. President, today Senator ROTH and I are introducing the Savings and Investment Incentive Act of 1997. We have introduced this bill in past Congresses but it is even more timely now as the pressure builds to secure the retirement of the baby boomers.

The facts are staring us in the face. Within 30 years one out of every five Americans will be over 65. The baby boomers are 76 million strong, doubling the number of Social Security beneficiaries by the year 2040.

At the same time, Social Security outlays will begin out pacing Social Security receipts in 2013 and the Social Security trust fund will be bankrupt in 2029 if we don't take the necessary steps to preserve it. And our national

savings rate is only 1 percent of GDP. This is one-half of what it was in 1970. By comparison, we save half as much as the Germans and one-third as much as the Japanese. This is a serious problem. We need to address it by reducing the budget deficit and eliminating the drain it places on our national savings but we need to address it in other ways, as well.

The Super IRA bill makes changes in the rules governing IRA's that will expand the availability of the IRA as a savings vehicle. The income caps will be eliminated over a 5-year period. Our bill creates a new kind of IRA that allows taxpayers to earn tax-free income. Funds can be withdrawn from either the current form of IRA or the new IRA to purchase a first home, meet a family's income needs during an extended period of unemployment or to pay for educational expenses.

IRA's have broad bipartisan support as demonstrated by the list of cosponsors. I hope that we will work together to pass this legislation this year.

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By Mr. McCAIN:

S. 198. A bill to prohibit campaign expenditures for services of lobbyists, and for other purposes; to the Committee on Rules and Administration.

THE LOBBYING CONFLICT OF INTEREST ELIMINATION ACT

Mr. McCAIN. Mr. President today I am introducing legislation entitled the "Lobbying Conflict of Interest Elimination Act." This bill would ban a candidate or a candidate's authorized committee from paying registered lobbyists for political services. Additionally, the bill would mandate that any political contributions made by a registered lobbyist be reported by such individual when he or she files his or her lobbying disclosure report as mandated in the Lobbying Disclosure Act.

In the last Congress, we were successful in passing legislation that bans gifts from lobbyists to Members and staff in order to put a wall between lobbyists who seek to curry special favor by the giving of gifts. Unfortunately, a loophole allows lobbyists to serve as fundraisers for Members of Congress, which could result in an increase in their influence.

Mr. President, this practice must stop. Registered lobbyists who work for campaigns as fundraisers clearly represent a conflict of interest. When a campaign employs an individual who also lobbies that Member, the perception of undue and unfair influence is raised. This legislation would stop such practices.

The two important changes made by this legislation represent a substantial effort to close any loopholes that exist in our lobbying and gift laws. The Congress has begun to make great strides to restore the public's confidence in this institution. We must continue that good work.

By Mr. McCAIN:

S. 199. A bill to require industry cost-sharing for the construction of certain new federally funded research facilities, and for other purposes; to the Committee on Governmental Affairs.

THE FEDERAL RESEARCH FINANCING IMPROVEMENT ACT OF 1997

Mr. McCAIN. Mr. President, today I am introducing legislation to restore fairness and fiscal accountability to the Federal Government's many research and development programs and activities. The bill would require that commercial interests share the cost of constructing and operating new Federal research facilities that are intended to benefit their industries. Last year, the Federal Government spent $73 billion for research programs, including facility construction. Many of these programs are intended primarily to assist private industries and are sponsored by a host of Federal agencies, predominantly the Department of Defense, the Department of Agriculture, the Department of Commerce, and the National Research Council.

For example, the Department of Agriculture spends nearly $750 million per year for 116 centers under the Agriculture Research Service. These federally funded centers are designed to help a variety of agricultural industries, many of which have enormous resources and do not require Federal assistance. I understand the agency is planning to construct even more facilities. Last year, Congress appropriated $26 million to construct a new swine research center at Iowa State University, even though we already have 12 Federal centers dedicated to swine research. This additional facility will cost nearly $10 million a year to operate.

Mr. President, I recognize the importance of research and development to our competitiveness and economic growth, although I seriously question why we need 13 centers dedicated to swine research. Nevertheless, given our serious fiscal condition at a time when we are contemplating significant reductions in practically every area of domestic discretionary spending, I see absolutely no reason why Government research that benefits private industries, many of them quite prosperous, should not be cost-shared by the private sector.

Regarding swine research centers, the pork industry generates nearly $66 billion per year. Surely, it is reasonable to expect the industry, and the many others that directly benefit from Federal research, to share the cost of the centers and its operation. I should add that the legislation would not require cost sharing for any research conducted for the purpose of helping industry comply with Federal regulations.

Mr. President, industry is historically more cautious with their resources than the Federal Government. If the private sector will not expend their resources for a program that is intended for their benefit, one must question why we should feel compelled to spend the taxpayers' hard-earned money on the same venture. Public-private cost-sharing arrangements for commercially oriented Federal research will ensure that proposed activities are truly cost-beneficial and that the potential outcomes of the research are worth the dollars invested.

Again, I realize and appreciate the importance of research and development. I believe, however, that the legislation is a prudent and responsible approach which, no doubt, can be improved, but which should receive the Senate's full and timely consideration. I hope that we can have a hearing in the very near future to examine what I believe is a very important fiscal issue.

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By Mr. AKAKA (for himself and Mr. INOUYE):

S.J. Res. 10. A joint resolution to consent to certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

THE HAWAIIAN HOMES COMMISSION ACT, 1920 AMENDMENTS CONSENT ACT OF 1997

Mr. AKAKA. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. Res. 10

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

That, as required by section 4 of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4), the United States consents to the following amendments to the Hawaiian Homes Commission Act, 1920, adopted by the State of Hawaii in the manner required for State legislation:

(1) Act 339 of the Session Laws of Hawaii, 1993.

(2) Act 37 of the Session Laws of Hawaii, 1994.

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## ADDITIONAL COSPONSORS

S. 1

At the request of Mr. MACK, his name was added as a cosponsor of S. 1, a bill to provide for safe and affordable schools.

S. 2

At the request of Mr. MACK, his name was added as a cosponsor of S. 2, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for American families, and for other purposes.

S. 3

At the request of Mr. MACK, his name was added as a cosponsor of S. 3, a bill to provide for fair and accurate criminal trials, reduce violent juvenile

crime, promote accountability by juvenile criminals, punish and deter violent gang crime, reduce the fiscal burden imposed by criminal alien prisoners, promote safe citizen self-defense, combat the importation, production, sale, and use of illegal drugs, and for other purposes.

S. 4

At the request of Mr. MACK, his name was added as a cosponsor of S. 4, a bill to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

At the request of Mr. ASHCROFT, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 4, supra.

S. 5

At the request of Mr. MACK, his name was added as a cosponsor of S. 5, a bill to establish legal standards and procedures for product liability litigation, and for other purposes.

S. 6

At the request of Mr. MACK, his name was added as a cosponsor of S. 6, a bill to amend title 18, United States Code, to ban partial-birth abortions.

At the request of Mr. SANTORUM, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 6, supra.

S. 7

At the request of Mr. MACK, his name was added as a cosponsor of S. 7, a bill to establish a United States policy for the deployment of a national missile defense system, and for other purposes.

S. 8

At the request of Mr. MACK, his name was added as a cosponsor of S. 8, a bill to reauthorize and amend the Comprehensive Environmental Response, Liability, and Compensation Act of 1980, and for other purposes.

S. 9

At the request of Mr. MACK, his name was added as a cosponsor of S. 9, a bill to protect individuals from having their money involuntarily collected and used for politics by a corporation or labor organization.

S. 10

At the request of Mr. MACK, his name was added as a cosponsor of S. 10, a bill to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 15

At the request of Mr. INOUYE, his name was added as a cosponsor of S. 15, a bill to control youth violence, crime, and drug abuse, and for other purposes.

S. 40

At the request of Mr. FAIRCLOTH, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 40, a bill to provide Federal sanctions for practitioners who administer, dispense, or recommend the use of marihuana, and for other purposes.

S. 104

At the request of Mr. MURKOWSKI, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 104, a bill to amend the Nuclear Waste Policy Act of 1982.

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## SENATE CONCURRENT RESOLUTION 4—COMMENDING AND THANKING THE HONORABLE WARREN CHRISTOPHER

Mr. CONRAD (for himself, Mr. DORGAN, Mr. DODD, Mr. BIDDEN, Ms. MOSELEY-BRAUN, and Mr. DASCHLE) submitted the following concurrent resolution; which was considered and agreed to:

Whereas Secretary Warren Christopher served as Secretary of State from 1993 until 1997, and maintained the tradition of that Office by representing the international interests of the United States with great dignity, grace, and ability;

Whereas Secretary Christopher, during his tenure as Secretary of State, engaged in more international travel than any other Secretary of State in United States history, reflecting his indefatigable commitment to advancing peace and justice, protecting and promoting United States interests, and preserving United States leadership in international affairs;

Whereas Secretary Christopher has played a key leadership role in United States foreign policy achievements, including ending the war in Bosnia, restoring an elected government in Haiti, and advancing peace in the Middle East;

Whereas Secretary Christopher served with distinction as Deputy Secretary of State from 1977 until 1981 and, among his accomplishments as Deputy Secretary, is credited with skillfully negotiating the release of American hostages in Iran;

Whereas Secretary Christopher has had a distinguished career in law and public service in California;

Whereas Secretary Christopher, born in Scranton, North Dakota, is one of North Dakota's most distinguished native sons and has always displayed the quiet strength and work ethic associated with the people of the Great Plains;

Whereas in 1997 Secretary Christopher leaves his position as the 63d Secretary of State; and

Whereas Secretary Christopher has earned the respect and admiration of Congress and the American people: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress commends and thanks the Honorable Warren Christopher for his exemplary diplomatic service, and for his skillful and indefatigable efforts to advance peace and justice around the world.

## SENATE RESOLUTION 20—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 20

*Resolved*, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition and Forestry is authorized from March 1, 1997, through February 28, 1998, and March 1, 1998, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1997, through February 28, 1998, under this resolution shall not exceed $1,747,544, of which amount (1) not to exceed $4000 may be expanded for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) to exceed $4000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202 (j) of the Legislative Reorganization Act of 1946).

(b) For the period of March 1, 1998, through February 28, 1999, expenses of the committee under this resolution shall not exceed $1,792,747, of which amount (1) not to exceed $4000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1997, and February 28, 1998, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United

States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1997, through February 28, 1998, and March 1, 1998, through February 28, 1999, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

## SENATE RESOLUTION 21—TO DIRECT THE SENATE LEGAL COUNSEL

Mr. LOTT (for himself, Mr. MCCAIN, Mr. COATS, and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 21

Whereas, in the case *Sen. Robert C. Byrd, et al. v. Franklin D. Raines, et al.*, C.A. No. 97-0001, pending in the United States District Court for the District of Columbia, the constitutionality of the Line Item Veto Act (Public Law 104-130; 110 Stat. 1200), has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978 (2 U.S.C. 288b(c), 288e(a), 288l(a)), the Senate may direct its counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is directed to appear as amicus curiae on behalf of the Senate in the case of *Sen. Robert C. Byrd et al. v. Franklin D. Raines, et al.*, to defend the constitutionality of the Line Item Veto Act.

## SENATE RESOLUTION 22—RELATIVE TO THE DEATH OF THE HONORABLE PAUL TSONGAS

Mr. LOTT (for himself, Mr. DASCHLE, and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 22

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Paul Tsongas, formerly a Senator from the Commonwealth of Massachusetts.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, January 22, 1997, at 10:30 a.m. in open session, to consider the nomination of William S. Cohen to be Secretary of Defense.

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

COMMITTEE ON ARMED SERVICES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, January 22, 1997, at 3:00 p.m. in executive session, to consider the nomination of William S. Cohen to be Secretary of Defense.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, January 22, 1997, to conduct a hearing of the following nominee: Andrew M. Cuomo, of New York, to be Secretary of Housing and Urban Development.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GREGG. Mr. President, I ask unanimous consent that Commerce, Science, and Transportation me authorized to meet in executive session for the purpose of adopting Committee Rules at 2:00 p.m., January 22, 1997 and at 2:30 p.m. to hold a confirmation hearing for Mr. William Daley, to be Secretary of the Department of Commerce.

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

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, January 22, 1997, at 10:00 a.m. to hold a hearing on balanced budget amendment.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, January 22, 1997, at 9:30 a.m.

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

## ADDITIONAL STATEMENTS

### IN SUPPORT OF THE FAMILY FRIENDLY WORKPLACE ACT

• Mr. KYL. Mr. President, I am pleased to join Senator ASHCROFT as an original cosponsor of S. 4, the Family Friendly Workplace Act.

S. 4 will update the Fair Labor Standards Act [FLSA] to better reflect the needs of today's workers. It will provide the kind of flexibility that workers and employers need in an age in which more and more of us are balancing roles as both parent and wage earner.

The current FLSA does not provide enough flexibility. S. 4 will allow employers and employees together to decide whether the employee should receive overtime pay or compensatory time off for working more than a 40-hour workweek. Under current law, an employer cannot allow an employee to work 45 hours one week in exchange for 35 hours the next week so the worker can attend, for example, a child's baseball game, a parent-teacher conference, or doctor's appointment. S. 4 will change this rigid interpretation of the FLSA. It will allow workers the ability to arrange biweekly work schedules—the employee could work any combination of 80 hours over 2 weeks, if agreed to by the employer. Someone could work a long week and then a short week to best fit the needs of his or her family.

The Family Friendly Workplace Act also provides, if agreed to by both employer and employee, a way for employees to "bank" overtime hours—up to 6 weeks of paid time—so that, when needed, employees will have a way to take extended leave and still have a paycheck. In contrast, President Clinton is proposing that Congress mandate to employers that an employee be granted extra—that is, unpaid—time off to attend to family needs.

As a safeguard against abuse, S. 4 requires that any flexible work arrangement or banked overtime hours be agreed upon by both the employer and the employee, without coercion. In addition, the amount of time an employee could accumulate would be limited to 240 hours. Moreover, at the end of the year, employers must "cash out" by paying the employee for the unused accumulated hours—The employee must be able to "cash out" his or her accumulated leave within 30 days. Collective bargaining agreements would remain unaffected, but the revised work schedule could be worked into a collective bargaining agreement.

Families today are looking for ways to better manage work and child-rearing. Without imposing additional Government mandates on employers, S. 4 will provide employers and employees the flexibility to better juggle the responsibilities of work and family. According to Lynn Hayes, author of "The Best Jobs in America for Parents," when working parents are asked what they desire most in a job, a majority answer "flexibility in scheduling." And, according to a study commissioned a few years ago by Arizona's Salt River Project of the Southwest region, a majority of parents with children under 13 are willing to trade salary increases for flexible time, leave, and dependent-care benefits.

