SENATE—*Thursday, September 3, 1998*

(Legislative day of Monday, August 31, 1998)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Almighty God, we begin this day with the words of the psalmist when he prayed, "I cried out, You answered me and made me bold with strength in my soul."—Psalm 138:3. We, too, cry out, asking You to make us bold because of Your strength surging in our souls. We yield our souls to be ports of entry and dwelling places for Your Spirit in us. You form our character in us and give us convictions we cannot deny. Your artesian strength makes us resolute in living the truth. We feel a boldness to speak the truth and to follow Your guidance. Exorcise any fear, timidity, or equivocation.

Father, as the Nation looks to our Senators for moral integrity and inspiration, give them a special measure of Your power, so that, from the depth of their souls, they will have Your supernatural strength to lead with courage. We have a great need for You; and You are a great God to meet our needs. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. DEWINE. Mr. President, on behalf of the majority leader, this morning the Senate will be in a period of morning business until 11:30 a.m. Following morning business, the Senate may consider any available appropriations bills or other legislative or executive items cleared for action. Rollcall votes are expected throughout Thursday's session as the Senate continues work on appropriations bills.

The majority leader would like to remind all Members that there are four remaining appropriations bills that the Senate must act on in the next several weeks. Continued cooperation of all Members will be necessary for the Senate to successfully complete the appropriations process.

I thank my colleagues for their attention.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m.

Under the previous order, the Senator from Louisiana, Mr. BREAUX, is recognized to speak for up to 15 minutes.

Mr. BREAUX. Mr. President, I thank the Chair for recognizing me.

PATIENTS' BILL OF RIGHTS

Mr. BREAUX. Mr. President, I wish to make some comments this morning on the issue of the Patients' Bill of Rights which we have had so much discussion and dialogue about in recent months.

As we all know in this body, the House of Representatives has actually passed a Patients' Bill of Rights. The fact that one chamber has passed legislation is the encouraging news. That is the good news. The bad news is that the Senate may not do anything about it. I think that would be unfortunate for all Americans who are concerned about making sure that their families, their children, have adequate access to quality health care in this country.

The Patients' Bill of Rights, as I said, is now pending in the Senate. The battle now becomes: Do we bring it up? How do we bring it up? What happens to it? Are we going to let election year politics determine the fate of this very important piece of health care legislation?

All of this reminds me of something we just went through not too long ago. For 4 or 5 weeks the Senate debated a tobacco bill. Do we all remember that? Do we all remember what happened to it? It never passed. It never passed because both sides were not able to get together and bridge the gap between what I consider to be relatively minor differences between the various pieces of legislation and we started blaming each other for its failure. So now we are arguing about whose fault it is that it failed instead of debating the issue of who should get credit for getting it passed.

I think it is incredibly more important politically and for the good of this country to be able to argue about success and argue about who should get the credit for accomplishing something rather than arguing about failure and whose fault it is that nothing got done. I have a feeling that we are moving in that same direction when it comes to the Patients' Bill of Rights. Are we all going to go home and blame each other for failure? Or are we going to be able to go back home and say we got together and got something accomplished? I think the latter course of action is much better.

I was disturbed reading the Washington Post yesterday. There was a short article entitled "Plans to Regulate HMOs Unlikely to Reach a Vote in the Senate." That is very disturbing, I think, for all Members who come here in order to pass legislation and do what is appropriate and proper for their constituents.

Even with the little time remaining this session, I think there is a way out of this logjam. I think that many of the issues in the various Patients' Bill of Rights are things that we can reach an agreement on if we are serious about getting a bill passed this year. We need to talk about the information that patients should have and the disclosures health plan should make. We can work that out. We need to talk about access to specialists and pediatricians and direct access for women to their ob/gyn. We can work that out. There are differences in those areas but we should be able to find some common ground on them.

We need to talk about a prudent layperson standard for patients who seek care in emergency rooms: When a person goes to the emergency room thinking they're having a heart attack and they find out it is not that bad, should the insurance company be allowed to deny payment? We can work that out by discussing a prudent layperson standard that ensures that managed companies have to pay for that treatment. If the patient thought their health was in serious jeopardy, the health insurance plan should, in fact, have to pay for that treatment.

We need to talk about an end to gag rules which prohibit doctors from telling their patients all of the treatment options that are available to them. We should put an end to gag rules once and for all. We can work that out.

It seems to me that the most controversial obstacle right now is the issue of whether to expand the right of patients to sue their health plan in state court. One side says we don't want to open up the courts to more litigation. Most of our Republican colleagues have taken a position that patients in ERISA plans should not have a right to sue their managed care plans for damages in state court.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

On the other hand, there are others who say, no, you have to have access to a state court, you have to have the right to litigate if a patient is denied coverage or is otherwise harmed by a decision their plan makes. Principally people on my side of the aisle have taken that position.

While there are differences on many provisions in the various Patients' Bill of Rights, the liability issue seems to be the biggest bottleneck that is preventing this bill from even being considered after it already passed the House. That is unfortunate. If we don't break that logjam, we will go home arguing about whose fault it is that nothing was passed. We can argue about whose fault it was tobacco didn't pass. We can argue about whose fault it was the Patients' Bill of Rights didn't pass. We can argue about whose fault it was appropriations bills weren't passed. We will go home arguing about who should be blamed for failure and not getting anything done for the people who sent us here.

I suggest that there is a way of bridging the gap with a realistic compromise that gets the job done for people concerned about patients' rights. I think the approach I suggest makes a great deal of sense.

There are some managed care plans now, such as Ochsner Health Plan in Louisiana, the largest HMO in the state, that have an external review process for patients who disagree with a plan's decision. There are some plans around the country that do that already for their managed care patients. They have voluntarily established—there is no law that requires it, but they have voluntarily established a procedure where you have an external review if the patient is denied coverage by a health plan. It works very well. But private health plans are not required to have an internal and external appeals process available to their enrollees and most don't.

However, when you talk about the right to sue as being the solution, I really question that. Suppose you are a patient and your health plan says we will not pay for a bone marrow transplant, so someone says, all right, you have the right to sue. The patient will be dead and gone and buried before the litigation is completed, in many cases. That right to sue does not help a person who is in an emergency situation and needs a decision right away. For the vast majority of patients, having access to an internal and external appeals process would prevent the need to go to court in the first place. An external appeals process in particular would give patients the right to have their case heard by an independent, outside panel of experts who have no financial or other connection to the health plan.

I suggest that a compromise can be found by looking at the appeals process that already exists for Medicare beneficiaries in HMOs. About 6 million of the 38 million people in Medicare are in some form of managed care. There is a procedure already established by Congress for these beneficiaries when they are denied coverage by their HMO. There is a procedure in place that works. It has been called the gold standard of the appeals process. It is not perfect. Sure, there are problems with the system such as monitoring and enforcement. Even with a good appeals system in place, patients have to know that an appeals process is available to them, how it works and how to access it. I've recently asked the GAO to review Medicare's internal and external appeals processes to determine whether it needs to be improved. But the Medicare appeals process that Congress put in place works well for beneficiaries overall. I suggest that in an effort to bring this Patients' Bill of Rights to the floor and get something passed, to resolve the impasse between no right to sue and absolute right to sue, we should look for a middle ground by taking what we have in Medicare and using it as model for private health plans. We can do that very simply. In fact, I have an amendment drafted that, if a bill comes up, I would like to offer what I think could bridge the gap on this issue.

Here is generally how the Medicare appeals process works: Health plans have 14 calendar days to make an initial coverage determination for routine matters. If it is an emergency, a real emergency, the Medicare HMO has to make a determination within 72 hours. That is the first step the insurance company must take in this process. If the plan decides to pay for the treatment, that is the end of it, the patient gets the care. But if a patient is denied coverage after this initial decision made by the company, then the beneficiary or his doctor can request an internal review, and it is an internal review by the company. If it is an emergency, they have to reconsider their decision within 72 hours. If it is a nonemergency, they have 30 days to reconsider their original decision. If they reverse their original decision, that is it, no more appeal, the patient is covered. If a patient is still denied coverage after the internal review by the company, then the patient can access an external appeals process. The external appeals process is done by a panel of outside experts, not by the company. These outside experts are people who have no financial interest in the decision and who look at the case and make a decision. If it is an emergency, the external reviewers have to render a decision within 72 hours. If it is a nonemergency, they have 30 days in which to decide. This is an external review—not by the insurance company, not by the carrier, not by anybody who has a financial interest in the outcome of this decision. Outside, independent experts make that decision. If they find in favor of the patient, that is it. There is no further appeal by the health plan.

If the external reviewers find against a patient and say, no, the HMO does not have to pay for that treatment, that patient still has step 4, which is an administrative appeal. That is an appeal to an Administrative Law Judge at the Social Security Administration. The Administrative Law Judge then can make a decision based on what they think the plan provides, whether it is covered or whether it is not covered. If the Administrative Law Judge rules against the Medicare beneficiary, the beneficiary can appeal the decision to the Departmental Appeals Board at the Social Security Administration.

Then, there is a fifth step in the process if the Administrative Law Judge or Appeals Board finds in favor of the plan and against the beneficiary. If the patient is denied coverage by the Administrative Law Judge, that patient still has the right to judicial review in U.S. district court where he can push his case and plead that the procedure be covered. He can't sue for damages; he can't sue for punitive damages, or compensatory damages, but he can sue for coverage. If it is a bone marrow transplant, he could sue for the cost of that procedure, or an MRI, or whatever the procedure would be. This is what we do for Medicare. This is what Congress has helped establish for the 15 percent of Medicare patients who are now in HMOs. It is already in existence and in statute and it works.

A good thing about this, in addition to the fact that it is already there and we know how it works, is that it prevents most of the cases from ever having to go to court in the first place. Either the first, second, or the third level of review solves the problem, and it is done in a timely fashion. Does anybody think they can go to court and get a decision within 72 hours? You could not even file the papers within 72 hours. You would have depositions, hearings, a trial, an appeal, and then it gets kicked back down, and the patient has died, and you are still litigating whether they should be covered or not. That is not necessarily a good procedure.

What I am suggesting to those who say, "Don't allow suits" and to those who say, "You have to have suits in this Patients' Bill of Rights," is that there is a middle ground that makes sense. I ask all of my colleagues just to consider that we are so close to the end of this session and neither side is going to get everything it wants; it is just not going to happen. If we hold out for everything we want and not try to compromise, we are going to go home and argue about failure because nothing will pass. There is a better way to serve the people and that is, I suggest, to say on this question of what rights to give patients when they are denied coverage, let's take what we already do

in the Medicare Program and establish that as the procedure to be used for managed care plans in the private sector. While it needs some fine-tuning, it works; it has a proven track record. It is not perfect, but it certainly is better than what patients have right now because, in most cases, patients do not have the right to any kind of internal or external appeal if coverage is denied. I suggest that this makes a great deal of sense and could help resolve part of this problem. We can bring this bill up to the floor next week, adopt this amendment, and then ultimately send this to the President, who I think would be certainly willing to sign something that may not be 100 percent what he wants, maybe not 100 percent of what anyone wants, but it is 100 percent more than we are going to get if we do nothing. This is a suggestion that I hope our colleagues will seriously consider.

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

The PRESIDING OFFICER (Mr. DEWINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from North Dakota has 30 minutes reserved. Is it that time that the Senator would intend to use?

Mr. KENNEDY. The Chair is correct. I thank the Chair.

The PRESIDING OFFICER. The Senator is recognized.

INCREASING THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, under the leadership of President Clinton, the country has enjoyed six years of economic growth. Unemployment is at its lowest level in a generation. Inflation is the lowest in 40 years. Despite this week's gymnastics by the stock market, economic indicators continue to be strong. Job growth is projected to continue throughout this year, and inflation is predicted to remain at historically low levels.

But for most Americans, it's someone else's boom. Too many citizens are just one paycheck away from bankruptcy. Facing a sudden health crisis, a divorce, or some other family emergency—these families often have no choice but to declare bankruptcy.

My Republican colleagues respond with legislation to make it easier for banks and credit card companies to squeeze these already-struggling families even harder. I say, giant corporations don't need the help as much as families do.

And the best way to provide effective help is to raise the minimum wage. The amendment I have introduced today will raise the minimum wage by 50 cents on January 1 next year and another 50 cents on January 1, 2000. As we begin the next century, the minimum wage will be $6.15 an hour.

Mr. President, as this chart illustrates, we can see where the minimum wage has gone since 1955 in terms of real dollars.

We were back here at $4.34 in 1988. We raised the minimum wage here in a two-step procedure, and then it declined in terms of real purchasing power. And now we are talking about raising it up to what would be $6.15 an hour in the year 2000. But if you look at this chart, Mr. President, you will see that the actual purchasing power in the year 2000 in today's dollars would be only $5.76. This chart is a constant, real dollar chart. And even if we raise it to this level, we will still be below where the minimum wage was for some 15 years from the 1960s through the 1970s under Republicans and Democrats alike—below that level at a time of extraordinary prosperity for millions of Americans—millions of Americans—even with that increase.