There are other studies showing that Americans want flexibility in the

workplace. In a work/family study conducted by Johnson & Johnson, for example, the company expected a need for child care to surface. Instead, "the big issue that popped out was that of all the things that we would do as a corporation in support of parents, the biggest factor was that they wanted a flexible work schedule."

Mr. President, the Family Friendly Workplace Act will update labor law to allow for increased flexibility in the workplace and to better reflect the needs of today's families. As we all know, today's parents are under a great deal of pressure—to provide for their children financially and provide the time needed to raise a healthy child, capable of contributing positively to society. We in Congress should respond by correcting the law, when possible and without mandate, to improve the ability of parents to provide for their children.

Reforming both tax and labor law will go a long way toward improving the quality of life of the American family. In 1950, the average family paid one dollar in taxes to the Federal Government for every $50 earned. Today, it pays almost $1 out of every $3 earned. That is why I am introducing the Tax Limitation Amendment, a proposed amendment to the Constitution to require a two-thirds vote of the House and Senate to increase taxes—reducing taxes could be achieved by a simple majority—and why I support such initiatives as a $500 tax cut for families with children under 18.

Today's increased tax burden has kept parents working more hours to keep more of their own hard-earned dollars. High taxes are more than a strain on our pocketbooks—they are allowing us to spend less time with our children, or with others who may be dependent upon us. In concert with tax relief, the hours that the Family Friendly Workplace Act can provide a working mother or father to spend with growing children will begin to remove some of the financial and scheduling headaches presented by so many jobs today.

Once the public learns about the Family Friendly Workplace Act, and what it has to offer the American family, I believe there will be a groundswell of support that will be heard around the Capitol. I urge my colleagues in both the House and the Senate to quickly pass this bill and send it to the President, so that he will be given an early opportunity to, as he has said, "pass a flex-time law that allows employees to take their overtime pay in money, or in time off, depending on what's better for their family."•

## DEATH OF CLYDE TOMBAUGH

• Mr. BINGAMAN. Mr. President, last week my State and this country lost an extraordinary man. Clyde Tombaugh, a retired New Mexico State University professor, died on January 17 at the age of 90.

In 1930, at the age of 24, this completely self-taught high school graduate was working at an observatory in Arizona when he spotted something unusual in a photographic plate. Remarkably, his discovery turned out to be the ninth planet, Pluto.

His discovery earned him a full scholarship to the University of Kansas to study astronomy, and he went on to a long and distinguished career. He founded the research astronomy department of NMSU, and retired in 1973 and served as professor emeritus.

This "remarkable man of science," as one colleague described him, has left a truly great legacy.•

## TRIBUTE TO FATHER WILLIAM M. MOBLEY, JR.

• Mrs. MURRAY. Mr. President, I stand today in recognition of an extraordinary, colorful lifetime of service and dedication by one individual who strove to make a difference in his community. Father William M. Mobley was, in many respects, larger than life; he was the type of person who several centuries ago would have typified the Renaissance man. He was a soldier, historian, teacher, playwright, and actor. But, in addition to his high intellect and varied cultural interests, Father Mobley was a man grounded in his Catholic faith and dedicated to the everyday concerns of his parishioners.

He was known widely as Father Bill in Mukilteo and nearby Everett, cities just north of Seattle in my home State of Washington. It was here that he served St. John's Mission and St. Mary Magdalene Church from 1987 until his death this past Christmas Eve, December 24, 1996.

Father Mobley came to the priesthood, and his Catholic faith, late in his life. Born on April 3, 1929, he was raised in Southern Baptist roots in Birmingham, AL. He was first introduced to Catholicism while an Air Force soldier during the Korean war, and converted in 1954. In 1956, Father Mobley graduated with honors from Birmingham-Southern College, where he was widely acclaimed for his acting, directing, and writing abilities in the theater. Though he was offered a prestigious scholarship to the Yale Drama School, Father Mobley turned his attention to helping those around him. Influenced by this desire to serve others, Father Mobley joined Dr. Tom Barton, whom he had met while working at a hospital in Pell City, AL, and traveled to Green River, UT. From 1959 to 1970, Father Mobley assisted Dr. Barton in managing a badly needed medical center that serviced residents of Green River and east-central Utah.

In 1970, at the age of 41, Father Mobley entered the Pope John XXIII National Seminary in Weston, MA. Unfortunately, soon thereafter, Father Mobley suffered a heart attack, the first of three he would have in his lifetime, and had to have open-heart surgery. While this would have been an insurmountable hurdle for a lot of people, Father Mobley rose above his physical pains and persevered to complete his ordination in December 1973.

He then returned to Utah to serve in the Diocese of Salt Lake City. While there, Father Mobley touched innumerable lives and hearts, participated in charitable work, and ran a retreat house in Logan, UT. But the strains of his physical condition were taking their toll, and finally Father Mobley was forced to move from Salt Lake City, where, due to its high altitude, he was always accompanied by an oxygen mask. Although doctors advised retirement, Father Mobley chose to serve in the Washington Diocese in the Mukilteo and Everett areas, whose residents were fortunate enough to have been touched by this extraordinary person.

Today, I celebrate Father Mobley as an active, energetic, and generous man. He was generous with his faith sharing, he was generous with his counsel, and he was generous with his enthusiasm and conversation. Father Mobley was a man of incredible passion and compassion. His friends, family, and parishioners will remember him for his soulful sermons and championing of social justice.

Father Mobley challenged those around him to give and love unconditionally. This is a challenge each and every one of us can take inspiration from. He was truly a man who loved his fellow human beings, and he will be missed by those who had the opportunity to know him.•

## TRIBUTE TO GOLD STAR MOTHERS

• Mr. DORGAN. Mr. President, as we begin a new session of Congress, I thought this would be an appropriate time to stop for a moment and reflect upon some of the sacrifices that have been made by our citizens to ensure the protection of liberty and democracy in this great Nation. One group of citizens comes immediately to mind—the Gold Star Mothers.

This organization was formed in the years following the end World War I. It is a nonprofit, nonpolitical group which was organized by 25 mothers in June 1928 and incorporated on January 5, 1929. The cost of membership is incalculable. To join, one must have lost a son or daughter during a war waged by the United States.

As a parent myself, I know from personal experience that there is nothing more costly that losing a child. To raise and nurture a son or daughter, instilling in them the aspirations and goals that are only achieved through a

long and full life, and then to having their lives cut short is a tragic and devastating blow to any parent. The pain never goes away. It is a pain that Gold Star Mothers live with every day.

What is remarkable about this group of courageous women is that they refused to allow their grief to become the victor. Instead, they chose to channel their pain and suffering into productive work to benefit veterans and the community at large.

In 1940, Congress and President Franklin Roosevelt recognized their tireless efforts on behalf of veterans and Gold Star family members by enacting legislation to honor these brave women by designating the last Sunday in September as Gold Star Mothers Day. There is no organization more worthy of this perpetual honor.

But the Gold Star Mothers did not stop there. They wanted to expand their opportunities to assist veterans and their families and sought a congressional charter so they could work in veterans hospitals throughout the country. That charter was granted in 1984. The charter outlines the objective and purposes for which they were organized, including assisting all veterans and their dependents in claims to the VA; inspiring respect for the Stars and Stripes; encouraging a sense of individual obligation to the community, State, and Union; perpetuating the memory of those whose lives were sacrificed in our wars, and supporting and extending needful assistance to all Gold Star Mothers.

Over the ensuing years, Gold Star Mothers has provided assistance to countless veterans needing help. They do so with great dedication and great love. What greater love is there than a mother's love?

Although the group started out with only 25 members, Gold Star Mothers grew quickly and today has department officers covering all 50 states as well as the District of Columbia and Puerto Rico. And they keep expanding.

I just wanted to take this time to salute this organization, to assure them that a grateful nation has not forgotten their sacrifice, and to thank them for the good work they continue to do for this great nation. I would like to pay special tribute to a Gold Star Mother in my State, Margaret Renner, who lost a son in Vietnam in 1969. She has been an active member of Gold Star Mothers, Inc., for many years, and all of us who know her are grateful for her dedicated service to the men and women who have served the Nation honorably as well as to those who have lost their sons and daughters to war.•

## BUDGET SCOREKEEPING REPORT

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through January 22, 1997. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1997 concurrent resolution on the budget (H. Con. Res. 178), show that current level spending is above the budget resolution by $16.9 billion in budget authority and by $12.6 billion in outlays. Current level is $17.8 billion above the revenue floor in 1997 and $99.2 billion above the revenue floor over the 5 years 1997–2001. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $222.4 billion, $4.9 billion below the maximum deficit amount for 1997 of $227.3 billion.

This is my first report for the first session of the 105th Congress.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, January 22, 1997.*

Hon. PETE V. DOMENICI,
*Chairman, Committee on the Budget,*
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The attached report for fiscal year 1997 shows the effects of Congressional action on the 1997 budget and is current through January 21, 1997. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1997 Concurrent Resolution on the Budget (H. Con. Res. 178). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

This is my first report for the first session of the 105th Congress.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1997, 105TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS JANUARY 21, 1997

[In billions of dollars]

| | Budget resolution (H. Con. Res. 178) | Current level | Current level over/under resolution |
|---|---|---|---|
| ON-BUDGET | | | |
| Budget authority | 1,314.9 | 1,331.8 | 16.9 |
| Outlays | 1,311.3 | 1,323.9 | 12.6 |
| Revenues: | | | |
| 1997 | 1,083.7 | 1,101.5 | 17.8 |
| 1997–2001 | 5,913.3 | 6,012.5 | 99.2 |
| Deficit | 227.3 | 222.4 | −4.9 |
| Debt subject to limit | 5,432.7 | 5,222.9 | −209.8 |
| OFF-BUDGET | | | |
| Social Security Outlays: | | | |
| 1997 | 310.4 | 310.4 | 0.0 |
| 1997–2001 | 2,061.3 | 2,061.3 | 0.0 |
| Social Security Revenues: | | | |
| 1997 | 385.0 | 384.7 | −0.3 |
| 1997–2001 | 2,121.0 | 2,120.3 | −0.7 |

Note.—Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 105TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1997, AS OF CLOSE OF BUSINESS JANUARY 21, 1997

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| ENACTED IN PREVIOUS SESSIONS | | | |
| Revenues | | | 1,100,335 |
| Permanents and other spending legislation | 843,140 | 804,154 | |
| Appropriation legislation | | 238,523 | |
| Offsetting receipts | −199,772 | −199,772 | |
| Total previously enacted | 643,368 | 842,905 | 1,100,355 |
| ENACTED SECOND SESSION, 104TH CONGRESS | | | |
| Appropriations Bills: | | | |
| Agriculture (P.L. 104–180) | 52,345 | 44,922 | |
| District of Columbia (P.L. 104–194) | 719 | 719 | |
| Energy and Water Development (P.L. 104–206) | 19,973 | 13,090 | |
| Legislative Branch (P.L. 104–197) | 2,166 | 1,917 | |
| Military Construction (P.L. 104–196) | 9,982 | 3,140 | |
| Omnibus Consolidated Appropriations Act (P.L. 104–208) [1] | 499,841 | 352,017 | −1 |
| Transportation (P.L. 104–205) | 12,599 | 12,270 | |
| Veterans, HUD, Independent Agencies (P.L. 104–204) | 84,303 | 49,666 | |
| Authorization Bills: | | | |
| Taxpayer Bill of Rights 2 (P.L. 104–168) | | | −15 |
| Federal Oil and Gas Royalty Simplification and Fairness Act (P.L. 104–185) | −2 | −2 | |
| Small Business Job Protection Act of 1996 (P.L. 104–188) [2] | −76 | −76 | 550 |
| Authorize Voluntary Separation Incentives at A.I.D. Act (P.L. 104–190) | −1 | −1 | |
| Health Insurance Portability and Accountability Act of 1996 (P.L. 104–191) | 305 | 315 | 590 |
| Personal Responsibility and Work Opportunity Reconciliation Act (P.L. 104–193) | −2,341 | −2,934 | 60 |
| National Defense Authorization Act for FY 1997 (P.L. 104–201) | −103 | −103 | |
| Railroad Unemployment Insurance Amendments Act of 1996 (P.L. 104–251) | 12 | 12 | |
| Federal Aviation Administration Authorization Act of 1996 (P.L. 104–264) | 2,330 | 50 | |
| Veterans Benefits Improvements Act of 1996 (P.L. 104–275) | 3 | | |

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 105TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1997, AS OF CLOSE OF BUSINESS JANUARY 21, 1997—Continued

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| Central Utah Project Completion Act (P.L. 104–286) | −72 | −72 | |
| Technical Corrections and Amendments to Trade Laws (P.L. 104–295) | 1 | 1 | −8 |
| Sustainable Fisheries Act (P.L. 104–297) | | −1 | 1 |
| Navajo-Hopi Land Dispute Settlement Act, 1996 (P.L. 104–301) | 48 | 48 | |
| Accountable Pipeline Safety and Partnership Act of 1996 (P.L. 104–304) | 3 | 3 | |
| Fairness in Compensating Owners of Patents Used by the U.S. (P.L. 104–308) | 3 | 3 | |
| Repeal Requirement for Resident Review for Nursing Facilities (P.L. 104–315) | −8 | −8 | |
| Emergency Drought Relief Act of 1996 (P.L. 104–318) | 7 | 7 | |
| Coast Guard Authorization Act of 1995 (P.L. 104–324) | 3 | 3 | |
| United States Commemorative Coin Act of 1996 (P.L. 104–329) | | −6 | |
| Total enacted this session | 682,040 | 474,980 | 1,177 |
| ENTITLEMENTS AND MANDATORIES | | | |
| Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted | 6,428 | 6,015 | |
| Total Current Level | 1,331,836 | 1,323,900 | 1,101,532 |
| Total Budget Resolution | 1,314,935 | 1,311,321 | 1,083,728 |
| Amount remaining: | | | |
| Under Budget Resolution | | | |
| Over Budget Resolution | 16,901 | 12,579 | 17,804 |
| ADDENDUM | | | |
| Emergencies: | | | |
| Funding that has been designated as an emergency requirement by the President and the Congress | 1,555 | 1,210 | |
| Funding that has been designated as an emergency requirement only by the Congress and is not available for obligation until requested by the President | 364 | 323 | |
| Total emergencies | 1,919 | 1,533 | |
| Total current level including emergencies | 1,333,755 | 1,325,433 | 1,101,532 |

[1] This act includes 1997 funding for six appropriation bills (Commerce/Justice, Defense, Foreign Operations, Interior, Labor/HHS/Education, and Treasury) and additional appropriations for hurricane and flood recovery, firefighting and antiterrorism. There are also several provisions that affect the following direct spending programs: FCC auction receipts, Bank Insurance Funds, and Food Stamp program, and the Small Business Administration loan program account.

[2] The supporting detail for the On-Budget Current Level Report, dated September 24, 1996, had on-budget revenues for this act of $579 million. Since that report, the Joint Committee on Taxation has revised this estimate to $550 million.●

## FARMERS AND THE ALTERNATIVE MINIMUM TAX

● Mrs. MURRAY. Mr. President, I am pleased to join over 50 of my colleagues today in cosponsoring legislation to solve an unfortunate tax problem drastically affecting farmers in Washington State and throughout the Nation. This bill will prevent the alternative minimum tax from being applied to deferred payment contracts.

Farmers routinely use deferred payment contracts to assist their money management and farm operations. Wheat growers, potato growers, and other farmers in Washington State often enter into contracts requiring them to sell and deliver their crops on a specified date for a fixed amount. While these contracts may be entered into one year, the payments to the farmers agreed to in the contract, either in total or in part, often will not be received by the farmer until the following year. The Internal Revenue Service is now saying that farmers must pay taxes in the year of the contract, not the year of payment. I think it is wrong to require farmers to pay taxes on income they have not yet received. I believe most Americans would agree.

Farmers are not trying to avoid paying taxes. They simply consider it unfair to be burdened with a tax liability prior to receiving payment. I am particularly concerned about the retroactive approach the Internal Revenue Service has taken with regard to this issue. While the 1986 Tax Act omitted the exemption from the AMT for farmers, the IRS failed to impose the alternative minimum tax for 8 years. Now, all of a sudden, the IRS is imposing the AMT. And not only for the current year, but for all years open to audit. This could well cost family farmers tens of thousands of dollars. We cannot afford to impose such an egregious obligation on our family farms. It is not right. This bill will correct the situation.

This bill will make it clear that the alternative minimum tax shall not be applied to installment sales of farmers. It will insure that farmers pay taxes when they get paid, not before. It is that simple. While fancy terms like alternative minimum tax, deferred payment contracts, and installment sales of inventory property make the issue sound complex, it is really about simple tax fairness—paying taxes on income received, not on income expected.

The IRS Commissioner has stated that the IRS will not oppose this legislation. In addition, the Department of the Treasury welcomes "the opportunity to work with [Congress] to address this matter through corrective legislation". With a majority of the Senate cosponsoring this bill, my colleagues from both sides of the aisle and all parts of the country, I look forward to its timely consideration.●

## BIPARTISAN CAMPAIGN REFORM ACT

● Mr. FEINGOLD. Mr. President, yesterday I joined with the senior Senator from Arizona [Mr. MCCAIN] and others in introducing S. 25, the Bipartisan Campaign Reform Act. I ask that the text of the bill be printed in the RECORD.

S. 25

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Bipartisan Campaign Reform Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SENATE ELECTION SPENDING LIMITS AND BENEFITS

Sec. 101. Senate election spending limits and benefits.
Sec. 102. Free broadcast time.
Sec. 103. Broadcast rates and preemption.
Sec. 104. Reduced postage rates.
Sec. 105. Contribution limit for eligible Senate candidates.
Sec. 106. Reporting requirement for Senate candidates.

TITLE II—REDUCTION OF SPECIAL INTEREST INFLUENCE

Subtitle A—Political Action Committees

Sec. 201. Ban on political action committee contributions to Federal candidates.

Subtitle B—Provisions Relating to Soft Money of Political Party Committees

Sec. 211. Soft money of political party committee.
Sec. 212. State party grassroots funds.
Sec. 213. Reporting requirements.

Subtitle C—Soft Money of Persons Other Than Political Parties

Sec. 221. Soft money of persons other than political parties.

Subtitle D—Contributions

Sec. 231. Contributions through intermediaries and conduits.

Subtitle E—Independent Expenditures

Sec. 241. Reporting requirements for certain independent expenditures.

TITLE III—ENFORCEMENT

Sec. 301. Filing of reports using computers and facsimile machines.
Sec. 302. Audits.
Sec. 303. Authority to seek injunction.
Sec. 304. Reporting requirements for contributions of $50 or more.
Sec. 305. Increase in penalty for knowing and willful violations.

Sec. 306. Prohibition of contributions by individuals not qualified to vote.
Sec. 307. Use of candidates' names.
Sec. 308. Prohibition of false representation to solicit contributions.
Sec. 309. Expedited procedures.
TITLE IV—MISCELLANEOUS
Sec. 401. Use of contributed amounts for certain purposes.
Sec. 402. Campaign advertising.
Sec. 403. Limit on congressional use of the franking privilege.
Sec. 404. Party independent expenditures.
Sec. 405. Coordinated expenditures; independent expenditures.
Sec. 406. Express advocacy.
TITLE V—CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS
Sec. 501. Severability.
Sec. 502. Review of constitutional issues.
Sec. 503. Effective date.
Sec. 504. Regulations.

## TITLE I—SENATE ELECTION SPENDING LIMITS AND BENEFITS

### SEC. 101. SENATE ELECTION SPENDING LIMITS AND BENEFITS.

(a) IN GENERAL.—The Federal Election Campaign Act of 1971 is amended by adding at the end the following new title:

### "TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

#### "SEC. 501. DEFINITIONS.

"In this title:

"(1) ELIGIBLE SENATE CANDIDATE.—The term 'eligible Senate candidate' means a candidate who the Commission has certified under section 505 as an eligible primary election Senate candidate or as an eligible general election Senate candidate.

"(2) GENERAL ELECTION EXPENDITURE LIMIT.—The term 'general election expenditure limit', with respect to an eligible Senate candidate, means the limit applicable to the eligible Senate candidate under section 503(d).

"(3) OUT-OF-STATE RESIDENT CONTRIBUTION LIMIT.—The term 'out-of-State resident contribution limit', with respect to an eligible Senate candidate, means the limit applicable to the candidate under section 502(e).

"(4) PERSONAL FUNDS EXPENDITURE LIMIT.—The term 'personal funds expenditure limit' means the limit stated in section 503(a).

"(5) PRIMARY ELECTION EXPENDITURE LIMIT.—The term 'primary election expenditure limit', with respect to an eligible Senate candidate, means the limit applicable to the eligible Senate candidate under section 503(b).

"(6) RUNOFF ELECTION EXPENDITURE LIMIT.—The term 'runoff election expenditure limit', with respect to an eligible Senate candidate, means the limit applicable to the eligible Senate candidate under section 503(c).

#### "SEC. 502. ELIGIBLE SENATE CANDIDATES.

"(a) IN GENERAL.—A candidate is—

"(1) an eligible primary election Senate candidate if the Commission certifies under section 505 that the candidate—

"(A) has met the primary election filing requirement of subsection (b); and

"(B) has met the threshold contribution requirement of subsection (d); and

"(2) an eligible general election Senate candidate if the Commission certifies under section 505 that the candidate—

"(A) has met the general election filing requirement of subsection (c); and

"(B) has been certified as an eligible primary election Senate candidate.

"(b) PRIMARY ELECTION FILING REQUIREMENT.—

"(1) IN GENERAL.—The requirement of this subsection is met if the candidate files with the Commission a declaration that—

"(A) the candidate and the candidate's authorized committees—

"(i)(I) will not exceed the personal funds expenditure limit, primary election expenditure limit, runoff election expenditure limit, or general election expenditure limit; and

"(II) will accept only amounts of contributions for the primary election, any runoff election, and the general election that do not exceed the primary election expenditure limit, runoff election expenditure limit, and general election expenditure limit (reduced by any amount transferred to the current election cycle from a preceding election); and

"(ii) will not accept contributions for the primary election, any runoff election, or the general election that would cause the candidate to exceed the out-of-State resident contribution limit; and

"(B) at least 1 other candidate has qualified for the same primary election ballot under the law of the candidate's State.

"(2) DEADLINE FOR FILING PRIMARY ELECTION DECLARATION.—The declaration under paragraph (1) shall be filed not later than the date on which the candidate files with the appropriate State officer as a candidate for the primary election.

"(c) GENERAL ELECTION FILING REQUIREMENT.—

"(1) IN GENERAL.—The requirement of this subsection is met if the candidate files with the Commission—

"(A) a declaration under penalty of perjury, with supporting documentation as required by the Commission, that—

"(i) the candidate and the candidate's authorized committees—

"(I) did not exceed the personal funds expenditure limit, primary election expenditure limit, or runoff election expenditure limit;

"(II) did not accept amounts of contributions for the primary election or any runoff election in excess of the primary election expenditure limit or runoff election expenditure limit (reduced by any amount transferred to the current election cycle from a preceding election); and

"(III) did not accept contributions for the primary election or any runoff election that caused the candidate to exceed the out-of-State resident contribution limit;

"(ii) the candidate has met the threshold contribution requirement of subsection (d), as demonstrated by documents accompanying the declaration under subsection (b) or the declaration under this subsection; and

"(iii) at least 1 other candidate has qualified for the same general election ballot under the law of the candidate's State; and

"(B) a declaration that candidate and the candidate's authorized committees—

"(i) except as otherwise provided by this title, will not make expenditures in excess of the personal funds expenditure limit or general election expenditure limit; and

"(ii) except as otherwise provided by this title, will not accept any contribution for the general election to the extent that the contribution—

"(I) would cause the aggregate amount of contributions accepted to exceed the amount of the general election expenditure limit, reduced by any amounts transferred to the current election cycle from a previous election and not taken into account under subparagraph (A)(ii); or

"(II) would cause the candidate to exceed the out-of-State resident contribution limit.

"(2) DEADLINE FOR FILING GENERAL ELECTION DECLARATION.—The declaration under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date on which the candidate qualifies for the general election ballot under State law; or

"(B) if under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date on which the candidate wins the primary or runoff election.

"(d) THRESHOLD CONTRIBUTION REQUIREMENT.—

"(1) IN GENERAL.—The requirement of this subsection is met—

"(A) if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to the lesser of—

"(i) 10 percent of the general election expenditure limit; or

"(ii) $250,000; and

"(B) the candidate files with the Commission a statement under penalty of perjury that the requirement of subparagraph (A) has been met, with supporting materials demonstrating that the requirement has been met.

"(2) DEFINITIONS.—In this subsection:

"(A) ALLOWABLE CONTRIBUTION.—

"(i) IN GENERAL.—The term 'allowable contribution' means a contribution that is made as a gift of money by an individual pursuant to a written instrument identifying the individual as the contributor.

"(ii) EXCLUSIONS.—The term 'allowable contribution' does not include a contribution from—

"(I) an individual residing outside the candidate's State to the extent that acceptance of the contribution would bring a candidate out of compliance with subsection (e); or

"(II) a source described in section 503(a)(2).

"(B) APPLICABLE PERIOD.—The term 'applicable period' means—

"(i) the period beginning on January 1 of the calendar year preceding the calendar year of a general election and ending on the date on which the declaration under subsection (b) is filed by the candidate; or

"(ii) in the case of a special election for the office of United States Senator, the period beginning on the date on which the vacancy in the office occurs and ending on the date of the general election.

"(e) OUT-OF-STATE RESIDENT CONTRIBUTION LIMIT.—

"(1) REQUIREMENT.—

"(A) IN GENERAL.—The requirement of this subsection is met if at least 60 percent of the total amount of contributions accepted by the candidate and the candidate's authorized committees are from individuals who are legal residents of the candidate's State.

"(B) SPECIAL RULE FOR SMALL STATES.—In the case of a candidate to which the general election expenditure limit under section 503(d)(1)(B)(i) applies, the requirement of this subsection is met if, at the option of the candidate—

"(i) at least 60 percent of the total amount of contributions accepted by the candidate and the candidate's authorized committees are from individuals who are legal residents of the candidate's State; or

"(ii) at least 60 percent of the number of individuals whose names are reported to the Commission as individuals from whom the candidate and the candidate's authorized committees accept contributions are legal residents of the candidate's State.

"(2) PERSONAL FUNDS.—For purposes of paragraph (1), amounts consisting of funds

from sources described in section 503(a) shall be treated as contributions from individuals residing outside the candidate's State.

"(3) TIME FOR MEETING REQUIREMENT.—The aggregate amount of contributions received by an eligible Senate candidate as of the end of each reporting period under section 304 shall meet the requirement of paragraph (1).

"(4) REPORTING REQUIREMENTS.—In addition to information required to be reported under section 304, a candidate that elects to comply with the requirements of paragraph (1)(B)(ii) shall include in each report required to be filed under section 304 the name and address of and the amount of contributions made by each individual that, during the calendar year in which the reporting period occurs, makes contributions aggregating $20 or more.

**"SEC. 503. EXPENDITURE LIMITS.**

"(a) PERSONAL FUNDS EXPENDITURE LIMIT.—

"(1) IN GENERAL.—The aggregate amount of expenditures that may be made during an election cycle by an eligible Senate candidate or the candidate's authorized committees from the sources described in paragraph (2) shall not exceed the lesser of—

"(A) 10 percent of the general election expenditure limit; or

"(B) $250,000.

"(2) SOURCES.—A source is described in this paragraph if the source is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) proceeds of indebtedness incurred by the candidate or a member of the candidate's immediate family.

"(b) PRIMARY ELECTION EXPENDITURE LIMIT.—The aggregate amount of expenditures for a primary election by an eligible primary election Senate candidate and the candidate's authorized committees shall not exceed the lesser of—

"(1) 67 percent of the general election expenditure limit; or

"(2) $2,750,000.

"(c) RUNOFF ELECTION EXPENDITURE LIMIT.—The aggregate amount of expenditures for a runoff election by an eligible primary election Senate candidate and the candidate's authorized committees shall not exceed 20 percent of the general election expenditure limit.

"(d) GENERAL ELECTION EXPENDITURE LIMIT.—

"(1) IN GENERAL.—Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an eligible general election Senate candidate and the candidate's authorized committees shall not exceed the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $950,000; or

"(ii) $400,000; plus

"(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) EXCEPTION.—In the case of an eligible Senate candidate in a State that has not more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B)(ii) shall be applied by substituting—

"(A) '80 cents' for '30 cents' in subclause (I); and

"(B) '70 cents' for '25 cents' in subclause (II).