If we do not increase it, if we do not accept this amendment, we will find out that the minimum wage effectively will be not $5.15 an hour, but $4.82 an hour, which will put us close to the lowest levels in the last 35 years in terms of purchasing power for working families at the lower end of the economic ladder.

Those at the bottom of the economic ladder have not received their fair share of the nation's remarkable growth. Working 40 hours a week, 52 weeks a year, minimum wage workers earn just $10,700—$2,900 below the poverty level for a family of three.

In the midst of what many experts are calling "the best economy ever," 12 million working Americans are still earning poverty-level wages.

For them, survival is the daily goal. If they work hard enough and their hours are long enough, they can make ends meet—but only barely. They don't have time for their families. They can't participate adequately in activities with their children.

They can't afford to buy birthday presents or do the countless other things that most of us take for granted.

We know who minimum wage workers are. They assist teachers in classrooms across the country. They care for the chronically ill in their homes. They are child care workers and aides in nursing homes. They sell us groceries at the supermarket, and serve us coffee at the local coffee shop. They clean corridors and empty trash in office buildings in countless communities around the nation.

They are workers like Valerie Bell, a custodian for a contractor in Baltimore, who told us what a higher minimum wage means in human terms. For workers and their families, it means far more than dollars and cents. It means dignity. As she said, "We no longer have to receive food stamps or other social services to supplement our incomes. We can fix up our homes and invest in our neighborhoods. We can spend more at the local grocery store. We can work two low-wage jobs, rather than three low-wage jobs, and spend more time with our families. Our utilities won't be cut off. We can pay the medical bills we accumulated from not having health benefits in our jobs."

Minimum wage workers are people like Cathy Adams, a home health aide from Viola, IL. Cathy is a high school graduate who is currently enrolled in a computer training program at the local community college. She lives with her two daughters, who are 10 and 11.

Cathy works 11 and one-half hours a day, five days a week, caring for a woman with multiple sclerosis. She bathes her, dresses her and feeds her. She does the grocery shopping, the laundry, and the cleaning. She runs errands and schedules doctors' appointments.

Cathy likes her job and is fond of her client. But she finds it hard to live on $5.30 an hour. She told us in March that "I literally live paycheck to paycheck. After paying the bills, whatever is left over goes to groceries. I have $9 in my savings account and worry about being able to save for my girls' education. We rarely have money to go to a movie or eat out at a restaurant.

The other day, my girls asked me to take them ice skating at school. While it only cost $10, I had to think twice about whether we could afford it."

And minimum wage earners are workers like Kimberly Frazier, a child care aide from Philadelphia. Kimberly works full time and earns $5.20 an hour. She is a single mother with three children.

Kimberly says that her salary barely covers her bills—rent of $250 a month, food, utilities, clothing for three growing children, and carfare to get to work. Kimberly says, "I can't afford a car and pay for gas and insurance so I rely on public transportation. If I had a car, I could get out to the places where there are better paying jobs. And, like all Americans, I dream of buying my own house so that I can raise my kids in a neighborhood that has less crime and more trees. But I know that, although I work and study as hard as I can, I will never have the down payment for a house earning the minimum wage."

Kimberly concluded that "A dollar an hour probably doesn't sound like a lot to many people, but to me and my children it would mean a real improvement in our lives."

Workers like Valerie Bell, Cathy Adams, and Kimberly Frazier tell stories that are repeated in communities across the nation. That's why we say

now is the time to raise the minimum wage.

Nay-sayers parrot the same arguments they have always used against a fair increase. They claim an increase will damage the economy, cut jobs, and hurt the very people it's intended to help. The facts belie those claims.

A study released May 6 by the Economic Policy Institute proves the point. The two most recent increases in the minimum wage did not cause the sky to fall. There was no measurable effect on jobs; no measurable effect on inflation. The only measurable effect on low-income workers was positive. They received the pay increase they deserved. Mr. President, 60 percent of the benefit of the 1996–1997 increases went to families in the bottom 40 percent of the income groups; a third of the benefit went to the poorest families, those in the bottom 20 percent. Nearly three-quarters of those who benefited were adults over the age of 20. On the average, minimum-wage workers contributed over half of their family's weekly earnings.

The most recent data support the increase. Raising the minimum wage does not cause unemployment for men and women, adults, teens or anyone else. Look at the teenagers. We have a chart for the teenagers. The argument is made that the most vulnerable group is teenagers. But if we look at the employment levels for ages 16 through 19, before the minimum wage increased to $4.75 in 1996 and then to $5.15 in 1997, we see that the total employment for teenagers has risen steadily. Nearly 400,000 more teenagers are working today than before the increase took effect. So increasing the minimum wage has not lowered teenage employment.

Teenage unemployment has dropped dramatically during the same period, according to the Bureau of Labor Statistics. The unemployment rate was nearly 17 percent when the minimum wage was first increased. Today the unemployment rate among teenagers is 14 percent, a drop of almost 20 percent since the last increase.

Minimum wage opponents typically claim that low-wage industries will lay off workers rather than pay a higher minimum wage. But look what happened in the retail industry where many low-wage workers are concentrated. In the year before the minimum wage was increased, retail employment grew by just under 400,000 jobs. In 1994 and 1995, before we increased the minimum wage to $4.75, there were 394,000 new retail jobs. In the eleven months since we raised the minimum wage, there have been 500,000 new retail jobs; retail employment has increased since the last raise. The argument that raising the minimum wage causes job loss for the most vulnerable, the teenagers and those who are the working poor, does not hold. The facts are not there. That argument cannot be made.

Retail employment grew over 25 percent faster since the minimum wage was actually increased because, many economists believe, when you do get a respectable wage for minimum wage, people will go back to work and go to work and increasingly move off unemployment or the welfare system, because they are able to provide for their families.

Despite these figures, too many of our Republican friends oppose giving minimum wage workers an additional $1 an hour. Instead, their priority is reforming bankruptcy laws by rewarding banks and credit card companies who target low-income families. That will be the item on the agenda, according to the majority leader. So today I am filing the minimum wage as an amendment to the bankruptcy bill.

Democrats agree, plums for the rich and crumbs for everyone else is the wrong priority. We need to do more for working families and communities across America. We can do more by raising the minimum wage, and with the strong support of President Clinton, Democrats in the Senate and House and some courageous Republicans, I intend to do so.

I see my colleagues here. Let me just point out what this issue is really all about. This is a women's issue, because more than 60 percent of the recipients are women. This is a family issue, because many of those women have one child or more. So it is a children's issue. What kind of life are these children going to lead? What kind of atmosphere are they going to be growing up in? Are they going to have a parent available to them or is that parent going to be out working two or three jobs? Is that parent going to be able to treat that child with dignity?

So this is an important issue. It's a family issue, a children's issue, a women's issue, and most of all, more than any other issue we will vote on here in the U.S. Senate, it is a defining fairness issue. It is a fairness issue. It is an issue whether America is going to say to those Americans who are prepared to work 40 hours a week, 52 weeks a year, that they will be able to live out of poverty. That is the issue.

Are we going to back up the speeches here in the U.S. Senate that say we applaud work? We are talking about those who are working. If you are working, you deserve a fair wage. With the most extraordinary prosperity we have seen in recent times, with the kind of creation of wealth we all read about—the stories about $2 trillion being lost in the stock market in a period of 24 hours, we are talking about nickels and dimes for working men and women. We are not even talking about the kinds of increases Members of Congress have received during the same period of time. We are not talking about that, which is far in excess of what we are talking about for minimum wage workers. How bold will our colleagues be. Will they turn thumbs down on working families, and continue to accept the increases in their own pay received since the last increase in the minimum wage?

This is a fairness issue. It is whether we, as a country, are going to follow a proud tradition of Republican Presidents and Democratic Presidents, Republican support in the Congress of the United States and Democratic support. This has been, until recent years, a bipartisan effort—a bipartisan effort. The question is whether it will continue to be a bipartisan effort, to try and make sure that working families in this country have a living wage.

I hope this body will be willing to accept this amendment.

I yield 6 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, how much time do we have left? I have split time with Senator DURBIN. However he would like me to do it, I say to my colleague from Massachusetts.

The PRESIDING OFFICER. The Democratic leader has until 10:30.

Mr. WELLSTONE. I will take just a few minutes then.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I am pleased to join my friend from Massachusetts once again to speak about one of the most important issues facing American working families. At a time when our economy is performing well, many Americans who work hard, who work full time, still live in poverty. I don't know what better signal we could send at the end of this Congress to people who are working hard, trying to provide for their families, than to pass the American Family Fair Minimum Wage Act.

This increase in the minimum wage, which Senator KENNEDY and I and others intend to offer as an amendment, perhaps to the Bankruptcy bill, is the single most important step we can take in this country immediately to promote economic justice. It would lift the federal minimum wage to $6.15 an hour over two years. That is a one-dollar-an-hour raise for American workers who labor near the bottom rung of our economic ladder as we enter the 21st century. Many of these men and women work just as hard if not harder than many of us here in the Congress. Yet they very often live economically insecure lives. They deserve a raise.

This modest raise would still leave the federal minimum wage at a level that would be worth less in real terms less than it was in 1968.

We all know that glaring economic injustice and inequality remain in America. We can say that there are two Americas—one with greater and greater access to all the things that make life richer in possibilities, the other struggling daily to make ends

meet. Even as our economy is generally performing well, the disparity between rich and poor continues to grow. If we want to declare that we honor work, we must value it properly.

When I have toured the cafes of Minnesota, the streets of East L.A., the inner city of Chicago, people want to know how they can earn a decent living, how they can give their children the care they need and deserve. This minimum wage increase will help hard-working Minnesotans and all Americans in their efforts to make ends meet.

Seventy-four percent of those who receive the minimum wage are adults. Sixty percent are women. Fifty percent work more than 35 hours a week. Eighty-two percent work at least 20 hours. These numbers tell a story. Raising the minimum wage will help hard-working Americans, many supporting families, to earn a decent living.

The minimum wage disproportionately affects women, many of whom are single heads of households with children. Sixty percent of those who earn minimum wage are women. They are teachers' aides, they are child care providers. They work hard, yet they make $10,700 a year. That's $2,900 below the poverty line for a family of three. That's not a living wage. To lift themselves from poverty, they must earn a fair living wage.

Some opponents of increasing the minimum wage argue that it will cause job losses and actually hurt workers. Recent experience effectively rebuts that claim. An Economic Policy Institute report released this year demonstrates that the minimum wage increase which took effect during 1996 and 1997 raised the wages of almost 10 million people. Seventy-one percent were adults and 58 percent were women. Just under half worked full-time. The research also found that the increases had disproportionately benefited low-income working households. Although households in the bottom 20 percent of the income distribution receive only 5 percent of total family income, they received 35 percent of the benefits from the minimum wage increases. Four different economic tests of these minimum-wage increases failed to find any systematic, significant job loss associated with the 1996–97 increases.

The overall conclusion of the EPI report was that the 1996–97 increase in the minimum wage proved to be an effective tool for raising the earnings of low-wage workers without lowering their employment opportunities. In other words, it worked.

So now it is our responsibility to continue this process and assure that more Americans are able to earn a liveable wage. If we do not raise the minimum wage now, by the year 2000 the real value of the minimum wage will only be $4.28 an hour—almost as low as it was when the 1996 bill was enacted. We must act now to allow 12 million workers to benefit from this increase.

In my home state, this minimum wage increase will benefit at least 147,000 working Minnesotans and probably more because when we increase the minimum wage, it applies pressure to increase wages for people also making slightly more than the minimum wage. In 1996, 39% of Minnesota's workers paid at the minimum wage were between the ages of 16 and 21. Now, those numbers show us two important things: first, that the majority of Minnesotans just like the majority of Americans earning the minimum wage are adults. This issue is not just about helping youngsters looking for a paying job after school. But second, at the same time, many of these minimum wage workers between the ages of 16 and 21 are trying to make money to stay in school, to pay the bills as they study to receive their college degrees. In Minnesota, we have record low unemployment, but state statistics show that increasing the minimum wage will not significantly affect the number of minimum wage jobs available for people needing the work to make ends meet.

We celebrate the affluence that so many Americans have enjoyed in recent years. We need to make sure that the opportunity to share in that prosperity is available to all Americans, whether they are in the top 20 percent of wage-earners or the bottom 20 percent. People rightly believe that if you play by the rules in America, if you work 40 hours a week, 52 weeks a year, then you should not be poor.

Increasing the minimum wage is about justice and a livable wage. The American public supports it, and we should pass it.

Let me again thank Senator KENNEDY. This will be my eighth year in the Senate. I don't think there is anybody in the U.S. Senate, I don't think there is anybody close, to Senator TED KENNEDY leading this fight. It is an economic justice fight. We raised the minimum wage to $5.15 an hour and people thought that couldn't be done. Senator KENNEDY led that fight and we did it. I am confident we are going to do it again. We are going to have an amendment on the bankruptcy bill and are going to talk about raising the minimum wage from $5.15 to $6.15 over a 2-year period, and I think we will have a positive vote for it. It is the right thing to do. The majority of the people support it and this should be a priority for us.

Let me make three points. I heard my colleague from Massachusetts, and I am proud to join him in this effort and can't wait to have the debate. And I am proud to join Senator DURBIN from Illinois. I heard my colleague from Massachusetts talk about this being a family issue. I am pretty well convinced now, from the Minnesota State Fair to talking with people in cafes, to traveling the country, that this really is a family issue. If there is one thing we could do—and, you know what, my colleague, the Presiding Officer, I think, agrees with me, at least in part of what I am about to say—if there is one thing we can do more than anything else, it is to try to basically say our major goal is to make sure that parents, or parent, can do their very best by their kids. Because if parents can do their best by their kids, they are going to do their best for Arkansas or Minnesota or Illinois or Massachusetts or for the country. And part of being able to do well for your kids is to have a living wage job, to be able to make a decent living.

As I travel around the country, whether it be in metropolitan Minnesota or whether it be in the farm and rural areas, or whether it be Delta, MS, or East L.A. or Watts or inner-city Chicago or inner-city Baltimore, or where my wife's family are from, Letcher and Harlan Counties, Appalachia, KY, I think more than anything else, what people say to me—and my most recent focus group is the Minnesota State Fair, where about half the population comes in about 2 weeks—right now we have the State Fair there. People are focused on how to earn a decent living and how to give their children the care they know they need and deserve.

That is what it is all about.

Mr. President, I think the policy goal for us ought to be as follows: When people work almost 52 weeks a year, 40 hours a week, they should not be poor in America. I bet any poll will show that 80 percent of the people agree with that. When people work almost 52 weeks a year, 40 hours a week, they shouldn't be poor in our country. It is that simple.

There are a number of things we can do that will make a real difference for families. We can have affordable health care. We should do that. We haven't done it yet. We should have affordable child care. We should figure out ways of providing assistance to parents, whether their child is in a family child care setting or child care center or staying at home.

The final thing we ought to do is raise the minimum wage; $5.15 to $6.15 is not unreasonable. My colleague from Massachusetts pointed out the work of the Economic Policy Institute. Everybody said the sky would fall. We have been going through this, I say to Senator KENNEDY, for half a century: If you raise the minimum wage, people will lose jobs. It did not happen; it will not happen. People, in fact, will have more money to buy and consume, which helps our economy.

Mr. President, I simply say to my colleagues that this is terribly important to women, because many of our

minimum-wage workers are women. It is terribly important to adults, because the vast majority of minimum-wage workers are adults. It is also important to younger people whom maybe we do not view as adults—18, 19, 20, 21. Many of them are working to go to college.

This is a matter of economic justice. It is a matter of elementary decency.

I close with a more hard-hitting point. This is one I am not that comfortable with, but I think it really is true and needs to be said. My colleague said it once, and I will say it again. We don't have any hesitation in voting to raise our salaries. We make $130,000 a year. We ought to be willing to vote a decent minimum wage for people. We really ought to be able to do that.

Colleagues have talked to me about how "I need to make $130,000; I have two children, they are in college; I have an apartment here, live back home, it is very hard." My gosh, that is a pretty significant salary we make. I am not bashing public service. I believe in public service. But I think we also can vote for a higher minimum wage for working families in this country. We should do this, and we will bring this amendment to the floor.

We are going to have a major debate, and all of us will be accountable as to how we vote. I hope we have an overwhelming vote for increasing the minimum wage. I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Under the agreement this morning, how much time is left?

The PRESIDING OFFICER. The Democratic leader has time reserved until 10:30.

Mr. DURBIN. I thank you, Mr. President.

In this brief period of time, I first applaud my colleagues. I am glad that I have had the honor to serve in the U.S. Senate. I am particularly happy to represent a great State like Illinois. I am honored to be a Member of the Senate with my colleagues and, in particular, Senator KENNEDY who, time and time again throughout his career, has taken this floor to speak for those who do not have a lobby in Washington, to speak for those who do not have a special interest group with a large political action committee. When Senator KENNEDY comes to the floor to speak for the poor, for the dispossessed, for those who do not have health insurance and lack the opportunity many of us take for granted, I am honored in joining him. Now that I am in the Senate, I find I am joining him more and more. I want to do that this morning on this particular issue.

A few years ago at one of the National Democratic Conventions—I believe it was San Francisco—a resident of the city of Chicago, Jesse Jackson, the Reverend Jesse Jackson—not to be confused with his son, the Congressman—took to the floor of the convention hall and gave a speech I still remember today.

He spoke to that assembled multitude of people about why we are involved in politics and what Government should be about. Jesse Jackson said in his own way—and I can't even hope to get close to imitating his style or his conviction—he wanted to speak to us about the people who get up every morning and go to work every day. He talked about the people who clean the hotel rooms of the conventioneers. He said they get up every morning and they go to work every day. The people who remove the dishes and glasses and cups from your table in the restaurant, they go to work every day. The people who watch our children in day-care centers, they go to work every day. The people who guard our homes, our offices, our schools, they go to work every single day.

For many of us, they are invisible. They are the work force of America. We tend to focus on the leadership, those who rise to the top in terms of the public spotlight, but for millions of Americans who are part of our workforce, they are such an essential part of American life, and, unfortunately, too many of us take them for granted.

What Senator KENNEDY is challenging us to do today as the U.S. Senate is not to ignore these workers and their families but, rather, to show them that we respect them, we respect the contribution they make to America, we honor their work, and we do it with a vote to increase their minimum wage.

Many of the critics of increasing the minimum wage like to argue, "Well, if you raise the minimum wage, people are just going to lay off a lot of these workers; employers can't afford to pay them." That argument has been going on since the days of Franklin Roosevelt when we established the minimum wage. In very few instances, if ever, has that been the case.

The most recent increase in the minimum wage had exactly the opposite impact. More and more people were employed. What Senator KENNEDY is suggesting, raising the minimum wage from $5.15 to $6.15 an hour over a 2-year period of time, is hardly unreasonable. It is a reasonable way for us to address the needs of many families.

We like to get on the floor here—and I have joined in this debate—and talk about eliminating welfare, changing welfare as we know it, moving people from welfare to work. I say to my friends, this is part of moving people from welfare to work, giving to those new workers a decent pay, a decent wage. These are people who get up and go to work every single day.

It is also about family dignity. If we really believe in family values, it has to go beyond a speech on the Senate floor. It has to go to a question of whether or not we will vote to make sure that families receive the money they need to make a living.

A lot of people argue, "Wait a minute, the minimum wage is just for kids, just for new employees—pay them a little amount of money because they don't have the experience." Seventy-four percent of the people on minimum wage are adults; 57 percent of the gains of the increase in this minimum wage will go to working families in the bottom 40 percent of the income scale.

The other people argue, "Wait a minute, don't worry about the minimum wage, that is for part-time workers." That is not the case. Fifty percent of the workers on minimum wage are full-time workers; 40 percent of them are the sole breadwinners for their families.

What will $2,000 a year mean? That is what it will be if the increase goes through, $2,000 a year for a family. To a low-income family struggling to survive, it means money for groceries and rent, to pay for drugs, and to pay perhaps for health insurance for their children. It is the difference in quality of life which we cannot overlook.

When the record is written about this Congress, questions will be asked: What did we achieve? Well, we haven't passed a budget resolution. We are now more than 4 months after the requirement to do it. We are struggling through the appropriations bills. I believe we will pass them. We have renamed the National Airport after President Ronald Reagan, and, folks, that's about it. Shouldn't we, before we leave, address the millions of Americans—200,000 in my home State of Illinois—who are, frankly, in a position where this increase in minimum wage could mean a dramatic increase in their quality of life?

I will be coming to the floor on this bankruptcy bill debate. My friend, Senator GRASSLEY from Iowa, and I have worked long and hard on this bill. We have our differences on it. But I will tell you this: I fully support what Senator KENNEDY and Senator WELLSTONE have set out to do, to make sure it is part of this debate that we will increase the minimum wage.

I hope those who are about to consider this issue, Republicans and Democrats alike, will understand that we are talking about people in America who get up and go to work every single day. They deserve our respect. They deserve an increase in their minimum wage.

I yield back the remainder of my time.

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

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

Under the previous order, the time between 10:30 and 11:30 a.m. shall be under the control of the Senator from Wyoming, Senator THOMAS, or his designee.

Senator THOMAS is recognized.

Mr. THOMAS. Thank you very much, Mr. President. I will alleviate your concern that I will take the whole hour. Nevertheless, I think I will be joined by some of my colleagues.

CONCERNS OF THE AMERICAN PEOPLE AND THE ROLE OF THE FEDERAL GOVERNMENT

Mr. THOMAS. Mr. President, it is an interesting time, of course, for us here. Entering into the last month of this Congress, we are faced, of course, with finishing the work that we have begun, and more particularly, in closing up the appropriations process so that the Government can continue to function with a real determination and, Mr. President, to assure that that happens and that we do not get into this business of accusing one another of closing down the Government because we do not agree on issues. I am very much persuaded we will have a continuing resolution so if we do have disagreements that cannot be resolved in this time that the Government will continue to go on. If it does not, it would be my opinion it would be up to the administration to have it shut down.

As was the case with most of the Senators here, I recently spent a month in my home State of Wyoming, having an opportunity to visit with people about things that concern them, having an opportunity, perhaps more importantly than visiting, to listen to what people believe to be the role of the Federal Government, what the people believe to be the issues most compelling to them. Of course, everyone has them.

In my State, where we have relatively little diversity in our economy, we have three basic economic areas: One is tourism, one is mineral extraction, and one is agriculture. Unfortunately, both agriculture and mineral extraction are not in good shape economically at the moment, and we are seeking to do something about that.

So this time I think is useful time for us. People always say, "Hey, you're on vacation." Well, it is not vacation. It is a very busy time. But it is a useful time and a chance to perhaps stand back a little and look at some of the broader problems. And that is so important, especially, I think, in this last month when we become so focused on every detail, every little appropriations process, where we tend sometimes to sort of get away from really the fundamental issues that we are here to represent.

So my comments today will simply represent my point of view. I do not allege to speak for anyone else. But I happen to think that one of the things that is most important to us as we deal with all issues is to have some philosophical guidance, some basic belief that you measure all these details against. Failing in that, it seems to me, it is very difficult to make decisions that are consistent, to make decisions that finally end up doing what you really believe in and what your philosophy ought to be.

One of the conclusions that I have reached, not only on my own certainly, but because of what I hear in Wyoming, people having heard it of course in the media, is that this administration is basically in limbo, that it will be for some time, that we have relatively little, if any, leadership coming from the administration. We need to recognize that and to move forward with the issues that confront us. We can do that. And we need to do that.

Frankly, we have had relatively little leadership over the last several years. This administration, in my judgment, and the judgment of others, has been one without any real basic commitment to a point of view or to a philosophy or to a direction, but rather driven more by polls and what happens to be the political thing at the moment. I suppose this is perhaps not a brand new idea, but one that I think is very dangerous and one that really does not direct us in the way that we ought to be going; that, indeed, instead we have a time of spin, an administration that is basically sort of predicated on how you can make things seem, whether they are that way or not, or whether, indeed, they are predicated on Saturday morning radio talks in which there are issues brought forth, and subsequently no real commitment to doing something about it, like the State of the Union in which things like "Social Security first" are mentioned, but then nothing is done as a followup.

That is a concern to me, that there is no real commitment and, frankly, relatively little real belief or commitment or, indeed, character in terms of where we are going.

I think there are some major areas that need attention and that will be continuing to need attention. We need to look into them. One is foreign affairs, foreign policy—or a lack of foreign policy. Almost daily we see that some country—mostly the rogue countries—is challenging the rest of the world, challenging the United States. Why? Because they have begun to do this, and there is no real response, there is no reason why they shouldn't. Why shouldn't Iraq thumb their nose at us in terms of doing the weapons thing that they promised to do when obviously they are not going to be required to do that? We have not finished our job in Bosnia, Kosovo. Those things are still there.

We have the Asian currency issue, a difficult issue that impacts us, one that, again, we need to make some decisions as to where we are and let people know exactly where we are. The idea from the administration that we are going to raise that question is not a good enough answer—the most current one, of course, being North Korea, and which we have dealt with for some time, particularly through the KEDO arrangement, trying to find a way to cause them to control what they are doing in nuclear arms development in return for a substantial contribution on the part of the United States and Japan and South Korea to build light-water reactors to replace that. And yet, they seem basically to say, "Well, we appreciate what you are doing, but we are going to go ahead and do what we want to do. We are going to go ahead and fire missiles. We are going to go ahead and have underground development of nuclear weapons, nuclear materials."

We cannot do that, in my judgment. And I feel very strongly about it. I happen to be chairman of that subcommittee on Asia and the Pacific Rim. We are going to have another hearing this week. We had one just a month ago before we left and talked about the adherence to the KEDO agreement. There was certainly a notion that at that time things were being done that were not consistent with the plan.