"(e) EXCEPTIONS FOR COMPLYING CANDIDATES RUNNING AGAINST NONCOMPLYING CANDIDATES.—

"(1) FUNDRAISING IN ANTICIPATION OF INCREASE.—Notwithstanding any other provision of this title, if any opponent of an eligible Senate candidate is a noneligible candidate who—

"(A) has received contributions; or

"(B) has made expenditures from a source described in subsection (a);

in an aggregate amount equal to 50 percent of the primary election expenditure limit, runoff election expenditure limit, or general election expenditure limit, the eligible Senate candidate may accept contributions in excess of the primary election expenditure limit, runoff election expenditure limit, or general election expenditure limit (as the case may be) so long as the eligible Senate candidate does not make any expenditures with such excess contributions before becoming entitled to an increase in the limit under paragraph (2) or (3).

"(2) 50 PERCENT INCREASE.—If any opponent of an eligible Senate candidate is a noneligible candidate who has made expenditures in an aggregate amount equal to 105 percent of the primary election expenditure limit, runoff election expenditure limit, or general election expenditure limit, the primary election expenditure limit, runoff election expenditure limit, or general election expenditure limit (as the case may be of the eligible Senate candidate) shall be increased by 50 percent.

"(3) 100 PERCENT INCREASE.—If any opponent of an eligible Senate candidate is a noneligible candidate who has made expenditures in an aggregate amount equal to 155 percent of the primary election expenditure limit, runoff election expenditure limit, or general election expenditure limit, the primary election expenditure limit, runoff election expenditure limit, or general election expenditure limit (as the case may be of the eligible Senate candidate) shall be increased by 100 percent.

"(f) EXPENDITURES IN RESPONSE TO INDEPENDENT EXPENDITURES.—If an eligible Senate candidate is notified by the Commission under section 304(c)(4) that independent expenditures in an aggregate amount of $10,000 or more have been made in the same election in support of another candidate or against the eligible Senate candidate, the eligible Senate candidate shall be permitted to spend an amount equal to the amount of the independent expenditures, and any such expenditures shall not be subject to any limit applicable under this title to the eligible candidate for the election.

"(g) INDEXING.—The amounts under subsections (b)(1) and (d)(1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that the base period shall be calendar year 1997.

"(h) PAYMENT OF TAXES.—The primary election expenditure limit, runoff election expenditure limit, and general election expenditure limit shall not apply to any expenditure for Federal, State, or local taxes with respect to earnings on contributions raised.

"(i) NOTICE OF FAILURE TO COMPLY WITH REQUIREMENTS.—A candidate who filed a declaration under section 502 and subsequently acts in a manner that is inconsistent with any of the statements made in the declaration shall, not later than 24 hours after the first of the acts—

"(1) file with the Commission a notice describing those acts; and

"(2) notify all other candidates for the same office by sending a copy of the notice by certified mail, return receipt requested.

**"SEC. 504. BENEFITS FOR ELIGIBLE CANDIDATES.**

"If an eligible Senate candidate has an opponent who has qualified for the ballot and who has received contributions (or expended funds from a source described in section 503(a)(2)) in an amount equal to 10 percent or more of the applicable expenditure limit, the eligible Senate candidate shall be entitled to—

"(1) the broadcast media rates provided under section 315(b) of the Communications Act of 1934;

"(2) the free broadcast time provided under section 315(c) of the Communications Act of 1934; and

"(3) the reduced postage rates provided in section 3626(e) of title 39, United States Code.

**"SEC. 505. CERTIFICATION BY COMMISSION.**

"(a) IN GENERAL.—The Commission shall determine whether a candidate has met the requirements of this title and, based on the determination, issue a certification stating whether the candidate is an eligible Senate candidate entitled to receive benefits under this title.

"(b) CERTIFICATION.—

"(1) PRIMARY ELECTION.—Not later than 7 business days after a candidate files a declaration under section 502(b), the Commission shall determine whether the candidate meets the eligibility requirements of section 502(b)(1) and, if so, certify that the candidate is an eligible primary election Senate candidate entitled to receive benefits under this title.

"(2) GENERAL ELECTION.—Not later than 7 business days after a candidate files a declaration under section 502(c), the Commission shall determine whether the candidate meets the eligibility requirement of section 502(c)(1), and, if so, certify that the candidate is an eligible general election Senate candidate entitled to receive benefits under this title.

"(c) REVOCATION.—

"(1) IN GENERAL.—The Commission shall revoke a certification under subsection (a), based on information submitted in such form and manner as the Commission may require or on information that comes to the Commission by other means, if the Commission determines that a candidate—

"(A) violates any of the expenditure limits contained in this title by making an aggregate amount of expenditures that exceeds any applicable expenditure limit by 5 percent or more;

"(B) uses a benefit made available to a candidate under this title in a manner not provided for in this title; or

"(C) fails to continue to meet the requirement of this title.

"(2) NO FURTHER BENEFITS.—A candidate whose certification has been revoked shall be ineligible for any further benefits made available under this title for the duration of the election cycle.

"(d) DETERMINATIONS BY COMMISSION.—A determination (including a certification under subsection (a)) made by the Commission under this title shall be final, except to the extent that the determination is subject to examination and audit by the Commission under section 506 and to judicial review.

**"SEC. 506. MISUSE OF BENEFITS.**

"(a) MISUSE OF BENEFITS.—If the Commission revokes the certification of an eligible Senate candidate, the Commission shall so notify the candidate, and the candidate shall pay to the provider of any benefit received by the candidate under this title an amount equal to the difference between the amount the candidate paid for such benefit and the amount the candidate would have paid for

the benefit if the candidate were not an eligible Senate candidate.

"(b) CIVIL PENALTIES.—

"(1) LOW AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed a limitation under this title by 2.5 percent or less shall pay to the Commission an amount equal to the amount of the excess expenditures.

"(2) MEDIUM AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed a limitation under this title by more than 2.5 percent and less than 5 percent shall pay to the Commission an amount equal to 3 times the amount of the excess expenditures.

"(3) LARGE AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed a limitation under this title by 5 percent or more shall pay to the Commission an amount equal to 3 times the amount of the excess expenditures plus a civil penalty to be imposed pursuant to section 309.".

(b) EXPENDITURES MADE BEFORE EFFECTIVE DATE.—An expenditure shall not be counted as an expenditure for purposes of the expenditure limits contained in the amendment made by subsection (a) if the expenditure is made before the date that is 60 days after the date of enactment of this Act.

**SEC. 102. FREE BROADCAST TIME.**

(a) IN GENERAL.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) in the third sentence of subsection (a) by striking "within the meaning of this subsection" and inserting "within the meaning of this subsection and subsection (c)";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following:

"(c) FREE BROADCAST TIME.—

"(1) IN GENERAL.—Except as provided in paragraph (3), each eligible Senate candidate who has qualified for the general election ballot as a candidate of a major or minor party shall be entitled to receive a total of 30 minutes of free broadcast time from broadcasting stations within the candidate's State or an adjacent State.

"(2) TIME.—

"(A) PRIME TIME.—Unless a candidate elects otherwise, the broadcast time made available under this subsection shall be between 6:00 p.m. and 10:00 p.m. on any day that falls on Monday through Friday.

"(B) LENGTH OF BROADCAST.—Except as otherwise provided in this Act, a candidate may use such time as the candidate elects, but time may not be used in lengths of less than 30 seconds or more than 5 minutes.

"(C) MAXIMUM REQUIRED OF ANY ONE STATION.—A candidate may not request that more than 15 minutes of free broadcast time be aired by any one broadcasting station.

"(3) MORE THAN 2 CANDIDATES.—In the case of an election among more than 2 candidates described in paragraph (1), only 60 minutes of broadcast time shall be available for all such candidates, and broadcast time shall be allocated as follows:

"(A) MINOR PARTY CANDIDATES.—The amount of broadcast time that shall be provided to the candidate of a minor party shall be equal to 60 minutes multiplied by the percentage of the number of popular votes received by the candidate of that party in the preceding general election for the Senate in the State (or if subsection (e)(4)(B) applies, the percentage determined under that subsection).

"(B) MAJOR PARTY CANDIDATES.—The amount of broadcast time remaining after assignment of broadcast time to minor party candidates under clause (i) shall be allocated equally between the major party candidates.

"(4) ONLY 1 CANDIDATE.—In the case of an election in which only 1 candidate qualifies to be on the general election ballot, no time shall be required to be provided by a broadcasting station under this subsection.

"(5) EXEMPTION.—The Federal Election Commission shall by regulation establish a procedure to exempt from the requirements of this subsection—

"(A) licensees the signals of which are broadcast substantially nationwide; and

"(B) licensees that establish that the requirements of this subsection would impose a significant economic hardship on the licensees."; and

(4) in subsection (d) (as redesignated by paragraph (2))—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(C) by adding at the end the following:

"(3) the term 'major party' means, with respect to an election for the United States Senate in a State, a political party whose candidate for the United States Senate in the preceding general election for the Senate in that State received, as a candidate of that party, 25 percent or more of the number of popular votes received by all candidates for the Senate;

"(4) the term 'minor party' means, with respect to an election for the United States Senate in a State, a political party—

"(A) whose candidate for the United States Senate in the preceding general election for the Senate in that State received 5 percent or more but less than 25 percent of the number of popular votes received by all candidates for the Senate; or

"(B) whose candidate for the United States Senate in the current general election for the Senate in that State has obtained the signatures of at least 5 percent of the State's registered voters, as determined by the chief voter registration official of the State, in support of a petition for an allocation of free broadcast time under this subsection; and

"(5) the term 'Senate election cycle' means, with respect to an election to a seat in the United States Senate, the 6-year period ending on the date of the general election for that seat.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 60 days after the date of enactment of this Act.

**SEC. 103. BROADCAST RATES AND PREEMPTION.**

(a) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking "(b) The charges" and inserting the following:

"(b) BROADCAST MEDIA RATES.—

"(1) IN GENERAL.—The charges";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adjusting the margins accordingly;

(3) in paragraph (1)(A) (as redesignated by paragraph (2))—

(A) by striking "forty-five" and inserting "30"; and

(B) by striking "lowest unit charge of the station for the same class and amount of time for the same period" and inserting "lowest charge of the station for the same amount of time for the same period on the same date"; and

(4) by adding at the end the following:

"(2) SENATE CANDIDATES.—

"(A) ELIGIBLE SENATE CANDIDATES.—In the case of an eligible Senate candidate (within the meaning of section 501 of the Federal Election Campaign Act), the charges for the use of a television broadcasting station during the 30-day period and 60-day period referred to in paragraph (1)(A) shall not exceed 50 percent of the lowest charge described in paragraph (1)(A).

"(B) NONELIGIBLE SENATE CANDIDATES.—In the case of a candidate for the United States Senate who is not an eligible Senate candidate, paragraph (1)(A) shall not apply.".

(b) PREEMPTION; ACCESS.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315), as amended by section 102(a), is amended—

(1) by redesignating subsections (d) and (e) (as redesignated by section 102(a)(2)), as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following:

"(d) PREEMPTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1)(A), of a broadcasting station by an eligible Senate candidate who has purchased and paid for such use pursuant to subsection (b)(2).

"(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.".

(c) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

(1) by striking "or repeated";

(2) by inserting "or cable system" after "broadcasting station"; and

(3) by striking "his candidacy" and inserting "the candidacy of the candidate, under the same terms, conditions, and business practices as apply to the most favored advertiser of the licensee".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 60 days after the date of enactment of this Act.

**SEC. 104. REDUCED POSTAGE RATES.**

(a) IN GENERAL.—Section 3626(e) of title 39, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "and the National" and inserting "the National"; and

(ii) by inserting before the semicolon the following: ", and, subject to paragraph (3), the principal campaign committee of an eligible Senate candidate;";

(B) in subparagraph (B), by striking "and" after the semicolon;

(C) in subparagraph (C), by striking the period and inserting a semicolon; and

(D) by adding at the end the following:

"(D) the term 'principal campaign committee' has the meaning given in section 301 of the Federal Election Campaign Act of 1971; and

"(E) the term 'eligible Senate candidate' has the meaning given in section 501 of the Federal Election Campaign Act of 1971."; and

(2) by adding after paragraph (2) the following:

"(3) The rate made available under this subsection with respect to an eligible Senate candidate shall apply only to that number of pieces of mail that is equal to 2 times the number of individuals in the voting age population (as certified under section 315(e) of the Federal Election Campaign Act of 1971) of the State.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 60 days after the date of enactment of this Act.

**SEC. 105. CONTRIBUTION LIMIT FOR ELIGIBLE SENATE CANDIDATES.**

Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (A), by inserting "except as provided in subparagraph (B)," before "to";

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(3) by inserting after subparagraph (A) the following:

"(B) if the general election expenditure limit, primary election expenditure limit, or runoff limit election expenditure limit applicable to an eligible Senate candidate has been increased under section 503(d), to the eligible Senate candidate and the authorized political committees of the candidate with respect to any election for the office of United States Senator, which, in the aggregate, exceed $2,000;".

**SEC. 106. REPORTING REQUIREMENT FOR SENATE CANDIDATES.**

(a) CONTRIBUTIONS BY IN-STATE RESIDENTS.—Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended—

(1) by striking "and" at the end of subparagraph (J);

(2) by striking the period at the end of subparagraph (K) and inserting "; and"; and

(3) by adding at the end the following:

"(L) in the case of an eligible Senate candidate, the total amount of contributions from individuals who are residents of the State in which the candidate seeks office.".

(b) REPORTS BY SENATE CANDIDATES.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 221) is amended by adding at the end the following:

"(h) SENATE CANDIDATES.—

"(1) EXPENDITURES OF PERSONAL FUNDS.—

"(A) IN GENERAL.—A candidate for the Senate who during an election cycle makes expenditures from sources described in section 503(a)(2) in excess of the personal funds expenditure limit under 503(a) shall report the expenditures to the Commission within 48 hours after the expenditures have been made.

"(B) ADDITIONAL REPORTS.—A candidate shall file an additional report within 48 hours after the date on which the candidate makes expenditures for the general election from sources described in section 503(a)(2) that in the aggregate exceed 25 percent of the general election expenditure limit.

"(2) EXPENDITURES OF PERSONAL FUNDS BY A SENATE CANDIDATE WHO IS NOT AN ELIGIBLE CANDIDATE.—

"(A) IN GENERAL.—A primary election Senate candidate or general election Senate candidate who is not certified as an eligible candidate under section 505 and who has received contributions or made expenditures from sources described in section 503(a)(2) in an aggregate amount that exceeds 50 percent of the general election expenditure limit shall file a report with the Commission within 48 hours after that amount of contributions have been received or expenditures have been made.

"(B) ADDITIONAL REPORTS.—A primary election Senate candidate or general election Senate candidate shall file an additional report within 48 hours after the candidate has received contributions or made expenditures from sources described in section 503(a)(2) in an aggregate amount that exceeds 105 percent or 155 percent of the applicable expenditure limits.

"(3) NOTIFICATION.—Within 48 hours after a report is filed under paragraph (1) or (2), the Commission shall notify each eligible Senate candidate in the election of the filing.

"(4) REPORT AND NOTIFICATION REQUIREMENTS WITHIN 20 DAYS OF AN ELECTION.—

"(A) REPORTS.—If any act which requires the filing of any report under paragraphs (1) or (2) occurs after the 20th day, but more than 24 hours before an election, the report shall be filed by the candidate within 24 hours of the occurrence of the act.

"(B) NOTIFICATION.—For any such report filed under this subsection, the Commission shall notify the appropriate eligible Senate candidate within 24 hours after the filing of such report.".

## TITLE II—REDUCTION OF SPECIAL INTEREST INFLUENCE

### Subtitle A—Political Action Committees

**SEC. 201. BAN ON POLITICAL ACTION COMMITTEE CONTRIBUTIONS TO FEDERAL CANDIDATES.**

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

**"SEC. 324. BAN ON POLITICAL ACTION COMMITTEE CONTRIBUTIONS TO FEDERAL CANDIDATES.**

"Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make a contribution to a candidate or candidate's authorized committee.".

(b) DEFINITION OF POLITICAL COMMITTEE.—

(1) SECTION 301(4).—Section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof;

"(C) any local committee of a political party that—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year; and

"(D) any committee jointly established by a principal campaign committee and any committee described in subparagraph (B) or (C) for the purpose of conducting joint fundraising activities.".

(2) SECTION 316(b)(2).—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended—

(A) by inserting "or" after "subject;";

(B) by striking "and their families; and" and inserting "and their families."; and

(C) by striking subparagraph (C).

(c) CANDIDATE'S COMMITTEES.—

(1) CONTRIBUTIONS TO AUTHORIZED COMMITTEE.—Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by adding at the end the following:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee that is established, financed, maintained, or controlled, directly or indirectly, by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder.".

(2) DESIGNATION OF AUTHORIZED COMMITTEE.—Section 302(e)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by striking paragraph (3) and inserting the following:

"(3) No political committee that supports, or has supported, more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.".

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), during any period beginning after the effective date in which the limitation under section 324 (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a), (b), and (c) shall not be in effect; and

(2)(A) it shall be unlawful for a candidate for election, or nomination for election, to the Senate or an authorized committee of a Senate candidate to accept a contribution from a multicandidate political committee or an intermediary or conduit (within the meaning of paragraph (8)), to the extent that the making or accepting of the contribution would cause the aggregate amount of contributions received by the candidate and the candidate's authorized committees from multicandidate political committees, intermediaries, and conduits to exceed 20 percent of the primary election expenditure limit, runoff election expenditure limit, or general election expenditure limit (as those terms are defined in section 501) that is applicable (or, if the candidate were an eligible Senate candidate (as defined in section 501), would be applicable) to the candidate, and a candidate shall return to the contributor the excess of any contributions received over the amount of contributions allowed to be accepted under this subparagraph; and

(B) it shall be unlawful for a political committee, intermediary, or conduit to make a contribution to any candidate or an authorized committee of a candidate that, in the aggregate, exceeds the amount that an individual is permitted, under section 315(a), to make directly to the candidate and candidate's authorized committees.

### Subtitle B—Provisions Relating to Soft Money of Political Party Committees

**SEC. 211. SOFT MONEY OF POLITICAL PARTY COMMITTEE.**

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 201) is amended by adding at the end the following:

**"SEC. 325. SOFT MONEY OF PARTY COMMITTEES.**

"(a) NATIONAL COMMITTEES.—A national committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee or its agent, an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity (but not including an entity regulated under subsection (b)) shall not solicit or receive any contributions, donations, or transfers of funds, or spend any funds,

that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

"(1) IN GENERAL.—Any amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of any such committee or entity) during a calendar year in which a Federal election is held, for any activity that might affect the outcome of a Federal election, including any voter registration or get-out-the-vote activity, any generic campaign activity, and any communication that refers to a candidate (regardless of whether a candidate for State or local office is also mentioned or identified) shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) ACTIVITY EXCLUDED FROM PARAGRAPH (1).—

"(A) IN GENERAL.—Paragraph (1) shall not apply to an expenditure or disbursement made by a State, district, or local committee of a political party for—

"(i) a contribution to a candidate for State or local office if the contribution is not designated or otherwise earmarked to pay for an activity described in paragraph (1);

"(ii) the costs of a State, district, or local political convention;

"(iii) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of any individual who spends more than 20 percent of the individual's time on activity during the month that may affect the outcome of a Federal election) except that for purposes of this paragraph, the non-Federal share of a party committee's administrative and overhead expenses shall be determined by applying the ratio of the non-Federal disbursements to the total Federal expenditures and non-Federal disbursements made by the committee during the previous presidential election year to the committee's administrative and overhead expenses in the election year in question;

"(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs that name or depict only a candidate for State or local office; and

"(v) the cost of any campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, if the candidate activity is not an activity described in paragraph (1).

"(B) FUNDRAISING COSTS.—Any amount spent by a national, State, district, or local committee, by an entity that is established, financed, maintained, or controlled by a State, district, or local committee of a political party, or by an agent or officer of any such committee or entity to raise funds that are used, in whole or in part, to pay the costs of an activity described in paragraph (1) shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(c) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party, an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, an agent acting on behalf of any such party committee, and an officer or agent acting on behalf of any such party committee or entity), shall not solicit any funds for or make any donations to an organization that is exempt from Federal taxation under section 501(c) of the Internal Revenue Code of 1986.

"(d) CANDIDATES.—

"(1) IN GENERAL.—A candidate, individual holding Federal office, or agent of a candidate or individual holding Federal office shall not—

"(A) solicit, receive, transfer, or spend funds in connection with an election for Federal office unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act;

"(B) solicit, receive, or transfer funds that are to be expended in connection with any election other than a Federal election unless the funds—

"(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under section 315(a) (1) and (2); and

"(ii) are not from sources prohibited by this Act from making contributions with respect to an election for Federal office; or

"(C) solicit, receive, or transfer any funds on behalf of any person that are not subject to the limitations, prohibitions, and reporting requirements of the Act if the funds are for use in financing any campaign-related activity or any communication that refers to a clearly identified candidate for Federal office.

"(2) EXCEPTION.—Paragraph (1) does not apply to the solicitation or receipt of funds by an individual who is a candidate for a State or local office if the solicitation or receipt of funds is permitted under State law for the individual's State or local campaign committee.".

**SEC. 212. STATE PARTY GRASSROOTS FUNDS.**

(a) INDIVIDUAL CONTRIBUTIONS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) (as amended by section 105) is amended—

(1) in subparagraph (C) by striking "or" at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

"(D) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000;

"(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000;

except that the aggregate contributions described in this subparagraph that may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $20,000; or".

(b) LIMITS.—

(1) IN GENERAL.—Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by striking paragraph (3) and inserting the following:

"(3) OVERALL LIMITS.—

"(A) INDIVIDUAL LIMIT.—No individual shall make contributions during any calendar year that, in the aggregate, exceed $30,000.

"(B) CALENDAR YEAR.—No individual shall make contributions during any calendar year—

"(i) to all candidates and their authorized political committees that, in the aggregate, exceed $25,000; or

"(ii) to all political committees established and maintained by State committees of a political party that, in the aggregate, exceed $20,000.

"(C) NONELECTION YEARS.—For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which the contribution is made shall be treated as being made during the calendar year in which the election is held.".

(c) DEFINITIONS.—Section 301 of the Federal Election Campaign Act of 1970 (2 U.S.C. 431) is amended by adding at the end the following:

"(20) The term 'generic campaign activity' means a campaign activity that promotes a political party and does not refer to any particular Federal or non-Federal candidate.

"(21) The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for purposes of making expenditures and other disbursements described in section 326(d).".

(d) STATE PARTY GRASSROOTS FUNDS.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 211) is amended by adding at the end the following:

**"SEC. 326. STATE PARTY GRASSROOTS FUNDS.**

"(a) DEFINITION.—In this section, the term 'State or local candidate committee' means a committee established, financed, maintained, or controlled by a candidate for other than Federal office.

"(b) TRANSFERS.—Notwithstanding section 315(a)(4), no funds may be transferred by a State committee of a political party from its State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except a transfer may be made to a district or local committee of the same political party in the same State if the district or local committee—

"(1) has established a separate segregated fund for the purposes described in subsection (d); and

"(2) uses the transferred funds solely for those purposes.

"(c) AMOUNTS RECEIVED BY GRASSROOTS FUNDS FROM STATE AND LOCAL CANDIDATE COMMITTEES.—

"(1) IN GENERAL.—Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in subsection (d) that are for the benefit of that candidate shall be treated as meeting the requirements of 325(b)(1) and section 304(d) if—

"(A) the amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in section 315(a) (1)(A) and (2)(A)(i); and

"(B) the State or local candidate committee—

"(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether those requirements are met; and

"(ii) certifies that the requirements were met.

"(2) DETERMINATION OF COMPLIANCE.—For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in paragraph (1)(A)—

"(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee; and

"(B) the committee must be able to demonstrate that its cash on hand contains funds meeting those requirements sufficient to cover the transferred funds.

"(3) REPORTING.—Notwithstanding paragraph (1), any State Party Grassroots Fund that receives a transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from the candidate committee.

"(d) DISBURSEMENTS AND EXPENDITURES.—A State committee of a political party may make disbursements and expenditures from its State Party Grassroots Fund only for—

"(1) any generic campaign activity;

"(2) payments described in clauses (v), (x), and (xii) of paragraph (8)(B) and clauses (iv), (viii), and (ix) of paragraph (9)(B) of section 301;

"(3) subject to the limitations of section 315(d), payments described in clause (xii) of paragraph (8)(B), and clause (ix) of paragraph (9)(B), of section 301 on behalf of candidates other than for President and Vice President;

"(4) voter registration; and

"(5) development and maintenance of voter files during an even-numbered calendar year.".

**SEC. 213. REPORTING REQUIREMENTS.**

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 241) is amended by adding at the end the following:

"(e) POLITICAL COMMITTEES.—

"(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 325 APPLIES.—A political committee (not described in paragraph (1)) to which section 325(b)(1) applies shall report all receipts and disbursements made for activities described in section 325(b) (1) and (2)(iii).

"(3) OTHER POLITICAL COMMITTEES.—Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements that are used in connection with a Federal election.

"(4) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

"(5) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

(c) REPORTS BY STATE COMMITTEES.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by subsection (a)) is amended by adding at the end the following:

"(f) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.".

(d) OTHER REPORTING REQUIREMENTS.—

(1) AUTHORIZED COMMITTEES.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(A) by striking "and" at the end of subparagraph (H);

(B) by inserting "and" at the end of subparagraph (I); and

(C) by adding at the end the following new subparagraph:

"(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;".

(2) NAMES AND ADDRESSES.—Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting ", and the election to which the operating expenditure relates" after "operating expenditure".

**Subtitle C—Soft Money of Persons Other Than Political Parties**

**SEC. 221. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.**

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 213) is amended by adding at the end the following:

"(f) ELECTION ACTIVITY OF PERSONS OTHER THAN POLITICAL PARTIES.—

"(1) IN GENERAL.—A person other than a committee of a political party that makes aggregate disbursements totaling in excess of $10,000 for activities described in paragraph (2) shall file a statement with the Commission—

"(A) within 48 hours after the disbursements are made; or

"(B) in the case of disbursements that are made within 20 days of an election, within 24 hours after the disbursements are made.

"(2) ACTIVITY.—The activity described in this paragraph is—

"(A) any activity described in section 316(b)(2)(A) that refers to any candidate for Federal office, any political party, or any Federal election; and

"(B) any activity described in subparagraph (B) or (C) of section 316(b)(2).

"(3) ADDITIONAL STATEMENTS.—An additional statement shall be filed each time additional disbursements aggregating $10,000 are made by a person described in paragraph (1).

"(4) APPLICABILITY.—This subsection does not apply to—

"(A) a candidate or a candidate's authorized committees; or

"(B) an independent expenditure.

"(5) CONTENTS.—A statement under this section shall contain such information about the disbursements as the Commission shall prescribe, including—

"(A) the name and address of the person or entity to whom the disbursement was made;

"(B) the amount and purpose of the disbursement; and

"(C) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.".

**Subtitle D—Contributions**

**SEC. 231. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.**

Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended by striking paragraph (8) and inserting the following:

"(8) INTERMEDIARIES AND CONDUITS.—

"(A) DEFINITIONS.—In this paragraph:

"(i) ACTING ON BEHALF OF THE ENTITY.—The term 'acting on behalf of the entity' means soliciting one or more contributions—

"(I) in the name of an entity;

"(II) using other than incidental resources of an entity; or

"(III) by directing a significant portion of the solicitations to other officers, employees, agents, or members of an entity or their spouses, or by soliciting a significant portion of the other officers, employees, agents, or members of an entity or their spouses.

"(ii) BUNDLER.—The term 'bundler' means an intermediary or conduit that delivers contributions made by other persons, and that is any of the following persons:

"(I) A political committee (other than the authorized campaign committee of the candidate receiving the funds) or an officer, employee or agent of a political committee.

"(II) A corporation, labor organization, or partnership or an officer, employee, or agent of a corporation labor organization, or partnership, acting on behalf of the corporation, labor organization, or partnership.

"(III) A person required to be listed as a lobbyist on a registration or other report filed pursuant to the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) or any successor law that requires reporting on the activities of a person who is a lobbyist or foreign agent.

"(iii) DELIVER.—The term 'deliver' means to deliver contributions to a candidate by any method used or suggested by a bundler that communicates to the candidate (or to the person who receives the contributions on behalf of the candidate) that the bundler collected the contributions for the candidate, including such methods as—

"(I) personal delivery;

"(II) United States mail or similar services;

"(III) messenger service; and

"(IV) collection at an event or reception.

"(B) TREATMENT AS CONTRIBUTIONS FROM PERSONS BY WHOM MADE.—

"(i) IN GENERAL.—For purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of a candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to the candidate, shall be treated as contributions from the person to the candidate.

"(ii) REPORTING.—The intermediary or conduit through which a contribution is made shall report the name of the original contributor and the intended recipient of the contribution to the Commission and to the intended recipient.