I think we need to give some real consideration to our military preparedness. This is not a peaceful world. One of the best ways to ensure as much as we can that it is peaceful is to continue to have a strong defense force, a strong military, to be the world's strongest military. And we are. However, there is increasing evidence that we are not putting enough emphasis into it in terms of support for it, in terms of the distribution of our troops all over the world. It is very costly. It is very difficult, then, to meet the mission that we have given ourselves, and that is to be able to work in two theaters, if necessary, at one time. Some doubt that we can do that now. So we, I think, have to deal with those kinds of very difficult issues.

The matter of taxes is one, as you can imagine, we hear a great deal about when we go home—taxes in terms of the amount of taxation that citizens pay, the unfairness of taxes in terms of things like marriage penalty, the behavior of the IRS, which, of course, we addressed in our last session and hopefully will be useful. Perhaps even more important is the whole notion of Tax Code reform. You can deal with the IRS, you can deal with the management and the administration, certainly, of tax collection, but the real bottom line is the Tax Code. If the Tax Code is going to be so convoluted and so difficult and so detailed, it becomes increasingly difficult to do that.

Here again, the administration has come forth with no real idea as to how

to simplify the Tax Code. There is not unanimity among any of us as to what it ought to be—whether it ought to be a flat tax, a sales tax, or a consumption tax, or simply a simplification of what we have now. But we need some leadership to do that and we need something from the administration to do that. We need some ideas to do that instead of simply getting up and saying Social Security first, and then turning off the radio.

I have a number of other items I would like to share, Mr. President, but I want to recognize my friend, the Senator from Kansas, who has come to the floor. I yield as much time as he desires for his observations.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I want to thank my colleague and my good friend from Wyoming for reserving this time and for talking about some of the very crucial issues that affect our Nation's citizens, our daily lives, our pocketbooks, and, quite frankly, the lack of leadership that we see both from the standpoint of the administration and, to be very candid, in this Congress as well.

What I would like to talk about for a few moments is the issue that I think is the first obligation of the Federal Government. That is our national security, our national defense.

In beginning my comments, Mr. President, I would like to refer to a letter that was sent from the distinguished majority leader, Senator LOTT, to the President. Senator LOTT said this:

> I am very concerned about the growing inability of our country to man the uniformed services. Not only is there difficulty in recruiting, but also in our ability to retain key personnel.

Senator LOTT then went on in several paragraphs to describe the problem that we have. Then in the last paragraph he said,

> Mr. President, while I believe that more money needs to be allocated to our National Defense, it needs to be done prudently. We need to get the missions, manning, equipping, and pay and benefits synchronized to enable us to continue with a quality force into the 21st century. I urge you to make this a high priority of your fiscal year 2000 budget request.

And then in regard to the suggestion by the distinguished chairman of the Senate Appropriations Committee, Senator STEVENS, there is an effort by some of us who have the privilege of serving on the Senate Armed Services Committee, and those of us in the Senate Intelligence Committee, to take action as of this appropriations cycle. I think that certainly would be very wise and it is very needed.

The President wrote back and pretty much said that he is committed to ensuring that we have a strong and ready force and indicates—and I am paraphrasing here, and perhaps that is not entirely fair, but the way I read the President's letter is that we will stay the course and that we have a defense system certainly prepared to meet all of our national security interests.

Mr. President, I don't buy that. I rise today to voice my concern with what I think is a very growing and very worrisome problem with our military. And that problem exists right now and today and we should take immediate action to find answers to that problem. The issue is not, it seems to me, do they have enough tanks or fighters or ships or small arms. By the way, I do not think they have the adequate funding support for the modernization and the procurement of essential systems, but I will leave that discussion for a later time. This issue is even more fundamental and, I think, just as important; that is, the basic care of the men and women of our Armed Forces and their families.

Now, we have all heard the concern from the leaders of the military—we have had hearing after hearing—their real growing inability to attract and retain the needed skilled personnel, such as pilots and mechanics and ship drivers or any number of other very critical skills maintained by enlisted and officers of our military. Some say they are perplexed at this talent drain and wonder why they cannot stop the hemorrhaging.

Let me recount some other related topics concerning the care of our military and perhaps we can start to understand what I call this hemorrhaging.

Following the end of the cold war, the United States started a systematic downsizing of our military, consistent with the threat, and that made sense. I think everybody agreed with that. However, many people have not given much thought to how far we have downsized, just how far we have downsized.

Let me summarize what we have removed from the military: 709,000 active duty troops—709,000 active duty troops—293,000 reserve troops; 8 standing Army divisions—8—20 Air Force and Navy wings with 2,000 combat aircraft; 4 aircraft carriers; 121 Navy ships and submarines.

With the end of the cold war and with these very dramatic reductions in our military, we should be able to take great solace in the fact that surely our military commitments and deployments have also taken similar reductions. In other words, if you took dramatic reductions in regard to the active duty troops, the reserve troops, the Army divisions, the Air Force and the Navy wings, 4 aircraft carriers, 121 Navy ships and submarines, you would think that our commitments and our deployments would have been reduced as well. Unfortunately, as also many of us understand, just the opposite has occurred. The military across the board has experienced a many-fold increase in their operational commitments and tempo of their operations. Plainly stated, our significantly "downsized" military has been asked to deploy much more often and for longer periods of time than they ever have in our history.

This increased operational commitment has directly impacted the very culture of our military. For example, Mr. President, General Ryan, who is the Chief of Staff of the U.S. Air Force, has stated that the Air Force has shifted from a garrison force to an expeditionary force during this period—a dramatic change. The bottom-line impact on our people is that they are now away from their families significantly more than they were in the past. And, by the way, as we have shifted to an all-voluntary military, the number or percentage of married service members has also significantly increased—reportedly 63 percent now of our military members are married. So, problem No. 1, Mr. President, we have significantly increased the workload upon a substantially smaller military.

Since the percentage of service members that are married has grown, this increased workload has amplified the negative affect of deployments on the morale of our troops and their families. The reluctance of families to continue to tolerate these separations really contributes to the loss of mid-level personnel, key personnel, mid-career personnel. Asking our military to deploy and endure hardship in their personal lives is not new. Ask any veteran of World War II, Korea, or Vietnam about hardship and long separations. But those situations were drastically different than the involvements the U.S. military is being asked to participate in as of today.

In each of the major conflicts in the past, the mission and importance of the U.S. involvement was clearly articulated by the President, by the administration, understood by the American people, and certainly understood by our men and women in uniform. Those conflicts were founded on the notion that our involvement was in the U.S. vital national interests. The men and women of the military understood that concept, and they and their families were more willing to accept the hardship of military life.

I am convinced that the missions that our military are now participating in today do not meet that fundamental threshold of national interest. I am also convinced that our military members understand the nature and the motivation of their missions. Although they continue to perform superbly, they understand that their sacrifice and their family's sacrifice today is not for the same noble cause as the defense of the American homeland—the very reason many join the military in the first place.

Problem No. 2: With a significantly increased deployment schedule and a

substantially smaller force, the value and importance of today's missions impacts on the willingness of the men and women to join or to commit to the military as a career. Without clearly articulated mission goals and objectives founded in the fundamentals of the U.S. vital national interest, the ability to recruit and retain motivated men and women for our military will remain very difficult.

You only have to look at the deployment of 27,000 men and women in uniform in the Gulf, 37,000 in Korea, approximately 10,000 in Bosnia, with the expectation of what happens in North Korea and Kosovo as an example.

Certainly, if we are putting our military in a position of increased deployments and increased family separation, Mr. President, we must have or are doing a better job of adequate pay, health care, and retirement system. Unfortunately, just the opposite is occurring in today's military.

Let me outline the pay issue with one example that is occurring all too often in the military today. Picture, if you will, a young soldier—in which we have placed a great deal of training and responsibility and trust—commanding the world's best tank, M1A2, a $4 million piece of equipment. At home, this soldier has a wife and three children. They live in a mobile home off post, and because of his low military income, they are on the WIC Program, the Women, Infant and Children Program, which is a form of welfare.

What has happened to reasonable compensation for men and women that are committed to the service of our country? Can't we pay our military enough to keep them off of welfare programs or off of food stamp programs? We, the Congress, cap the raises that the military can receive. The net result of this action is that the military pay differential between a comparable job in the civilian market and the military has grown from 13 to 15 percent. That gap can go to 20 percent in just a few years.

Problem No. 3: Although the skill level required of the men and women of our military does continue to grow, the pay differential between the same skilled civilian and the military simply continues to widen.

The current pay of many of our young military families is so low that it is not adequate to keep them off of welfare programs. The prospect of continued and frequent long deployments coupled, with the opportunity to get better pay on the outside for the same work, contributes to the inability to attract and retain the skills needed for today's military. This is true for both officer and enlisted personnel.

OK, the pay is not great, but surely the housing has kept up with the increased numbers of married military members, and we have provided them with adequate housing—not palatial housing, but certainly adequate. Wrong again. To illustrate this issue, let me quote from an article entitled "Shoddy Military Housing Need Repair," by John Diamond, a writer with the Associated Press. He says this:

> "In reality, we're the biggest slum lords in the country," said Michael J. Haze, chief of Fort Carson's housing division. "I have soldiers every day telling me they live in the projects."

In the projects.

The article went on:

> Behind the bureaucracy, thousands of military families continue to tolerate what the Pentagon acknowledges is shoddy, substandard housing because they cannot or will not pay higher rents for off-base housing.

I don't want to mislead anybody. Some of the base housing is very nice and adequate. But if a serviceman happens to be unlucky enough not to be assigned to nice facilities, or a base that has nice facilities, their pay will not support quality housing in the private sector.

Problem No. 4: We ask our military to deploy at a much higher pace than ever before, we assign missions that do not meet the national interest threshold, we pay them less than they could get for the same or similar skills as a civilian, and in many cases, we ask them to live in substandard housing. It goes without saying that the culmination of these problems really contributes to the dissatisfaction with the military as a career and its attractiveness to potential recruits. How could anybody assume otherwise?

Finally, many of the men and women are able to work with and through all of these issues with their families and make the military a career. Many are still doing that. For many years, the attraction and reward for the tough life in the military was the great benefit of retirement. The deal was that if you would spend at least 20 years in the service of our country, your retirement benefits would be one-half of your base pay. And if you elected to spend 30 years, you would receive 75 percent of your base pay. That retirement program was a major benefit, a major recruiting tool, a major retention draw. Many young men and women have said, "I can stick with this tough life because I know I am doing a good job for my country and I know that at least I have half of my pay coming to me at the end of 20 years." The plan is now that if a service member works for 20 years, the benefit is only 40 percent of the base pay. It is still 75 percent after 30 years, but the big draw has always been the 20 years. This is not popular with the troops. That is probably the understatement of my remarks. The fear is that the retirement program has been so weakened that, coupled with a myriad of other problems that I have described, many service members will leave rather than "tough it out until 20."

Problem No. 5: The members of our military are working harder, deploying more, receiving less pay than civilians are for the same job, living in inadequate housing, and are now seeing a reduction in retirement benefits. It is not difficult to understand that with this collection of negatives, and all of our commitments all around the globe—some may or may not be in our national interest—the military is experiencing problems in retention and recruiting.

I didn't mention health care. I don't have prepared remarks regarding health care, but I will come back to the floor and mention that as problem No. 6. That is an additional problem—adequate and affordable health care that is at least accessible. So, in many cases, that is an additional problem.

Mr. President, these are very serious problems that face the men and women of our military. I must admit that they do not have simple or inexpensive solutions. I do plan, with the help of many of my colleagues, to systematically attack these problems as a member of the Senate Armed Services Committee. I hope that together we can help restore the faith of our military members that the American people care about the sacrifice they and their families make in the defense of our Nation by providing adequate pay, housing and retirement benefits and health care. We owe this to these men and women and their families that serve our Nation.

In closing, again, I thank my colleague, the distinguished Senator from Wyoming, for the time. I want to come back to the letter sent to the President of the United States by the majority leader, Senator LOTT. Senator LOTT said in two or three paragraphs, in brief, what I have tried to outline today. Mr. President, we have to do something about this. Mr. President, we have to do something now. We have to do something with the current appropriations bills. The President has sent a letter back to the majority leader saying, in effect, that we do have a military that still stands in the breach to protect our individual freedoms and national security. And we will talk about it in the next budget. That is not good enough. It is not good enough. We need to begin the process now.

I ask the President to reconsider the letter by Senator LOTT. I know my colleagues will work in a bipartisan fashion to end what is a growing scandal in the military in terms of retention of the people who we need to maintain our military and maintain our national security.

I thank my colleague and my good friend from Wyoming for the time. I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I thank the Senator from Kansas very much for his comments.

Mr. President, I guess the real issue and the thing that he and I are both talking about is the basic, fundamental functions of the Federal Government and what priority they should have. Certainly, the defense of this country has to be among the—if not the—top priorities. No one else can do that. I appreciate very much the comments the Senator has made.

This whole idea of priority setting, this whole idea of the concept of the basic belief of what you think the better role of the Government, is of course a difficult issue but it is the basis of why we are here; it is the basis of elections to decide. People say, "What is your position with respect to the Federal Government?" There are legitimate differences of view. You can see them on this floor. There are those who believe sincerely that the Federal Government ought to be the predominant activity in government in the whole country. There are those who, frankly, have very little confidence in local governments and in State governments, and they think the Federal Government ought to do all of those things. Obviously, there are roles for the Federal Government. In my view, there are quite certainly roles that are better done at the local and State level. That is the constant issue with which we deal.

I was talking about some of the things people talked about while I was in Wyoming. I mentioned Social Security. I would like to go back to that for just a little bit. There has been a great deal of talk about the condition of Social Security to the extent that people, many older people, are worried about, of course. But maybe even more importantly, younger people who are now just entering the workforce are saying, "I am going to be paying into this thing forever, but by the time I am ready to retire, there will be nothing there." I think it is clear that Social Security is strong for 20 years or 25 years, and all those who will become eligible for benefits during that time will see them. But young people, like these folks sitting here, are the ones who will be paying the tab. Unless we do something, we will unlikely have a solvent Social Security program.

We need to move forward. I am pleased that there is a considerable amount of talk about it. I hope we do something rather soon. It seems to me that if we can do it, the sooner you do it, the less severe the changes need to be. If you make rather simple changes, rather incremental changes 20 years out, it makes a great deal of difference.

What are we talking about? Of course, one of them that is already underway is to raise the retirement age. Times have changed. People are living longer. People are working longer. That is legitimate. There will be debate about how far that goes, of course. But, more importantly, the notion that seems to be catching on is that some percentage of the payments that are made, some of the percentages of 12-percent payments that are made into Social Security, should be set aside into an individual account which is invested in equities, invested in something that will earn more interest than the current investment which is in Government securities; that that account will grow more quickly; that there will be more benefits from the same investment. And that is very possible, of course; further, that that account would be your account and my account.

If for some reason or other you happen to pass on before you use all of that, that it, indeed, be part of your estate. There would be a substantial difference. I don't think many are talking about a full privatization of Social Security. That is something that would be a pretty big step. But to take 30 percent, for example, 3 or 4 percent out of the 12 percent, I believe that is happening. I certainly hope so.

I already mentioned tax reform. Certainly, we will have some debate soon about what seems certain to be a budget surplus—a budget surplus on which we will have some decisions to make; choices about doing something about reducing the debt, a debt on which we pay $280 billion a year in interest; do something about reducing tax rates so that the people who own the money will be able to keep more of it. I suppose one of the considerations will be to spend more. I hope that is not a successful consideration. Others are suggesting some of it be put in for this Social Security reform and that it be used that way.

There is nothing wrong with philosophical differences. We just need to stand for what we are for. We are for less government, if we are having people keep more of their own money. It is pretty clear where you stand on that issue.

I hope the marriage penalty is considered. I saw some numbers the other day where two single persons were making roughly $35,000 a year, and they pay individually. If they are married, this is about a $1,300 penalty to the same people earning the same amount of money simply because they are married. That needs, of course, to be changed.

Another one that I heard a lot about and I also feel strongly about is the Executive orders that have been issued. There are a good many Executive orders, some of which simply are done apparently to replace what the Congress should be doing. One on federalism created a great deal of concern.

Basically, the President issued an Executive order that broadened the scope of the Federal Government in terms of working with States and working with counties, and instead of the good old 10th amendment where it says that those things which are specifically laid out in the Constitution will be done by the Federal Government, other things will be done by the States and by the people—this changed that. There was such a reaction to it that I understand it has been withdrawn. But the use of Executive orders is something that sort of moves away from the leadership of causing the Congress to do things, and working with the Congress. The idea of an Executive order on health care, for example, which is exactly the thing that the Republican bill has on the floor, it seems to me, is inappropriate.

Energy—I guess I have a rather strong feeling about energy in that it is one of the things that is important to my State, but, more importantly, it is one of the things that is important to this country. We now have ourselves in the position where 57 percent, I believe, of the fossil fuel we use is imported. That puts us at sort of a security risk, it seems to me, in addition to not having the kind of domestic industry that is very important. Do we have a policy at the Department of Energy for that? No, we really do not. We really do not.

We have a real problem with what we do with nuclear waste that is the result of nuclear power plants. Do we have a plan to do that? The administration is opposed to it. We have a responsibility to do something about nuclear waste storage. Does the Department of Energy have a plan? No. We are not moving forward.

Those are the kinds of things that need to be resolved. One of the energy issues that is fairly knew this year and will continue next year is the deregulation of electric energy. It has a great impact on this country.

The use of the huge monopolies—most of us would like to see us change monopolies and make them come a little more into the marketplace. Does the Department of Energy have a strong position on that? No.

Finally, the chairman of the committee urged them to come up with a bill. But we need to do something with that. Here again, we get into the question of whether you do the same thing for every State. I can tell you that Wyoming's interest in electric deregulation is different than New York's. You have to have a system to do that. Leadership is what we need.

The Senator from Kansas who just spoke is one of the experts in agriculture. He was, indeed, the chairman of the Agriculture Committee in the House. Agriculture is having a tough time. Agriculture is having a tough time because of the Asian situation, because of the crop failures, and because of the weather and many things.

We are trying to do something with it and, indeed, have, but we need again

some kind of impetus and leadership from this administration that has not been there.

Previous to now, we have had accelerated payments that are the changed payments from where we had the acreage and payment program into a market system. We have had averaging, income averaging, just extended—that is good for farmers—and an IRA for farmers and ranchers. Of course, if you don't have any money, it does not help a lot. And that is going to have to be done. We did something about unilateral sanctions in countries so that we can have more markets overseas.

These are some things, but there need to be more. We need to do something with crop insurance to make that work. We need to open more foreign markets because almost 40 percent of our agricultural product goes into foreign trade. We need to do something about agricultural credit to help make this transition from managed agriculture to market agriculture.

So we need to work together, and we need some leadership in doing that.

Mr. President, probably again the thing that seems always to strike me, because I guess I believe it also, is that the real issue in many of the things we do is in terms of federalism—what is the role of the Federal Government? Where can we be most efficient? Where can we get the job done more easily? At the Federal level? At the State level? Should we send block grants, for example, in some instances to the States? I think so. And the delivery system is so different.

We held a couple of meetings on rural health care while I was in Wyoming. We have about 475,000 people in 100,000 square miles. Many people live in very small towns. We only have two towns that are over the 50–60,000 category. So you have to have a little different system for the delivery of health care than you do in Pennsylvania or than you do in New England, and that is an important kind of thing. Telemedicine, for example, is going to be very important to us.

So all this comes into this equation of how do you best serve the people of this country. I happen to believe, as you can imagine from what I have said already, less Federal Government is better than more. I am one who thinks that the most efficient delivery system comes when it is done at the local level. I am one who thinks that the Government closest to the people is the one that provides the kind of services that people really want.

So we need to focus, I think, on fundamentals. We need to focus on the idea that, for example, those things that are done by the Federal Government that are commercial in nature ought to be put out for bid, if that is possible, so we can do it in the private sector. It is done more efficiently that way, and it also creates more jobs in the private sector. And that is one of the fundamental things we ought to continue to focus on.

We don't have much time remaining in this session—I think something around 20 days of activity. We have lots of things to do. I am hopeful that our friends on the other side of the aisle will address these issues that need to be resolved. I think it is clear that there are two or three issues they are going to try to insist on bringing up daily, not with the intention of completing them and finding a resolution but simply to bring them up so that they are the kinds of issues that will be involved in the campaigns that are coming up in November—patients' rights, for example. Both sides of the aisle have bills on patients' rights. Most of the elements of those bills are very similar and there is a consensus that some of those things need to be done. The leadership has offered to deal with it with a limited number of amendments so that we can get it done.

That is not acceptable to the other side of the aisle because they want to keep this issue alive as a political issue. That is too bad. I am sorry for that.

The minimum wage. We just have raised the minimum wage two times. It is a political issue that has to keep coming back. Campaign reform. Most of us want to make some changes in campaign reform. We have talked about it extensively in this session of Congress. It is kept alive as a political issue. We need to address ourselves to things that have to be resolved, those things that are important to the people in the conduct of the business of this country.

So I am just really hopeful that our leadership in the Senate and the leadership in the House and this administration will address ourselves to some of these issues and that we will, in fact, during this next month be able to resolve them, conclude them, and do them in the fashion that is most acceptable and most useful to the American people. That, after all, is our job. I think it is based largely on making some decisions as to what the Federal Government does best, how it does it, how it can be done most efficiently, how we can involve the States, how we can involve local governments. Invariably, when you go home, you see things done voluntarily, you see things done on a local level, and it reminds you, fortunately, the strength of this country lies not in its Federal Government, the strength of this country lies in the communities and the people who live there, people who give leadership to issues that affect them, people who volunteer, people who address the issues and resolve them, and that is, indeed, the strength of this country.

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

The PRESIDING OFFICER (Mr. CAMPBELL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANTORUM. 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. SANTORUM. Mr. President, I ask consent to be yielded the 10 minutes remaining under the time of Senator THOMAS.

The PRESIDING OFFICER. The Senator is recognized.

OVERRIDE THE VETO OF PARTIAL BIRTH ABORTION BAN

Mr. SANTORUM. Mr. President, in conversations with the leader over the last couple of days, we have set a date for the Senate vote on the override of the President's veto of the Partial Birth Abortion Ban Act of 1997. It is going to be September 18, which is just a couple of weeks from now. I am hopeful, even though the numbers do not look good right now, that we will be able to muster sufficient support to do what the House did, which is to override the President's veto. The House voted, with I believe six or seven votes more than necessary, to override his veto. Here in the Senate we are three votes short of overriding the President's veto, of getting the 67 votes. We had 64 Senators vote in favor of the ban. We will need three more Senators to change their vote and support this act and override the President's veto.

I want to pick up on what Senator THOMAS was talking about and what is being talked about around the country, which is the President and his unwillingness to come forward with the truth, and his propensity to look at a factual situation and skew it some. Some would say lie; I would just say maybe skew it some, to put a different spin or color on what the real facts are.

I think we have maybe the first opportunity here in the Senate, since the President's admission a couple of weeks ago, to really pass judgment on the President's ability to be truthful with the American public. How many people in this Chamber are going to stand by this President when he has blatantly not told the truth about the issue of partial-birth abortion and the need for it to remain legal? He has stood behind this notion that this procedure needs to remain legal because of the potential impact on the health of women who have abortions and that this needs to be an option available to them because there may be circumstances in which women need this procedure to avoid serious health consequences. That was potentially a legitimate argument, even though I could give, and I will when the bill comes up, lots of reasons why from a medical perspective that makes no

sense. We have made those arguments time and time again, and others have made those arguments, including Dr. BILL FRIST.

But, just prior to the vote last year here in the Senate, the American Medical Association came out with a letter that said that a partial-birth abortion is never medically necessary to protect the life or health of a woman. And this is an organization, by the way, that supports abortion rights. This is not a right-wing, radical, pro-life organization—take your pick, right-wing, radical, or pro-life, or all of the above. It is none of those. It is an organization that in principle supports abortion rights, but came out and said that there is no medical necessity here. It is not necessary. Yet the President, just weeks after this letter was released—and by the way, there are hundreds if not thousands of obstetricians who have come forward and said the same thing—the President stood up and said I need to veto this bill because—I think it was on a Friday night he vetoed it, so not too many people were around to watch the veto—this is medically necessary to protect the health of women, when we have experts upon experts and the definitive body representing physicians in this country saying that it is not necessary and that, in fact, the President is not telling the truth to the American public or to Members of Congress.

So we are hiding behind a lie. I guess the question I have is how many Senators are going to continue to hide behind Bill Clinton's lie on the issue of partial-birth abortion? Many Senators—many Members of his Cabinet, many people—were apologists for Bill Clinton for the past several months because he told them one thing and we found out later that it was not true. And a lot of people were hurt by that, burned by that, the fact that the President wasn't coming clean with the American public. We have another instance right here where the President has not come clean with the American public on this issue. How many people are going to continue to go out and defend this President and his veto on a bill where his rationale for vetoing it is not true? Hopefully: Fool me once, shame on you. If Senators allow this President to fool them twice, shame on them.

I yield the floor.

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

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

Mr. CAMPBELL. Mr. President, on behalf of the majority leader, I now ask unanimous consent the Senate resume consideration of S. 2312, the Treasury and general Government appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2312) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McConnell amendment No. 3379, to provide for appointment and term length for the staff director and general counsel of the Federal Election Commission.

Glenn amendment No. 3380, to provide additional funding for enforcement activities of the Federal Election Commission

Graham/Mack amendment No. 3381, to provide funding for the Central Florida High Intensity Drug Trafficking Area.

Campbell (for Grassley) amendment No. 3386, to protect Federal law enforcement officers who intervene in certain situations to protect life or prevent bodily injury.

Harkin amendment No. 3387, to provide additional funding to reduce methamphetamine usage in High Intensity Drug Trafficking Areas.

Kohl (for Kerrey) amendment No. 3389, to express the sense of the Senate regarding payroll tax relief.