"(C) TREATMENT AS CONTRIBUTIONS FROM THE BUNDLER.—Contributions that a bundler delivers to a candidate, agent of the candidate, or the candidate's authorized committee shall be treated as contributions from the bundler to the candidate as well as from the original contributor.

"(D) NO LIMITATION ON OR PROHIBITION OF CERTAIN ACTIVITIES.—This subsection does not—

"(i) limit fundraising efforts for the benefit of a candidate that are conducted by another candidate or Federal officeholder; or

"(ii) prohibit an officer, employee, or agent of a corporation, labor organization, or partnership from soliciting, collecting, or delivering a contribution to a candidate, agent of the candidate, or the candidate's authorized

committee if the officer, employee, or agent does so by use of the personal resources of the officer, employee, or agent and is not acting on behalf of the corporation, labor organization, or partnership.".

**Subtitle E—Independent Expenditures**

**SEC. 241. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.**

Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended—

(1) in paragraph (2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) as paragraph (7); and

(3) by inserting after paragraph (2), as amended by paragraph (1), the following:

"(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—

"(1) EXPENDITURES AGGREGATING $1,000.—

"(A) INITIAL REPORT.—A person (including a political committee) that makes independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

"(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person filing the report shall file an additional report each time that independent expenditures aggregating an additional $1,000 are made with respect to the same election as that to which the initial report relates.

"(2) EXPENDITURES AGGREGATING $10,000.—

"(A) INITIAL REPORT.—A person (including a political committee) that makes independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made.

"(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person filing the report shall file an additional report each time that independent expenditures aggregating an additional $10,000 are made with respect to the same election as that to which the initial report relates.

"(3) PLACE OF FILING; CONTENTS; TRANSMITTAL.—

"(A) PLACE OF FILING; CONTENTS.—A report under this subsection—

"(i) shall be filed with the Commission; and

"(ii) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.

"(B) TRANSMITTAL TO CANDIDATES.—In the case of an election for United States Senator, not later than 2 business days after receipt of a report under this subsection, the Commission shall transmit a copy of the report to each eligible candidate seeking nomination for election to, or election to, the office in question.

"(4) OBLIGATION TO MAKE EXPENDITURE.—For purposes of this subsection, an expenditure shall be treated as being made on the making of any payment or the taking of any action to incur an obligation for payment.

"(5) DETERMINATIONS BY THE COMMISSION.—

"(A) IN GENERAL.—The Commission may, upon a request of a candidate or on its own initiative, make its own determination that a person, including a political committee, has made, or has incurred obligations to make, independent expenditures with respect to any candidate in any Federal election that in the aggregate exceed the applicable amounts under paragraph (1) or (2).

"(B) NOTIFICATION.—In the case of independent expenditures made in connection with an election in which an eligible Senate candidate is on the ballot, the Commission shall notify each candidate in the election of the making of the determination within 2 business days after making the determination.

"(C) TIME TO COMPLY WITH REQUEST FOR DETERMINATION.—A determination made at the request of a candidate shall be made within 2 business days after the date of the request.

"(6) NOTIFICATION OF AN ALLOWABLE INCREASE IN INDEPENDENT EXPENDITURE LIMIT.—When independent expenditures totaling in the aggregate $10,000 have been made in the same election in support of an opposing candidate or against an eligible Senate candidate, the Commission shall, within 2 business days, notify the eligible Senate candidate that the eligible Senate candidate is entitled under section 503(e) to an increase in the applicable expenditure limit in an amount equal to the amount of the independent expenditures.".

**TITLE III—ENFORCEMENT**

**SEC. 301. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.**

Section 302(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting at the end the following:

"(11)(A) The Commission may prescribe regulations under which persons required to file designations, statements, and reports under this Act—

"(i) are required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

"(ii) may maintain and file a designation, statement, or report in that manner if not required to do so under regulations prescribed under clause (i).

"(B) The Commission shall prescribe regulations which allow persons to file designations, statements, and reports required by this Act through the use of facsimile machines.

"(C) In prescribing regulations under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulations. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.".

**SEC. 302. AUDITS.**

(a) RANDOM AUDITS.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by adding at the end the following:

"(2) RANDOM AUDITS.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act.

"(B) SELECTION OF SUBJECTS.—The aggregate amount of contributions received by an eligible Senate candidate as of the end of each reporting period under section 304 shall meet the requirement of paragraph (1).

"(C) LIMITATION.—The Commission shall not conduct an audit or investigation of a candidate's authorized committee under paragraph (1) until the candidate is no longer a candidate for the office sought by the candidate in an election cycle.

"(D) APPLICABILITY.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.".

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking "6 months" and inserting "12 months".

**SEC. 303. AUTHORITY TO SEEK INJUNCTION.**

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

"(13)(A) If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction;

the Commission may initiate a civil action for a temporary restraining order or a preliminary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B) An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found, or in which the violation is occurring, has occurred, or is about to occur.";

(2) in paragraph (7), by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(3) in paragraph (11), by striking "(6)" and inserting "(6) or (13)".

**SEC. 304. REPORTING REQUIREMENTS FOR CONTRIBUTIONS OF $50 OR MORE.**

Section 304(b)(3)(A) of the Federal Election Campaign Act at 1971 (2 U.S.C. 434(b)(3)(A) is amended—

(1) by striking "$200" and inserting "$50"; and

(2) by striking the semicolon and inserting ", except that in the case of a person who makes contributions aggregating at least $50 but not more than $200 during the calendar year, the identification need include only the name and address of the person".

**SEC. 305. INCREASE IN PENALTY FOR KNOWING AND WILLFUL VIOLATIONS.**

Section 309(a)(5)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(B)) is amended by striking "the greater of $10,000 or an amount equal to 200 percent" and inserting "the greater of $15,000 or an amount equal to 300 percent".

**SEC. 306. PROHIBITION OF CONTRIBUTIONS BY INDIVIDUALS NOT QUALIFIED TO VOTE.**

(a) PROHIBITION.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) in the heading by adding "**AND INDIVIDUALS NOT QUALIFIED TO REGISTER TO VOTE**" at the end; and

(2) in subsection (a)—

(A) by striking "(a) It shall" and inserting the following:

"(a) PROHIBITIONS.—

"(1) FOREIGN NATIONALS.—It shall"; and

(B) by adding at the end the following:

"(2) INDIVIDUALS NOT QUALIFIED TO VOTE.—It shall be unlawful for an individual who is

not qualified to register to vote in a Federal election to make a contribution, or to promise expressly or impliedly to make a contribution, in connection with a Federal election; or for any person to solicit, accept, or receive a contribution in connection with a Federal election from an individual who is not qualified to register to vote in a Federal election.".

(b) INCLUSION IN DEFINITION OF IDENTIFICATION.—Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended—

(1) in subparagraph (A)—

(A) by striking "and" the first place it appears; and

(B) by inserting ", and an affirmation that the individual is an individual who is not prohibited by section 319 from making a contribution" after "employer"; and

(2) in subparagraph (B) by inserting "and an affirmation that the person is a person that is not prohibited by section 319 from making a contribution" after "such person".

**SEC. 307. USE OF CANDIDATES' NAMES.**

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by striking paragraph (4) and inserting the following:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not—

"(i) include the name of any candidate in its name, or

"(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

**SEC. 308. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.**

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting after "SEC. 322." the following: "(a)"; and

(2) by adding at the end the following:

"(b) No person shall solicit contributions by falsely representing himself as a candidate or as a representative of a candidate, a political committee, or a political party.".

**SEC. 309. EXPEDITED PROCEDURES.**

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) (as amended by section 303) is amended by adding at the end the following new paragraph:

"(14)(A) If the complaint in a proceeding was filed within 60 days immediately preceding a general election, the Commission may take action described in this subparagraph.

"(B) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur and it appears that the requirements for relief stated in paragraph (13)(A) (ii), (iii), and (iv) are met, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, immediately seek relief under paragraph (13)(A).

"(C) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.".

## TITLE IV—MISCELLANEOUS

**SEC. 401. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.**

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by striking section 313 and inserting the following:

**"SEC. 313. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.**

"Amounts received by a candidate as contributions, and any other amounts received by an individual as support for his or her activities as a holder of Federal office, may be used by such candidate or individual for expenditures in connection with his or her campaign for Federal office, for any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office, for contributions to any organization described in section 170(c) of title 26, or for transfers to any national, State or local committee of any political party. No such amounts may be converted by any person to any personal use. For the purposes of this section, such amounts are converted to personal use if they are used to fulfill any commitment, obligation or expense of any person that would exist irrespective of the candidate's campaign or individual's responsibilities as a Federal officeholder, including but not limited to, a home mortgage, rent or utility payment; clothing purchase; noncampaign automobile expense; country club membership; vacation, or trip of a noncampaign nature; household food items; tuition payment; admission to a sporting event, concert, theatre or other form of entertainment not associated with a campaign; and dues, fees or contributions to a health club or recreational facility.".

**SEC. 402. CAMPAIGN ADVERTISING.**

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(ii) by striking "an expenditure" and inserting "a disbursement"; and

(iii) by striking "direct"; and

(B) in paragraph (3), by inserting "and permanent street address" after "name"; and

(2) by adding at the end the following:

"(c) Any printed communication described in subsection (a) shall be—

"(1) of sufficient type size to be clearly readable by the recipient of the communication;

"(2) contained in a printed box set apart from the other contents of the communication; and

"(3) consist of a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement which—

"(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement: '_____ is responsible for the content of this advertisement.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If broadcast or cablecast by means of television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

**SEC. 403. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.**

(a) IN GENERAL.—Section 3210(a)(6)(A) of title 39, United States Code, is amended to read as follows:

"(A) A Member of Congress shall not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that Office, unless the Member has made a public announcement that the Member will not be a candidate for reelection to that year or for election to any other Federal office.".

(b) APPLICATION OF SAVINGS.—It is the intent of Congress that any savings realized by virtue of the amendment made by subsection (a) shall be designated to pay for the benefits of section 104 (relating to reduced postage rates for eligible Senate candidates) provided under section 104.

**SEC. 404. PARTY INDEPENDENT EXPENDITURES.**

Section 315(d) of the Federal Election Campaign Act of 1997 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1)—

(A) by inserting "coordinated" after "make"; and

(B) by striking "(2) and (3)" and inserting "(2), (3), and (4)"; and

(2) by adding at the end the following:

"(4) Before a committee of a political party may make coordinated expenditures in connection with a general election campaign for Federal office in excess of $5,000 pursuant to this subsection, the committee shall file with the Commission a certification, signed by the treasurer, that the committee has not and will not make any independent expenditures in connection with that campaign for Federal office. A party committee that determines to make coordinated expenditures pursuant to this subsection shall not make any transfers of funds in the same election cycle to, or receive any transfer of funds in

the same election cycle from, any other party committee that determines to make independent expenditures in connection with the same campaign for Federal office.

"(5)(A) A committee of a political party shall be considered to be in coordination with a candidate of the party if the committee—

"(i) makes a payment for a communication or anything of value in coordination with the candidate, as described in section 301(8)(A)(iii);

"(ii) makes a coordinated expenditure under section 315(d) on behalf of the candidate;

"(iii) participates in joint fundraising with the candidate or in any way solicits or receives a contribution on behalf of the candidate;

"(iv) communicates with the candidate or an agent of the candidate (including a pollster, media consultant, vendor, advisor, or staff member), acting on behalf of the candidate, about advertising, message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics or strategy; or

"(v) provides in-kind services, polling data, or anything of value to the candidate.

"(6) For purposes of paragraphs (4) and (5), all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established by State political parties shall be considered to be a single political committee.

"(7) For purposes of paragraph (5), any coordination between a committee of a political party and a candidate of the party after the candidate has filed a statement of candidacy constitutes coordination for the period beginning with the filing of the statement of candidacy and ending at the end of the election cycle.".

**SEC. 405. COORDINATED EXPENDITURES; INDEPENDENT EXPENDITURES.**

(a) DEFINITION OF COORDINATED EXPENDITURE.—

(1) SECTION 301(8).—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(A) in subparagraph (A)—

(i) by striking "or" at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting "; or"; and

(iii) by adding at the end the following:

"(iii) a payment made for a communication or anything of value that is for the purpose of influencing an election for Federal office and that is a payment made in coordination with a candidate."; and

(B) by adding at the end the following:

"(C) For the purposes of subparagraph (A)(iii), the term 'payment made in coordination with a candidate' includes—

"(i) a payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, or an agent acting on behalf of a candidate or authorized committee;

"(ii) a payment made by a person for the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat);

"(iii) a payment made based on information about a candidate's plans, projects, or needs provided to the person making the payment by the candidate or the candidate's agent who provides the information with a view toward having the payment made;

"(iv) a payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate's authorized committee in an executive or policymaking position;

"(v) a payment made by a person if the person making the payment has served in any formal policy or advisory position with the candidate's campaign or has participated in strategic or policymaking discussions with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made;

"(vi) a payment made by a person if, in the same election cycle, the person making the payment retains the professional services of any individual or person who has provided or is providing campaign-related services in the same election cycle to a candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including services relating to the candidate's decision to seek Federal office, and the professional is retained to work on activities relating to that candidate's campaign.

"(D) For purposes of subparagraph (C)(vi), the term 'professional services' includes services in support of a candidate's pursuit of nomination for election, or election, to Federal office such as polling, media advice, direct mail, fundraising, or campaign research.

(2) SECTION 315(a)(7).—Section 315(a)(7) (2 U.S.C. 441a(a)(7)) is amended by striking paragraph (B), and inserting the following:

"(B) Payments made in coordination with a candidate, as described in section 301(8)(A)(iii), shall be considered to be contributions to such candidate, and in the case of limitations on expenditures, shall be treated as expenditures for purposes of this paragraph.

(b) MEANING OF CONTRIBUTION OR EXPENDITURE FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended by striking "shall include" and inserting "includes a contribution or expenditure, as those terms are defined in section 301, and also includes".

(c) DEFINITION OF INDEPENDENT EXPENDITURE.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

"(17) INDEPENDENT EXPENDITURE.—

"(A) IN GENERAL.—The term 'independent expenditure' means an expenditure that—

"(i) contains express advocacy; and

"(ii) is made without the participation or cooperation of, or without consultation with, or without coordination with a candidate or a candidate's authorized committee or agent (within the meaning of section 301(8)(A)(iii)).

"(B) EXCLUSION.—The term 'independent expenditure' does not include an expenditure or payment made in coordination with a candidate (within the meaning of section 301(8)(A)(iii)).".

**SEC. 406. EXPRESS ADVOCACY.**

(a) DEFINITION OF EXPENDITURE.—Section 301(9)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(A)) is amended—

(1) by striking "and" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting a semicolon; and

(3) by adding at the end the following:

"(iii) any payment during an election year (or in a nonelection year, during the period beginning on the date on which a vacancy for Federal office occurs and ending on the date of the special election for that office) for a communication that is made through any broadcast medium, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising by a national, State, district, or local committee of a political party, including a congressional campaign committee of a party, that refers to a clearly identified candidate; and

"(iv) any payment for a communication that contains express advocacy.".

(b) DEFINITION OF EXPRESS ADVOCACY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) (as amended by section 212(d)) is amended by adding at the end the following:

"(20) EXPRESS ADVOCACY.—

"(A) IN GENERAL.—The term 'express advocacy' includes—

"(i) a communication that conveys a message that advocates the election or defeat of a clearly identified candidate for Federal office by using an expression such as 'vote for,' 'elect,' 'support,' 'vote against,' 'defeat,' 'reject,' '(name of candidate) for Congress', 'vote pro-life,' or 'vote pro-choice', accompanied by a listing or picture of a clearly identified candidate described as 'pro-life' or 'pro-choice,' 'reject the incumbent', or a similar expression;

"(ii) a communication that is made through a broadcast medium, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising that involves aggregate disbursements of $10,000 or more, that refers to a clearly identified candidate, that a reasonable person would understand as advocating the election or defeat of the candidate, and that is made within 30 days before the date of a primary election (and is targeted to the State in which the primary is occurring), or 60 days before a general election; or

"(iii) a communication that is made through a broadcast medium, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising that involves aggregate disbursements of $10,000 or more, that refers to a clearly identified candidate, that a reasonable person would understand as advocating the election or defeat of a candidate, that is made before the date that is 30 days before the date of a primary election, or 60 days before the date of a general election, and that is made for the purpose of advocating the election or defeat of the candidate, as shown by 1 or more factors such as a statement or action by the person making the communication, the targeting or placement of the communication, or the use by the person making the communication of polling, demographic, or other similar data relating to the candidate's campaign or election.

"(B) EXCLUSION.—The term 'express advocacy' does not include the publication or distribution of a communication that is limited solely to providing information about the voting record of elected officials on legislative matters and that a reasonable person would not understand as advocating the election or defeat of a particular candidate.".

**TITLE V—CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS**

**SEC. 501. SEVERABILITY.**

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

**SEC. 502. REVIEW OF CONSTITUTIONAL ISSUES.**

An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

**SEC. 503. EFFECTIVE DATE.**

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect on the date that is 60 days after the date of enactment of this Act.

**SEC. 504. REGULATIONS.**

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 270 days after the effective date of this Act.•

## ORDER OF BUSINESS

The PRESIDING OFFICER. Is the Senator from New Mexico seeking time?

Mr. BINGAMAN. Yes. Madam President, I ask unanimous consent that I be allowed to speak for up to 15 minutes as in morning business.

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

## MAKING EDUCATION A TOP PRIORITY IN THE 105TH CONGRESS

Mr. BINGAMAN. Madam President, I was very pleased that at the end of the last Congress, we finally did the right thing by education. We increased funding for education. It was a bipartisan effort. We got good support in the waning days of that Congress for improvements in education.

This time I believe we should not wait until the end of the Congress. I believe that education needs to be a top priority of this Congress beginning now and continuing on through the rest of the first session and, of course, the second session as well.

For this reason, I think it is timely that Education Week, which is perhaps the preeminent weekly publication dealing with education issues at the national level, issued its report card on the condition of public education in the 50 States just as this new Congress is beginning.

The report is entitled "Quality Counts." It is a very comprehensive, thorough look at the issue, and it goes through great detail in trying to assess how each State is doing in providing education to its young people.

I recommend this report to all of my colleagues and anybody who is watching. I think it does a good job. It focuses where we need to be focused. I think it needs to be taken very seriously by this Congress.

In the area of quality of teaching, which I am sure we would all agree is essential to a strong education, this report finds that 40 percent of high school teachers lack a college degree in the subject area that they are teaching in. There are too many unlicensed teachers being used in our classrooms today. Ongoing training is still not a reality in most of our States. So the national grade that we received for quality of teaching was a C, which I think all of us who have been through the educational system know is not a stellar performance.

A second finding is about "school climate." Here the findings were that nearly half of elementary teachers have classes of 25 or more students. More than half of high school teachers see in excess of 80 students per day. Almost 70 percent of students attend high schools of 900 or more.

The reason that this last statistic is important is that we have several studies now that conclude that the quality of education and the quality of student performance goes down as the size of the school increases. When you get a high school of more than 900 students the quality and level of student achievement goes down. So it is unfortunate that a majority of our students are in schools which our own experts tell us are too large. That is something we need to focus on nationally, and we got a C-minus on school climate because of those facts I just cited.

Third, on "overall spending," the States received a C-plus. The report found that most of the increases in spending have gone toward rising enrollment and special education and salaries for an aging work force. And we are not putting the resources into education that we should be, considering the growth in the school population.

Fourth, on "equity of funding", which means the disparities between the rich school districts and the poor school districts, the States got a B-minus. This is a little better than we have done in some of the other areas, but the report finds that the quality of the child's education still depends too greatly on skin color, on family income, and on which school district they happen to reside in.

The fifth indicator is the effective "allocation of funds." According to the report, classrooms still receive only 61 percent of total resources that go into our educational system. Too many of those resources get stopped at the administrative level. On average, there are still over 35 students for each multimedia computer in our school system. Thirty-three percent of districts have at least one serious school construction need. So in that area of allocation of funds, the States received a C-minus.

The sixth area is "standards and assessments." There the States got a B because the conclusion was that this is the area perhaps where we are making the most progress. However, in most States standards have not yet found their way into the classrooms. Even if tests were developed, we do not yet know how rigorous they are, and few States are ready to hold either the schools or the students sufficiently accountable.

The final indicator is "student achievement," which of course is the bottom line, the ultimate goal of our educational system. They did not give a grade there. They said that in student achievement our "results were disappointing." That was the phrase which was used. The report finds that only 28 percent of fourth graders nationwide ranked as being proficient in reading, which is not an adequate level of performance. Even the highest scoring States in the Nation have fewer than half of their elementary students scoring proficient in reading and in math.

Madam President, let me put this in some perspective. Many of us who try to follow education-related issues know that we have a national test that is given around the country periodically called the National Assessment of Educational Progress, or NAEP for short. This is a chart that shows trends in NAEP reading scores from 1971 through 1994. You don't need to look at this chart long before you notice that all of these lines are not going up. These lines are flat. That means that we essentially are seeing no significant improvement in reading scores by students in this period from 1971 to 1994. Madam President, we are stuck on mediocre, or perhaps stuck on even worse than that. I think this is a cause for concern.

When I look at my own State and read this report there are three areas in which New Mexico performs above the national average. We get an A for standards, compared to the B that most States get. We get a B for overall educational spending, versus the C that is given nationally by this report. And we get a B-minus for classroom resources, versus a C-minus nationally.

There are three other areas, however, in which my State of New Mexico performs worse than the national average. First, the State's test scores still are near the bottom in this National Assessment of Educational Progress test in almost all areas. Only 21 percent of the fourth graders in my State were judged to be at the proficient level in reading, and only 11 percent were judged proficient in math. Also we received a C-minus for teaching quality, compared to a C nationally. And we received a D-plus for school climate compared to a C-minus nationally.

S. 12, the Democratic leadership education bill, does address several of the

key issues that are raised by this report. I think they are very important issues. Let me very briefly summarize what this bill is trying to do.

To address the low literacy rates that I described, S. 12 creates a program to increase the efforts of over 1 million teachers, parents, and volunteers in literacy training.

To lower financial barriers to college, including tuition that rose over 100 percent over the last 10 years, S. 12 proposes a $1,500 tax credit and a $10,000 deduction for students with a B average.

To help schools build and repair seriously deteriorating facilities, which 33 percent of all school districts report having, S. 12, provides $5.75 billion in bond interest subsidies.

And finally, to help schools address the fact that over 70 percent of the computer equipment available is outdated and cannot provide adequate instruction and there are roughly 35 students for every modern computer, S. 12 calls for $1.8 billion in funding for the 1994 Technology for Education Act, which was funded at the level of $200 million in the current fiscal year.

In conclusion, let me say that this report needs to be looked at by a great many people here in the Congress and elsewhere. It clearly reinforces other findings and reports that have raised these same issues in recent months.

Second, it is clear that nothing has changed since the end of the last Congress, when we finally gave education the attention it deserved and began to really do what should be done at the national level to support education. We need to keep that up, and maintain that momentum in this new Congress. I do believe we can renew our efforts to improve education, renew our efforts to put resources where the people of this country want them, and that is in the education of their children. There should be no letdown in the efforts of Congress in this regard.

Mr. President, I look forward to the additional opportunities in the coming weeks to focus on some of these issues, and I hope we can pursue this set of issues on a bipartisan basis and make real progress for the American people.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COATS). The clerk will call the roll.

Will the Senator withhold his request?

Mr. ENZI. Mr. President, I ask unanimous consent for 5 minutes in morning business.

The PRESIDING OFFICER. The Senator from Wyoming is recognized to speak for 5 minutes.

Mr. ENZI. I thank the Chair.

(The remarks of Mr. ENZI pertaining to the introduction of S. 180 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ENZI. I thank the Chair, and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Alaska.

## THE NUCLEAR WASTE POLICY ACT OF 1997

Mr. MURKOWSKI. Mr. President, last summer the U.S. Court of Appeals issued a ruling that confirmed something that many of us already understood. The Federal Government has an obligation to provide a safe, centralized storage place for our Nation's spent fuel and nuclear waste, beginning less than 1 year from today.

This is a commitment that Congress and the Department of Energy made 15 years ago. We have collected $12 billion from the American ratepayers for this purpose. But, after spending some $6 billion, the Federal Government is still not prepared to deliver on its promise to take and safely dispose of our Nation's nuclear waste by 1998. Hardworking Americans have paid for this as part of their monthly electric bill. They simply have not gotten any results.

So a lawsuit was filed and the court confirmed that there is, indeed, a legal obligation as well as a moral one. We have reached a crossroads. The job of fixing this program and this injustice is ours. The time for fixing the program is now.

Today in this country, high-level nuclear waste and highly radioactive used nuclear fuel is accumulating at over 80 sites in 41 States, including waste stored at the Department of Energy's weapon facilities. It is stored in populated areas near our neighbors, near our neighborhoods, near our schools, on the shores of our lakes and rivers, in the backyards of constituents young and old across this land. Used nuclear fuel is being stored near the east and west coasts where most Americans live, maybe in your town and near your neighborhood. Used fuel is being stored in pools that were not designated for long-term storage.

Some of this fuel is already over 30 years old. Each year that goes by, our ability to continue storage of this used fuel at each of these sites in a safe and responsible way diminishes. It is irresponsible to let this situation continue. It is unsafe to let this dangerous radioactive material continue to accumulate in more than 80 sites all across the country, in 41 States. It is unwise to block the safe storage of this used fuel in a remote area away from high populations. It is a national problem that requires a coordinated national solution.

Yesterday, on behalf of myself and 19 other cosponsors, I introduced the exact text of S. 1936 from the 104th Congress as S. 104, the Nuclear Waste Policy Act of 1997. This legislation was passed by the Senate last summer by a vote of 63 to 37. It sets forth a program that will allow the Department of Energy to meet its obligations as soon as humanly possible.

S. 104 provides for an integrated system to manage used fuel for commercial nuclear powerplants and high-level radioactive waste from the Department of Energy's nuclear weapons facilities. The integrated system includes construction and operation of a temporary storage center, a safe transportation network to transfer these byproducts, and continuing scientific studies at Yucca Mountain, Nevada, to determine if it is a suitable repository site. During the floor consideration of the bill last year, we received many constructive suggestions for improving that bill. The final version passed by the Senate incorporated most of these changes.

The most important provisions of the bill include: First, the role of the Environmental Protection Agency. The bill provides that the Environmental Protection Agency shall issue standards for the protection of the public from releases of radioactive materials from a permanent nuclear waste repository. The Nuclear Regulatory Commission is required to base its licensing determination on whether the repository can be operated in accordance with the Environmental Protection Agency's radiation protection standards.

The National Environmental Policy Act, or NEPA—the bill complies fully with NEPA by requiring two full environmental impact statements, one in advance of operation of the temporary storage facility and one in advance of repository licensing by the Nuclear Regulatory Commission. The bill provides that, where Congress has statutorily determined need, location, and size of the facilities, these issues need not be reconsidered. There is simply no rationale for requiring that.

Another concern is transportation routing. The bill provides that, in order to ensure that spent nuclear fuel and high-level nuclear waste is transported safely, the Secretary of Energy will use transportation routes that minimize, to the maximum practical extent, transportation through populated and sensitive environmental areas. The language also requires that the Secretary

develop, in consultation with the Secretary of Transportation, a comprehensive management plan that ensures the safe transportation of these materials.

Under transportation requirements, the bill contains language clarifying transportation of spent fuel under this act shall be governed by the requirements imposed by all Federal, State and local governments and Indian tribes, to the same extent as any other person transporting hazardous materials in interstate commerce.

With regard to the interim storage facility, in order to ensure that the size and scope of the interim storage facility is manageable, yet adequate to address the Nation's immediate spent fuel storage needs, the bill would limit the size of phase I of the interim storage facility to 15,000 metric tons of spent fuel and the size of phase II of the facility to 40,000 metric tons. Phase II of the facility would be expanded to 60,000 metric tons if the Secretary fails to meet his projected goal with regard to the licensing of the permanent depository site.

With respect to the preemption of other laws, a provision of the bill would provide that if any law does not conflict with the provisions of the Nuclear Waste Policy Act and the Atomic Energy Act, that law will govern. Further State and local laws are preempted only if those laws are inconsistent with or duplicative of the Nuclear Waste Policy Act or the Atomic Energy Act. The language is consistent with the preemption authority found in the existing Hazardous Materials Transportation Act.

Finally, the bill contains bipartisan language that was drafted to address this administration's objections to the siting of an interim facility at the Nevada test site before the viability assessment of the Yucca Mountain permanent repository site was available. The language provides construction shall not begin on an interim storage facility at Yucca Mountain before December 31, 1998. The bill provides for the delivery of an assessment of the viability of the Yucca Mountain site to the President and Congress, by the Secretary, 6 months before construction can begin on the interim facility.