AMENDMENT NO. 3379, AS MODIFIED

Mr. CAMPBELL. Mr. President, on behalf of Senator MCCONNELL, I ask unanimous consent that it be in order for me to send a modification to the desk for amendment No. 3379.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of title V, add the following section:

SEC. . PROVISIONS FOR STAFF DIRECTOR AND GENERAL COUNSEL OF THE FEDERAL ELECTION COMMISSION.

(a) APPOINTMENT AND TERM OF SERVICE.—

(1) IN GENERAL.—Section 306c(f) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(f) is amended by striking paragraph 1 and inserting the following:

"1 (A) The Commission shall have a staff director and a general counsel who shall be appointed by an affirmative vote of not less than 4 members of the Commission. Subject to exception in subparagraph (D), the staff director and general counsel shall, beginning January 1, 1999, serve for terms of 6 years and such terms may be renewed by an affirmative vote of not less than 3 members of the Commission.

"(B) The staff director and general counsel may serve after the expiration of his or her term until his or her successor has been appointed.

"(C) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the staff director or general counsel he or she succeeds.

"(D) The term of any individual appointed prior to and serving on the date of enactment of this act as general counsel shall be until January 1, 2008 and shall not be subject to renewal under subsection (A) until such date."

(b) RULE OF CONSTRUCTION REGARDING AUTHORITY OF ACTING STAFF DIRECTOR OR GENERAL COUNSEL.—Section 306(f) of such Act (2 U.S.C. 437c(f)) is amended by adding at the end the following:

"(5) Nothing in this Act shall be construed to prohibit any individual serving as an acting staff director of the Commission from performing any functions of the staff director of the Commission or any individual serving as an acting general counsel of the Commission from performing any functions of the general counsel of the Commission.".

Mr. CAMPBELL. Mr. President, I know of no further debate on the pending McConnell amendment, and I ask unanimous consent that the yeas and nays be vitiated, and for the Chair to put the question.

The PRESIDING OFFICER. Is there objection to vitiating the yeas and nays?

Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the McConnell amendment.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we have negotiated this modification in the McConnell amendment so that it is no longer targeted at the sitting general counsel of the Federal Elections Commission. That was my objection to it, my very strong objection to it. This amendment has been modified now so it has no effect on the current general counsel until the year 2008. He is eligible to retire at that date in any event.

And even then, the amendment has now been changed so that three of the six members of the Federal Elections Commission can renew the appointment of the general counsel or staff director. It would not take four of the six to renew the appointment of a general counsel or staff director.

So in effect we have grandfathered the current general counsel. And with respect to future general counsels and staff directors, we have provided that once they are appointed, which of course will take a majority vote of the Commission, they shall serve for 6 year terms and their terms can be renewed by a vote of three of the six members of the Federal Elections Commission. This is a very significant change that makes this perfectly acceptable to me.

I want to thank Senator MCCONNELL for working with us on this. With that, I support the amendment.

After this is concluded, I understand that we will then be offering and there will be general support for an amendment of Senator GLENN, if I understand what we worked out here correctly.

Mr. McCONNELL. I say to my friend from Michigan, as he well knows, his side of the aisle was in the position to scuttle the whole Treasury-Postal bill over this issue. Under those circumstances, this agreement was reached.

I gather the Glenn amendment will be adopted on a voice vote, which is acceptable to me.

The PRESIDING OFFICER. The question is on agreeing to the McConnell amendment, as modified.

The amendment (No. 3379), as modified, was agreed to.

Mr. CAMPBELL. Mr. President, I ask unanimous consent all previous yeas and nays ordered on other amendments be vitiated.

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

Mr. CAMPBELL. It is my understanding that the other amendments will be resolved in various fashions. Therefore, I ask unanimous consent the vote in relation to the final passage of H.R. 4104 occur at 2 p.m. today.

Mr. LEVIN. Reserving the right to object—and I will not—I understand, that the manager, then, will be supporting the Glenn amendment when I offer it after this unanimous consent is agreed to.

Mr. CAMPBELL. That is correct.

The PRESIDING OFFICER. Without objection, the unanimous consent agreement is agreed to.

Mr. LEVIN. I have been informed that the Glenn amendment, which adds, I believe, $2.8 million to the FEC budget, is part of what has already been incorporated in a unanimous consent agreement and it will not need to be separately offered. Am I correct?

Mr. CAMPBELL. The Senator is correct.

Mr. LEVIN. I thank my friend from Colorado.

AMENDMENTS NOS. 3386 AND 3380

Mr. CAMPBELL. The amendment No. 3386 offered by Senator GRASSLEY and amendment No. 3380 offered by Senator GLENN are acceptable to the managers. I therefore ask unanimous consent that all time be yielded back and ask for their immediate adoption and that the motion to reconsider be laid upon the table.

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

The amendments (Nos. 3386 and 3380) were agreed to.

AMENDMENTS NOS. 3387, 3381, AND 3389, WITHDRAWN

Mr. CAMPBELL. On behalf of Senators GRAHAM of Florida, HARKIN, and KERREY of Nebraska, I ask unanimous consent that the amendments Nos. 3387, 3381, and 3389 be withdrawn.

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

The amendments (Nos. 3387, 3381, and 3389) were withdrawn.

AMENDMENT NO. 3356, AS MODIFIED

Mr. CAMPBELL. I send to the desk a modification to amendment No. 3356, previously adopted, and ask it be so modified.

The PRESIDING OFFICER. Without objection the amendment is so modified.

The amendment (No. 3356), as modified, is as follows:

On page 47, strike lines 11 and 12.

On page 46, line 18, strike "$5,665,585,000, of which: (1) $552,757,000" and insert "$5,651,480,000, of which: (1) $538,652,000".

On page 56, line 20, strike "$5,665,585,000" and insert "$5,651,480,000".

On page 62, between lines 19 and 20, insert the following:

SEC. 4 . DEPARTMENT OF TRANSPORTATION HEADQUARTERS.

(a) IN GENERAL.—The Administrator of General Services shall—

(1) enter into an operating lease to acquire space for the Department of Transportation headquarters; and

(2) commence procurement of the lease not later than November 1, 1998;

provided that the annual rent payment does not exceed $55,000,000.

(b) TERMS.—The authority granted in subsection (a) is effective only to the extent that the lease acquisition meets the guidelines for operating leases set forth in the joint statement of the managers for the conference report to the Balanced Budget Agreement of 1997, as determined by the Director of the Office of Management and Budget.

SEC. 4 . SECURITY OF CAPITOL COMPLEX.

There is appropriated to the Architect of the Capitol for costs associated with the security of the Capitol complex $14,105,000.

Mr. CAMPBELL. Mr. President, I would like to take a moment to speak about one aspect of the Statement of Administration Policy on this bill. Specifically, the section referring to the Customs Automation Enhancement Account.

The SAP makes it appear that the Committee neither funded nor considered the Administration's request for this program. In fact, we fully funded the request, which was $8 million. When the budget was submitted, it included authorizing legislation on a Merchandise Processing Fee, which would net $56 million for this program. This is not within the jurisdiction of the Appropriations Committee and if the authorizers were not going to act in sufficient time, the Administration should have sent up a budget amendment to cover the cost of the program so that it could be considered by the Committee. That did not happen, this committee never received a formal request to increase the funding for this program. If we had, we would have given it consideration. I just wanted to let my colleagues know that we fully funded this program and would have considered the request to increase it, but we never received anything upon which to act.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, I want to thank the Chairman and Ranking Member of the Treasury appropriations subcommittee for accepting the amendment which includes $1,500,000 additional funding for the Southwest Border High Intensity Drug Trafficking Area to combat the methamphetamine problem. I know the Senators are aware of the growing national problem of methamphetamines. New Mexico is no exception and has been experiencing a growing problem with methamphetamine production, transshipment, and cleanup of seized methamphetamine labs. It is fast becoming the drug of choice because it is easy to manufacture, it is highly addictive, and it is cheap to buy on the street. The costs associated with combating the methamphetamine problem is straining New Mexico's ability to combat other illegal drugs. New Mexico's proximity to the US/Mexico border exasperates the problem because of increased international travel.

Mr. CAMPBELL. I agree with the Senator from New Mexico that methamphetamines are an increasingly difficult problem to control. This funding will significantly help in controlling the problem there.

Mr. KOHL. Methamphetamine is a growing problem across the nation, and it is my understanding that New Mexico, because of its proximity to Mexico, is experiencing its own share.

Mr. BINGAMAN. Is my understanding correct that the entire $1,500,000 in this amendment will go directly to the New Mexico HIDTA?

Mr. CAMPBELL. Yes, Senator, per your request $1,500,000 will be directed to the New Mexico HIDTA for fiscal year 1999 in order to combat the methamphetamine problem in your state.

Mr. BINGAMAN. I thank the Senators for their willingness to recognize this problem and to assist New Mexico.

PUBLIC ACCESS TO GOVERNMENT RESEARCH DATA

Mr. LOTT. Mr. President, I would like to take a moment during this body's consideration of the Treasury, General Government Appropriations Act for fiscal year 1999 to recognize Senator SHELBY for his diligent efforts this year to ensure that the public has access to federally funded research data. Sunshine in government is a principle that enjoys broad support from both sides of the aisle as evident from the bipartisan support of the Freedom of Information Act and the 1986 Community Right to Know Law. While we all agree that this principle is important, the Senator from Alabama has correctly identified a major inconsistency—the public's lack of access to federally funded research data. Currently, there is no systematic government-wide process for the public to access research data supported by federal funds. Equally disturbing is the fact that this research data is often used to support major rulemakings. Because of Senator SHELBY's interest in this issue, the Treasury, General Government Appropriations bill for FY 99 contains a requirement that the Director of OMB evaluate current government-wide procedures for making research data

available to the public and report back to the Committee on the need for changes to existing procedures. My own view is that reform in this area is long overdue and I would like to commend Senator SHELBY for his leadership to help rectify this matter and pledge to work with him and Chairman CAMPBELL in Conference on final language to correct this problem as soon as possible.

Mr. FAIRCLOTH. If our esteemed Majority Leader would yield for a moment, I also would like to commend Senator SHELBY and Chairman CAMPBELL for their work in this area. Recent Congressional debates over federal regulatory programs, such as the revised particulate matter standard, and the criteria for listing new species under the Endangered Species Act, show the importance of providing the public with full access to federal research data to validate research results and gain the proper public support. The importance of this issue is also reflected in a recent court decision on environmental tobacco smoke that concluded that the Environmental Protection Agency had been selective in including research data in its overall assessment of health risks. Public access to research data would help ensure that federal rules are based on the best science possible. I too would like to commend Senator SHELBY and Senator CAMPBELL, Chairman of the Treasury and General Government Appropriations Subcommittee, for their efforts to correct this problem.

Mr. CAMPBELL. I thank my colleague from North Carolina. The public's lack of access to federal research data is an issue of growing concern to Members of the Treasury and General Government Appropriations Subcommittee. The lack of public access to research data feeds general public mistrust of government and undermines support for major regulatory programs. The Senator from Alabama has taken the lead on this important issue and I look forward to working with him and all my colleagues who have expressed support for enhanced public access to research data in Conference.

Mr. SHELBY. I thank the Majority Leader and my colleague from North Carolina and the Senator from Colorado, the Chairman of the Treasury and General Government Appropriations Subcommittee, for their support. The Administration's resistance to providing the public access to federal research data not otherwise protected from disclosure under current law indeed contradicts the spirit of current law. The Paperwork Reduction Act of 1995 requests the Director of OMB to "foster greater sharing, dissemination, and access to public information." OMB Circular 110, Subpart C, is even more specific, stating that unless specifically waived, Federal agencies "have the right to . . . obtain, reproduce, publish or otherwise use the data first produced under an award". Unfortunately, these policy directives are not being implemented on a systematic basis. Given the prevalent use of government funded research data in developing regulations and federal policy, it is important that such data be made available to other interested Federal agencies and to the public on a routine basis for independent scientific evaluation and confirmation. I thank my colleagues for their support on this issue and I look forward to working with them to improve the language in Conference.

Mr. CAMPBELL. I thank my colleague from Alabama for raising this important issue and I look forward to working with you, Senator FAIRCLOTH and the Majority Leader in Conference to develop an effective solution.

Mr. SHELBY. I thank the Chairman for his support on this issue.

Mr. FAIRCLOTH. Mr. President, I rise today in support of the Gang Resistance Education and Training (GREAT) Program as part of the Treasury Appropriations bill for Fiscal Year 1999. I am pleased to see that this legislation increases national funding from $10 million to $13 million for 1999. Gangs are a serious problem in this country. We must be proactive in finding ways to stop gang violence.

A recent article in the Washington Post noted that nearly twice as many teenagers reported gangs in their schools in 1995 as they did in 1989. School administrators from North Carolina have found that gangs and violence go together. I believe that when we couple gangs and violence with drug use and weapons, we have a formula for disaster.