If, based on the information before him, the President should determine in his discretion that the Yucca Mountain site is not suitable for development as a repository, then the Secretary shall cease work on both the interim and permanent repository programs at the Yucca Mountain site. The bill further provides if the President makes such a determination, he shall in 18 months designate an interim storage site. If the President should fail to designate a site or if a site he has designated has not been approved by the Congress within 2 years of his determination, the Secretary is instructed to construct an interim storage facility at the Yucca Mountain site.

This ensures the construction of an interim storage facility will not occur before the President and Congress have had ample opportunity to review the technical assessments of the suitability of the Yucca Mountain site for a permanent repository and to designate an alternate site for interim storage. However, this provision will also ensure that ultimately an interim storage facility site will be chosen.

Without this assurance, Mr. President, we leave open the possibility that we will find in 1998, just a year away, that we have, one, no interim storage; two, no permanent repository program; and three, after more than 15 years and the expenditure of $6 billion, we are back right where we started in 1982 when we passed the first version of the Nuclear Waste Policy Act.

During the debate that will unfold, we will undoubtedly have our friends from Nevada oppose the bill with all the arguments they can muster. That is understandable. They are merely doing what Nevadans have requested them to do.

But the difficulty we have with this issue, Mr. President, is nobody wants nuclear waste stored in their State. But you can't make it disappear. It has to be stored somewhere. What better site than the Nevada test site, the area in the Nevada desert where we tested nuclear devices for nearly 50 years.

Has any better site been identified by the scientists who have searched throughout the United States and even areas outside the United States? The answer is that there has not been any better site suggested.

So I implore those who criticize how we propose to dispose of this obligation to consider that they, too, have an obligation to come up with an alternative. The reality is, there have been a number of years to come up with those alternatives. Nobody has come up with one. In the meantime, an industry that generates nearly 22 percent of the total energy produced in this country is finding its storage sites filled to the maximum. The industry ability to store spent fuel at the reactor sites is limited by the legal requirements of the individual States, and some of the antinuclear groups see this as a way to terminate the nuclear industry, as we know it in the United States today.

In my opinion, those who have this objective are irresponsible, because they fail to tell us how we are going to generate the power that is currently provided by the nuclear industry in this country. Are we going to have more power generated by burning coal? Is it going to be more oil production? Is it going to be more hydroelectric production?

There is a give-and-take associated with this, and as we address the issues of global warming and greenhouse gases, it must be recognized that the nuclear industry makes a positive contribution to energy generation in this country, as those concerns are not matters of significance relative to nuclear power generation.

Again, the reality is nobody wants nuclear waste in their State, but it has to go somewhere. I have the utmost respect for my colleagues, my friends from Nevada. We have talked about this issue at length, and we have a simple difference of opinion. But, again, although they criticize storing it in their State, at the area where we have tested nuclear weapons for some 50 years, they really don't have a viable alternative either.

Some suggest we simply leave it where it is. Leave it at the sites in the 41 States. Well, we can't do that, Mr. President.

There is other technology being developed by the French and Japanese that reprocesses nuclear waste, recovers the plutonium, and reinjects it into the reactors, and reduces the proliferation threat. That is not a policy that is supported by this administration. Nor is it a policy that is supported by the Department of Energy although someday, I am afraid, we are going to have to look at that as a relief if we are unable to open a geologic repository for the spent fuel.

But in the meantime, this material is piling up at various sites around the United States, and a temporary central repository that stores spent fuel on the surface, in special casks that are approved by the Nuclear Regulatory Commission, is the appropriate action to be taken at this time.

As U.S. Senators, we have an obligation to take a nationwide perspective on a problem. We must do what is best for the country as a whole, and this is certainly a case in point.

No one can continue to pretend that there is an unlimited amount of time to deal with this problem. The Federal Government has entered into a contract with the ratepayers. They collected the funds. Now they must act and must act to ensure there is a safe, secure and responsible place to put the radioactive waste, and it is an obligation that we have committed to fulfill.

The court did not address the issue of remedies. The court was very clear that the Department of Energy has an obligation to take spent nuclear fuel in 1998, whether a repository is ready or not. The reality is a repository cannot be ready by that date. So I assume there are going to be a series of lawsuits filed against the Federal Government. That is another full employment act for the lawyers, Mr. President.

But so far, the Department of Energy's only response to the court decision has been to send out a letter asking for suggestions on how it can meet its obligation to take spent fuel in 1998. It is clear that we all agree on the question. Now is the time for answers.

We have a clear and simple choice. We can choose to have one remote, safe and secure temporary nuclear waste storage facility, or through inaction, through delay, we can face an uncertain judicial remedy which will almost certainly be costly, and which is unlikely to actually move waste out of America's backyards.

It is not morally right to shirk our responsibility to the environment and the future of our children and grandchildren. This is a situation we have created, and it is an obligation we must fulfill. We cannot wait until 1998 to decide where the Department of Energy will store this nuclear waste.

We have received letters from 23 Governors and attorneys general, including Arizona, Arkansas, Delaware, Florida, Georgia, Illinois, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and Wisconsin, specifically urging this Congress to pass, and the President to sign, a bill that will provide for interim storage at the Nevada test site.

Congress must speak now and provide the means to build one safe monitored, temporary storage facility at the Nevada test site, a unique site so remote that the Government has used it to explode nuclear weapons for over 50 years, or, if that is not sufficient, another site designated by the President and Congress.

The jury is in on this issue. The time is now. The Nuclear Waste Policy Act of 1997 is the answer, and I urge my colleagues to join with me in cosponsoring this legislation and support the passage of S. 104 in the 105th Congress.

Mr. President, I yield the floor.

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## COMMENDING AND THANKING THE HONORABLE WARREN CHRISTOPHER

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 4, submitted earlier today by Senators CONRAD, DORGAN, DODD, BIDEN, MOSELEY-BRAUN and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 4) commending and thanking the Honorable Warren Christopher for his exemplary service as Secretary of State.

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

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

Mr. CONRAD. Mr. President, I rise to pay tribute to a great American on the occasion of his retirement from Government service, the Hon. Warren Christopher.

Anyone who has been reading the headlines for the past 4 years is well familiar with Secretary Christopher's many accomplishments. Through negotiations on ending the war in Bosnia, restoring elected government in Haiti, and advancing the peace process in the Middle East, Secretary Christopher has kept a steady, reliable hand on the ship of state. His calm demeanor, good humor, and sharp intelligence will be missed by all who knew him. America has benefitted from his able leadership, and it is my hope that he will continue to be active in the affairs of our Nation in his retirement.

Less widely known than Secretary Christopher's negotiating acumen is the fact that he hails from my home State, the Great State of North Dakota. Born in Scranton, Secretary Christopher has made proud a State which prides itself on hard work, quiet strength, and doing the right thing. Secretary Christopher is one of my State's most distinguished natives sons, and will always have a home in North Dakota.

In light of his many important achievements, today I am introducing a resolution which commends and thanks Secretary Christopher for his excellent service to the Nation. The resolution highlights his "indefatigable commitment to advancing peace and justice, protecting and promoting United States interests, and preserving United States leadership in international affairs." I trust that all of my colleagues will agree that Secretary Christopher deserves to be so honored, and will support my resolution.

Mr. DODD. Mr. President, earlier today on the third day of the 105th Congress, we cast a historic ballot—on behalf of the first woman to be confirmed as Secretary of State in our Nation's proud history.

But, as we prepare to usher in Madeleine Albright as America's new Secretary of State, I wanted to take this opportunity to voice my strong support for the pending resolution that honors the man whose shoes she will soon be filling—Warren Christopher.

Over the past 4 years, Warren Christopher provided the steadying hand and reservoir of experience that helped President Clinton successfully weave his way through the minefield of international diplomacy.

Through these efforts, he earned a revered statute—as the elder statesman of the President's Cabinet.

In the more than 200-year history of our Republic, no Secretary of State traveled more miles in the pursuit of democracy, open markets, and the promotion of American international interests than Warren Christopher. From Beijing to Buenos Aires, Johannesburg to Jakarta, and Mali to Moscow, no journey was too far and no effort unworthy of his personal diplomacy.

In the Middle East, his diplomatic endeavors paved the way for the first steps toward reconciliation and cooperation in the age-old conflict between Israelis and Palestinians.

Generations from now, Bosnians, Serbs, and Croats will look back with fondness and appreciation at his tireless efforts to bring the warring parties together at Dayton. In fact, at Dayton, after the bags were packed and the participants had all but given up, it was Warren Christopher who convinced all sides that a peaceful resolution was the only true hope for the Balkans.

Under his watch, the Haitian people were able to finally cast off the evils of dictatorship for the fruits of democracy. The Korean Peninsula took its first tentative steps toward limiting the development of nuclear weapons and curbing tensions in one of the cold war's last hotspots.

What's more, over the past 4 years—with the strong support of Warren Christopher and the Clinton administration, democracy spread its wings across every corner of the globe.

Today in Latin America every nation but one is a full-fledged democracy. In Russia, 70 years of totalitarian rule are giving way to free elections and open markets. And in Africa, a region scarred for so long by war, famine, and political instability, the seeds of democracy are beginning to take root.

However, for all the accomplishments that Warren Christopher achieved overseas, we must not forget the impact of his impressive contributions here at home. Besides helping to make America more secure and protecting our vital national interests, Warren Christopher presided over a period of great economic liberalization—a period that brought greater prosperity and limitless economic opportunity to millions of Americans.

Secretary Christopher built on the passage of NAFTA and GATT by working to create a framework for regional-wide trading blocs in all of Latin America and the Pacific rim. The result is increased opportunities for export, and new developing markets for American commerce.

But, most of all, Warren Christopher brought a quiet dignity, grace, and gentle demeanor to his role as Secretary of State.

At a time when public debate in our Nation is becoming coarser and more partisan, when style seems to take precedent over substance and when shrill voices garner more attention than quiet deliberation, Warren Christopher proved that you can still speak softly, yet carry a big stick.

A recent editorial in his hometown Los Angeles Times by Tom Plate describes the traits that define Warren Christopher best:

Extreme loyalty to friends and colleagues; a faith in the institutions of government and the Constitution; respect for careerists in

the State Department as well as on his personal staff; discretion approaching squareness.

These are the attributes that inspired him through four Democratic administrations and years of public service. What's more, they are virtues that every American should expect from their leaders.

As he prepares to return to his beloved California with his wife, Marie, to spend more time with his children and grandchildren, I join all my colleagues in wishing him the best.

What's more, I urge all my colleagues to join me in supporting this resolution honoring a man who in all his travels—from the Great Plains of Scranton, ND, to the corridors of power in Foggy Bottom—never lost his sense of dignity, grace, and conviction to principle.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to, en bloc, and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 4) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 4

Whereas Secretary Warren Christopher served as Secretary of State from 1993 until 1997, and maintained the tradition of that Office by representing the international interests of the United States with great dignity, grace, and ability;

Whereas Secretary Christopher, during his tenure as Secretary of State, engaged in more international travel than any other Secretary of State in United States history, reflecting his indefatigable commitment to advancing peace and justice, protecting and promoting United States interests, and preserving United States leadership in international affairs;

Whereas Secretary Christopher has played a key leadership role in United States foreign policy achievements, including ending the war in Bosnia, restoring an elected government in Haiti, and advancing peace in the Middle East;

Whereas Secretary Christopher served with distinction as Deputy Secretary of State from 1977 until 1981 and, among his accomplishments as Deputy Secretary, is credited with skillfully negotiating the release of American hostages in Iran;

Whereas Secretary Christopher has had a distinguished career in law and public service in California;

Whereas Secretary Christopher, born in Scranton, North Dakota, is one of North Dakota's most distinguished native sons and has always displayed the quiet strength and work ethic associated with the people of the Great Plains;

Whereas in 1997 Secretary Christopher leaves his position as the 63d Secretary of State; and

Whereas Secretary Christopher has earned the respect and admiration of Congress and the American people: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress commends and thanks the Honorable Warren Christopher for his exemplary diplomatic service, and for his skillful and indefatigable efforts to advance peace and justice around the world.

## PROVIDING FOR A JOINT SESSION OF CONGRESS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 9, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 9) providing for a joint session of Congress to receive a message from the President on the state of the Union.

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

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

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the resolution be deemed agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 9) was agreed to.

## RELATIVE TO THE DEATH OF THE HONORABLE PAUL TSONGAS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 22, which is at the desk and was introduced earlier today by the majority leader and the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 22) relative to the death of the Honorable Paul Tsongas, formerly a Senator from the Commonwealth of Massachusetts.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that 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. 22) was agreed to as follows:

S. RES. 22

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Paul Tsongas, formerly a Senator from the Commonwealth of Massachusetts.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

## ORDERS FOR THURSDAY, JANUARY 23, 1997

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 11 o'clock, Thursday, January 23, further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business with each Senator allowed to speak for up to 10 minutes each.

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

## PROGRAM

Mr. MURKOWSKI. Mr. President, for the information of all Senators, the Senate will be in session tomorrow for morning business to allow Members to introduce legislation and make statements. No rollcall votes will occur during Thursday's session of the Senate. When the Senate completes its business on Thursday, it will stand in adjournment until Monday, January 27, for a pro forma session only. No business will be transacted on Monday, and the Senate will then adjourn until Tuesday. The majority leader has announced that rollcall votes are possible on Tuesday on any nominations that may become available for consideration.

## ADJOURNMENT UNTIL 11 A.M., THURSDAY, JANUARY 23, 1997

Mr. MURKOWSKI. If there is no further business, Mr. President, to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order in accordance with the provisions of Senate Resolution 22.

There being no objection, the Senate, at 5:30 p.m., adjourned until Thursday, January 23, 1997, at 11 a.m.

## NOMINATIONS

Executive nominations received by the Senate January 22, 1997:

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE SECTION 601:

*To be lieutenant general*

LT. GEN. JAMES L. JONES, [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE

NAVY UNDER TITLE 10, UNITED STATES CODE SECTION 12203:

*To be captain*

LARRY L. BLAKESLEY, x...

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SUSAN BASS LEVIN, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S. TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1999, VICE RICHARD C. HACKETT.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE SECTION 624:

*To be major general*

BRIG. GEN. GREGORY A. ROUNTREE, x...

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE SECTION 601:

*To be lieutenant general*

MAJ. GEN. MARTIN R. STEELE, x...

## CONFIRMATIONS

### Executive Nominations Confirmed by the Senate January 22, 1997:

DEPARTMENT OF STATE

MADELEINE KORBEL ALBRIGHT, OF THE DISTRICT OF COLUMBIA, TO BE SECRETARY OF STATE.

DEPARTMENT OF DEFENSE

WILLIAM S. COHEN, OF MAINE, TO BE SECRETARY OF DEFENSE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.