Fortunately, programs like the GREAT program educate children about the perils of gangs and offer alternative ways to resolve conflicts rather than through violence. I would like to thank the Chairman of the Subcommittee on Treasury and General Government, BEN NIGHTHORSE CAMPBELL, for the inclusion of North Carolina counties in the GREAT program: Bladen, Cumberland, Mecklenburg, New Hanover, and Wake. I hope that more communities in North Carolina and this country will follow their lead.

Experts may say that small involvement in the GREAT program means that there is little gang activity in the state. I believe that we should not wait until there is evidence of a gang before we bring GREAT into a school district. We must be proactive in educating our young people about the dangers of gangs. If we wait until there is a problem, then we may face a deadly situation like those faced this year by several of our nation's schools. We must act before it is too late. GREAT is a sound program which I am pleased to support.

AMENDMENT NO. 3379, AS MODIFIED

Mr. GLENN. Mr. President, I would like to second the comments of my colleague from Michigan and add that I also have no objection to the McConnell amendment as it has been changed and offered today.

The amendment as it is now constructed will call for a periodic vote of the Commission to re-confirm the General Counsel, but it will not allow a partisan minority of the Commission to act unilaterally, and it will not leave the position of General Counsel open until a successor is appointed, thereby paralyzing the enforcement efforts of the agency.

I am also pleased that this amendment allows the current General Counsel to serve a term of eight years from enactment. I am confident that the amendment in its current form will be enacted into law and signed by the President.

Finally, today we add crucial money to the FEC budget in order to help the agency to investigate and prove violations of the existing law. The additional 2.8 million dollars in enforcement funds bring our Senate appropriation for the FEC up to the same level offered in the House. These funds are an important step in allowing the agency the resources it needs to investigate and enforce our remaining campaign finance laws.

Mr. CAMPBELL. I ask unanimous consent when the Senate completes all debate on S. 2312, the Fiscal Year 1999 Treasury and General Government Appropriations Act, the Chair lay before the Senate Calendar No. 478, the House companion measure, H.R. 4104; that all after the enacting clause be stricken and the text of S. 2312, as amended, be inserted in lieu thereof; and that the House bill, as amended, be read for the third time and the Senate immediately move to final passage of H.R. 4104; that the Senate insist on its amendment and request a conference with the House on the disagreeing votes of the two Houses thereon, and the Chair appoint the following conferees on the part of the Senate: Mr. CAMPBELL, Mr. SHELBY, Mr. FAIRCLOTH, Mr. STEVENS, Mr. KOHL, Ms. MIKULSKI, and Mr. BYRD, and that the foregoing occur without any intervening action or debate.

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

Mr. CAMPBELL. With that, Mr. President, I have no further comment.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. As a Senator from the State of Nebraska, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. I now ask unanimous consent that the Senate stand in recess until 1:45 today.

There being no objection, the Senate, at 12:19 p.m., recessed until 1:44 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ENZI).

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 5 minutes on the legislation before us.

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

Mr. WYDEN. Mr. President, I rise this afternoon to express my desire to work further with the Chair of the subcommittee and ranking minority member on a particularly important provision affecting our YMCAs, our YWCAs and other charitable organizations that do so much good work throughout the country. Throughout the recess, I heard continually from constituents who enjoy these important organizations in Oregon that they are concerned about a provision in the committee report accompanying this legislation that deals with the tax-exempt status of these organizations. I would say that I am of the view that these nongovernmental groups can provide critically needed services in our country, particularly as it relates to juveniles: preventing crime, drug use and unwholesome activities in which some kids do get caught up.

As many in this body know, Senator SMITH and I have talked at some length about approaches to deal with the tragedy that we saw at Thurston High School earlier this year, when a young person entered the school with a gun. A number of our young constituents were killed and injured. It seems to me one of the very best antidotes to this kind of juvenile violence is the important work done in afterschool programs by these organizations. I am concerned that a provision in this legislation could curtail some of the important activities that the Y's and Jewish Community Centers and other important organizations provide.

What has transpired is that in 1984 the Internal Revenue Service issued a technical ruling making it clear that fitness activities provided by these and other organizations remain charitable as long as the entity, the nonprofit, serves a broad segment of the community. These organizations, the YMCAs, the YWCAs, the Jewish Community Centers across our country do provide critically needed services, particularly to low-income individuals. They have philanthropic missions related to health and education, community welfare. My concern is a provision relating to the tax-exempt status of these organizations, in effect, could prompt a review that would have a chilling effect over the entire range of work done by these organizations.

I have organized a letter with nine Members of this body, a bipartisan letter—Senator MACK, Senator SARBANES, Senator ROBERTS, Senator GRASSLEY, Senator MURRAY, Senator DURBIN, Senator KENNEDY, Senator MIKULSKI and myself, to make it clear to the managers of this legislation that we want to work with them on a bipartisan basis to make sure that the important work done by these community organizations is not in jeopardy. It seems to me, as we look to the 21st century, trying to make sure the budget is balanced, still meeting the needs of our communities and particularly the young people, that these are the very programs that are most likely to make a difference.

I had thought the question of the tax status of these groups was settled law in 1984. I note I am unaware of any abuses since 1984 or of any violations by the "Y's" with respect to this charitable exemption, and it is for that reason that I do ask this afternoon to work further with both the majority and the minority to make sure the tax status of these groups is protected and the important work they are doing continues to go forward and, in fact, expands in the years ahead.

Mr. President, I ask unanimous consent the letter I referred to be printed in the RECORD, and I yield the floor.

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

U.S. SENATE,
Washington, DC, September 3, 1998.

Hon. BEN NIGHTHORSE CAMPBELL,
Chairman,

Hon. HERB KOHL,
Ranking Democrat,
Subcommittee on Treasury, Postal Service and General Government, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATORS CAMPBELL AND KOHL: We are writing to express our serious reservations about a provision in the committee report accompanying the FY99 Treasury/Postal Appropriations bill relating to tax-exempt health clubs.

The provision directs the Internal Revenue Service (IRS) to review its standards relating to "tax-exempt health clubs" and report on "regulatory changes that may be required to assure that tax-exempt health clubs are not unfairly competing against private sector organizations." In 1984, the IRS issued a technical ruling clarifying that adult fitness is a charitable activity as long as the entity serves a broad segment of the community. Moreover, under current tax law, to the extent that a charity makes a profit from a trade or business unrelated to the exercise of its charitable purpose, it will be subject to federal income tax ("unrelated business income tax" or "UBIT") on the profit. The statute and regulations on UBIT are very clear and prevent any charity from gaining a competitive advantage over a for-profit corporation.

Not-for-profit organizations, including the YMCAs, YWCAs and Jewish Community Centers (JCCs) that serve all ages, incomes and abilities likely could be adversely affected by this provision. The health and fitness services offered by these organizations are only one component of a whole range of programs available for a community. These programs are an integral part of the organization's philanthropic mission related to the health, education and welfare of the community, and are a significant component in financing such activities. Furthermore, participation in their health and fitness programs is not limited to adults: people of all ages participate in them. Among the services they provide that would be threatened are child care, juvenile delinquency prevention, substance abuse and senior nutrition programs.

We appreciate your efforts in the July 29 colloquy in which you stated your intent to have the IRS focus on adult fitness provided by tax-exempt organizations that serve only adults. However, we remain concerned that this provision still could negatively affect the millions of Americans—young and old—who participate in these community organizations. We ask that in the conference report you ensure that the interests of these individuals are protected and that the invaluable programs offered by not-for-profit organizations are not unfairly curtailed by unnecessary and overly burdensome government regulation.

Sincerely,

Connie Mack, Paul S. Sarbanes, Pat Roberts, Chuck Grassley, Ron Wyden, Barbara A. Mikulski, Ted Kennedy, Dick Durbin, Patty Murray.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Under the previous order, the Chair lays before the Senate H.R. 4104, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for fiscal year ending September 30, 1999, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the text of S. 2312, as amended, is substituted for the House text, the bill will be read for the third time.

The bill was read a third time.

Mr. CAMPBELL. Mr. President, before asking for the yeas and nays, I

would like to say a few words in closing about S. 2312.

As many of you may have noticed, this bill has not been an easy one to craft to stay within our funding constraints. We started on this bill before the August break and we are still at it. I believe in some instances, we have probably had to rob Peter to pay Paul because this bill carries programs which are all worthy and all important to everyone in this Nation.

We have had to make some difficult choices between the programs in the bill and it has been easy to do because the goal is to emerge with an acceptable balance while still doing the right thing and staying within our funding limits.

I believe though, however, we can honestly say we have done our very best to accommodate everyone's wishes and everyone's requests, even though it has not been easy.

As always, the ranking member, Senator KOHL, has been great to work with, and without him, we could not have completed this bill. So I thank the Senator from Wisconsin. I want him to know that his friendship and professional efforts and courtesy have meant a great deal to me.

In addition, I would like to take a moment to thank his staff—Barbara Retzlaff, who has been so diligent working on this bill the entire year, as well as Paul Bock and Liz Blevins for their support on the floor during our consideration. And I also thank our staff—Pat Raymond, Tammy Perrin and Lula Edwards, who spent a lot of evenings, long evenings at that, trying to make sure the bill came out the way we wanted it to.

In spite of our difficulties, I believe that we have put forth a good bill which deserves the support of the Senate. I urge my colleagues to vote in favor of this bill.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wisconsin.

Mr. KOHL. Thank you, Mr. President.

As the Chairman mentioned, this completes the floor action on the Treasury-General Government bill. By moving this bill forward, we will ensure that important financial operations and law enforcement programs funded through this bill will be fully operational at the start of the fiscal year.

I would like to take this opportunity to again thank Chairman CAMPBELL and his staff—Pat Raymond, Tammy Perrin, and Lula Edwards. Their fair and able handling of this bill makes it possible for us to move to conference where I hope all outstanding issues will be resolved quickly.

I would also like to take this opportunity to commend Secretary Rubin for presenting a budget request that was fair. And, I want to thank him and his staff for working with us, throughout the process, to make sure that important Treasury programs receive adequate funding.

Thank you, Mr. President.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. I commend the chairman of the Treasury-Postal Service Subcommittee of the Appropriations Committee for the work he has done on this. It was a little bifurcated. We did work on it back before the recess, but he continued to work, working with his colleague from Wisconsin, and they produced a bill that I obviously believe has broad support. I thank them for their willingness to cooperate and go ahead and get this completed today. They have done good work, and I hope that they will get into conference early next week and have a conference report completed that we can send to the President in short order.

So I thank them for their efforts and thank my colleagues on both sides of the aisle for allowing us to get through this list of amendments we had and complete this legislation.

Mr. President, I believe we are ready to go to a vote, but after the vote we will go into recess—temporary recess—so that we can hear, before the Armed Services and Foreign Relations Committees, from Scott Ritter, a senior inspector of UNSCOM in Iraq.

I yield the floor.

Mr. CAMPBELL. Mr. President, I have one further unanimous consent request. I ask unanimous consent that after passage of H.R. 4104, S. 2312 be indefinitely postponed.

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

Mr. CAMPBELL. I believe that concludes the debate, Mr. President. 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 bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) is necessarily absent.

I also announce that Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. FORD. I announce that the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 5, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—91

Abraham	Feinstein	Mack
Akaka	Ford	McCain
Allard	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bond	Gramm	Murray
Boxer	Grams	Nickles
Breaux	Grassley	Reed
Bryan	Gregg	Reid
Bumpers	Hagel	Robb
Burns	Harkin	Roberts
Byrd	Hatch	Rockefeller
Campbell	Hollings	Roth
Chafee	Hutchison	Santorum
Cleland	Inhofe	Sarbanes
Coats	Jeffords	Sessions
Cochran	Johnson	Shelby
Collins	Kempthorne	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
D'Amato	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Enzi	Lott	
Faircloth	Lugar	

NAYS—5

Ashcroft	Feingold	Smith (NH)
Brownback	Hutchinson	

NOT VOTING—4

Bingaman	Inouye
Helms	Murkowski

The bill (H.R. 4104), as amended, was passed.

(The text of the bill (H.R. 4104) will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House.

The Presiding Officer (Mr. ENZI) appointed Mr. CAMPBELL, Mr. SHELBY, Mr. FAIRCLOTH, Mr. STEVENS, Mr. KOHL, Ms. MIKULSKI, and Mr. BYRD conferees on the part of the Senate.

UNANIMOUS CONSENT AGREEMENT—S. 2334, VITIATION OF ADOPTION OF AMENDMENT NO. 3539

Mr. CAMPBELL. Mr. President, I ask unanimous consent that, notwithstanding the passage of S. 2334, amendment No. 3539, previously adopted, be vitiated.

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

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

RECESS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now stand in recess until 3:30 today.

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

There being no objection, the Senate, at 2:33 p.m., recessed until 3:31; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRASSLEY).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Iowa, suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I object.

The assistant legislative clerk continued with the call of 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.

UNANIMOUS CONSENT REQUEST—S. 1873

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to Calendar No. 345, S. 1873, the missile defense bill.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

AMERICAN MISSILE PROTECTION ACT OF 1998—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. In light of the objection, I now move to proceed to S. 1873 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 345, S. 1873, the Missile Defense System legislation.

Trent Lott, Thad Cochran, Strom Thurmond, Jon Kyl, Conrad Burns, Dirk Kempthorne, Pat Roberts, Larry E. Craig, Ted Stevens, Rick Santorum, Judd Gregg, Tim Hutchinson, Jim Inhofe, Connie Mack, R.F. Bennett, and Jeff Sessions.

Mr. LOTT. For the information of all Senators, this cloture vote will occur on Wednesday, 1 hour after the Senate convenes and establishes a quorum, unless changed by unanimous consent. All Senators will be notified as to when cloture will actually be scheduled, but again, to reiterate, this cloture vote will occur sometime on Wednesday morning of next week.

I withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

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

The PRESIDING OFFICER. 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.

UNANIMOUS CONSENT REQUEST—S. 1301

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to S. 1301, the bankruptcy bill.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. The request has been made to go to the bankruptcy bill which affects about 1,300,000 people in this country. We do have an opportunity to consider other legislation, like the HMO bill, that affects 120 million people, and we are being asked to go to the bankruptcy bill when we are not scheduling the campaign finance bill that passed the House of Representatives that involves the elimination of many of the abuses of campaign finance. Some are very concerned about the fact that some $50 million have been expended by banks and credit card companies to move this legislation forward.

I am interested in inquiring of the leader whether we can have any indication as to when we might have the opportunity of scheduling these other measures which affect the average family, rather than special interests, such as the banks and the credit card companies. When I go back home, people talk to me about health care. It is the bankers and credit card people who are talking about the bankruptcy bill.

I wonder whether we are going to have any kind of assurance that we are going to move ahead with this legislation and we are going to have an opportunity to address and debate the merits of the Republican legislation, as well as the merits of the legislation, for example, on HMOs that has been introduced by the Democratic leader.

Mr. LOTT. Before I ask for the regular order, let me respond. I am perfectly prepared to go to the Patients' Bill of Rights bill. We have our bill ready to go. We would be glad for Senator KENNEDY to offer his bill. We have even offered to have three amendments on each bill and go to final passage. That offer still stands. It is a very fair offer. The minute the Senator and his leadership indicates they are willing to do that, we will be glad to go to both of those bills and have the votes and go to conclusion.

Regular order, Mr. President.

The PRESIDING OFFICER. The regular order is, Is there objection?

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. 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.

Mr. LOTT. Mr. President, I want to give the Senator from Massachusetts one more opportunity to agree to our unanimous consent request that we go to the bankruptcy bill. So I ask unanimous consent, once again, that the Senate now turn to S. 1301, the bankruptcy bill.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, for the time being, for the moment, I object.

CONSUMER BANKRUPTCY PROTECTION ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, I move to proceed, in light of the objection, to S. 1301, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 394, S. 1301, the Consumer Bankruptcy Protection Act:

Trent Lott, Orrin G. Hatch, Charles Grassley, Arlen Specter, Strom Thurmond, Connie Mack, Ben Nighthorse Campbell, Thad Cochran, Tim Hutchinson, Wayne Allard, Christopher Bond, Rod Grams, Rick Santorum, Chuck Hagel, Larry E. Craig, and Jon Kyl.

Mr. LOTT. Mr. President, for the information of all Senators, this cloture vote will occur on Wednesday afternoon at a time to be determined and announced in advance, after consultation with the Democratic leader. We will talk to him, but it will be some time Wednesday afternoon. I do not know whether it will be 3 or 4, but something like that. All Senators will be notified exactly what time that vote will occur next Wednesday.

I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent there be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

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

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Iowa.

THE BANKRUPTCY BILL

Mr. GRASSLEY. Mr. President, we have just been delayed somewhat in the start of the bankruptcy bill. But I think it would still be appropriate to make some comments, even though in morning business, on the issue of why we need a bankruptcy bill.

I suggest, first of all, as the Senator from Massachusetts has correctly stated, there were 1.4 million bankruptcies last year. That was a 30-percent increase over the previous year. And the previous year was a big percentage increase over that previous year. So in the last 3 years we have seen an explosion of bankruptcy filings in the United States.

That is a tremendous economic problem. It is a problem for families that have to go through this. It is a problem for the consumers because bankruptcies raise costs for consumers. And there are lots of reasons for the rise in bankruptcies. In the 20 years since we have last had major bankruptcy legislation, we have seen a dramatic increase in bankruptcy filings, more than under any previous act. And we have had national bankruptcy legislation for 100 years this year.

In the period of time since we have had the latest bankruptcy legislation that was passed in the year 1978, out at the grassroots of America there has been a feeling that it is too easy to get into bankruptcy.

I don't want to say that a bankruptcy law, in and of itself, is the only reason we are having a high number of bankruptcy filings. But during this period of time in the last 20 years, I have had hundreds of people tell me that it is too easy to get into bankruptcy. I have had not one person say to me that it ought to be easier to get into bankruptcy. And I have even had some people who have gone through bankruptcy who said it was too easy.

I mentioned the legislation of 1978 may be one reason for the increase in bankruptcies. I think also the Federal Government itself in that period of time has not set a very good example for personal finances by having 30 years of unbalanced Federal budgets. After all, if the national leadership of America can spend beyond its means for 30 years, doesn't it kind of set an ethic and a tone for the people of this country that maybe debt isn't so bad and it is possible to live beyond your means?

Hopefully, this September 30, at the close of this fiscal year, for the first time in 30 years we are going to balance the budget and have a surplus. And we are going to pay down at least $68 billion, according to the latest estimates of what we will pay down in that national debt. Maybe we are going to turn that bad example around a little bit so that if people now do not see the Federal Government borrowing money for such long periods of time, maybe families and businesses of America will take a little bit different look at their debt as well.

Then, of course, we have had the banks of America sending out so many credit cards, maybe not with the idea that they encouraged debt, but at least have left the impression upon the consumers of America that there was another way of doing business than just out of the billfold. I do not think that has set a very good example. I am not saying that there isn't a legitimacy about credit cards and that probably it is very convenient for some people and other advantages, but again, it is a new approach that parallels this high number of filings that we have had and may be another reason beyond the Federal Government's borrowing, beyond a 1978 statute that made it a little easier to go into bankruptcy, another reason why we had 1.4 million people filing for bankruptcy last year.

Then lastly—and maybe I should not say lastly—but lastly as far as the reasons I would give, and there might be a lot of other reasons that somebody else could give, but there does not seem to be the shame connected with bankruptcy that there used to be. I do not know why. It may be all of the above that I have mentioned—more credit cards, making it easier to get into debt, and you just chip away at people's ethical thinking, the Federal Government setting a bad example, a liberal bankruptcy law passed in 1978. But somehow we have to think in terms of people looking at the moral dimension of their finances, and also then an extension of that moral dimension is a moral look at bankruptcy—right or wrong—and whether or not it is OK to break a contractual obligation to respect debt and meet the obligation.

One other thing I should say is that I think that to some extent—and it is difficult to quantify all these factors that I give—but I think that within the legal profession there are some lawyers who are not counseling people about bankruptcy the way lawyers used to feel an obligation to counsel people coming to them for help. I guess we think that is a serious enough problem that we put some discouragement in our legislation to the bar just willynilly putting people into chapter 7 bankruptcy.

But I think if we could get the bar itself to take another look at the practice of bankruptcy lawyers, and suggest a little more caution, a little more counseling, a little less use of paralegals in the process of the filing of petitions, and probably a person that is maybe not in a very good position to counsel, that all of these things would help. So we have a situation that needs to be dealt with. That is why we offer this legislation.

Mr. President, I want to provide some overview of the need for bankruptcy reform and how the bankruptcy reform bill before the Senate makes meaningful bankruptcy reforms in a fair and balanced way. In fact, in the Judiciary Committee, the bill passed out of the committee on a strong, bipartisan vote of 16 to 2. So, we have a good bill and one that most Members of the Senate should be able to support.

Mr. President, the polls are clear that the American people want bankruptcy reform. In Iowa, 78 percent of Iowans surveyed favor bankruptcy reform. And the picture is the same nationally. According the PBS program "Techno-Politics," almost 70 percent of Americans support bankruptcy reform. Clearly, the time to act is now.

Let me start out by saying there is some justification for bankruptcy. People hurt by natural disasters, catastrophic illness, divorce, etc., are entitled to a new start. Our society has provided for that. About 80 percent of the people who declare bankruptcy are in desperate financial straits. The problem is that some people use bankruptcy as a financial planning tool to get out of paying debts which they could pay. The convenient use of the existing bankruptcy laws is the driving force behind bankruptcy reform. We have a bankruptcy system that lets higher-income people write off their debts with no questions asked and no real way for creditors to prevent this from happening. The end-result is that everybody else who pays their bills ends up paying for these abuses through higher prices.

Last year we had a record number of Americans file for bankruptcy. Of course, each bankruptcy case means that someone who extended credit in good faith won't get paid. While estimates differ as to the exact number, American businesses are losing around $40 billion a year as a result of bankruptcies.

Now, big banks and big business are in a somewhat stronger position to deal with these losses than smaller businesses. Large banks and big business can offset bankruptcy losses by increasing the amount they charge to other customers. That's an important point, Mr. President. Under the best of circumstances, where a big business can stay afloat in the face of large

losses due to bankruptcies, other consumers pay the price. Hence, the hidden bankruptcy tax.

This hidden tax affects consumers who play by the rules. These consumers, the vast majority of consumers, must pay through higher prices and interest rates for consumers who write their debts off in bankruptcy. My legislation will reduce this tax by requiring those consumers who have the capacity to repay their debts, or some portion of their debts, to do so.

But that's the situation with big businesses who can survive in the face of huge bankruptcy losses. What about the small business people who have to close their doors because they can't afford to absorb the loss of so much income. The Consumer Bankruptcy Reform Act that is before us will reduce bankruptcy losses by ensuring that those who can repay their debts be required to do so. That's just common sense. On the other hand, if you're truly down and can't afford to pay anything, this bill still guarantees complete bankruptcy relief.

The editorial page of the Des Moines Register stated on march 13, 1997, that bankruptcy "was never intended as the one-stop, no-questions-asked solution to irresponsibility," But that's just what we have today. And that is just the problem this bill addresses.

So, as we move forward to more debate on bankruptcy reform, I hope we keep in mind the fact that bankruptcies of convenience impose a hidden tax on hardworking Americans who play by the rules and pay their bills on time. Let's cut that tax. Lenient bankruptcy standards seem to foster a lack of personal responsibility. After all, why tighten your belt and pay what you owe when you can just walk away from debts by declaring bankruptcy? I think my bill makes sense and that's why it passed out of the Judiciary Committee by a vote of 16 to 2.

Mr. President, I would like to say a few words about the history of bankruptcy. Congress' authority to create bankruptcy legislation derives from the body of the Constitution. Article I, section 8, clause 4 authorizes Congress to establish "uniform laws on the subject of bankruptcies throughout the United States." Until 1898, we did not have permanent bankruptcy laws in this country. The previous bankruptcy laws were temporary in nature and were largely enacted as a reaction to a financial crisis. With each successive bankruptcy act and each major reform or our Nation's bankruptcy laws, we've refined our conception of how bankruptcy should promote the important social goal of giving honest and unfortunate American a fresh start.

The bill we're considering today makes fundamental changes to our bankruptcy laws. These changes are a logical outgrowth and extension of our various bankruptcy reform efforts. From 1898 until 1938, consumers had only one way to declare bankruptcy. It was called "straight bankruptcy" or "chapter 7" bankruptcy. Under chapter 7, which is still in existence, bankrupts surrender some of their assets to a bankruptcy court. The court sells these assets and uses the proceeds to pay creditors. Any deficiency is wiped out.

But starting in 1938, Congress created chapter 13, which allows a debtor to repay a portion of his or her debts and keep all assets. Under current law, the choice between chapter 7 and chapter 13 is voluntary. In the mid-1980's, Senator Dole and Congressman Mike Synar tried to steer higher income bankrupts—who could repay some of their debts—into chapter 13. My legislation follows the attempts at reform Senator Dole made when he was on the Judiciary Committee.

Finally, Mr. President, when and if we get to S. 1301, there will be a managers' amendment, which will permanently reauthorize Chapter 12. Chapter 12, which I authored in 1986 because of the farm crisis, is due to expire this October. I hope that, for the sake of the farmers of America, we will be able to get this bill brought before us. We now have a motion to proceed because there was an objection from a Senator, and I hope that all of these Senators will take into consideration that with low farm prices now—and I hope there is not an agricultural crisis long-term although there is a crisis this minute—and that farmers will have special protections under Chapter 12 bankruptcy, like other sectors of our economy have a special procedures for them, so that we will be able to have an orderly handling of that.

The PRESIDING OFFICER. The Senator's 10 minutes have expired. Does the Senator ask for additional time?

Mr. GRASSLEY. Was there really a 10-minute time limit?

The PRESIDING OFFICER. There is. The Senator can request additional time.

Mr. GRASSLEY. I ask unanimous consent for 2 additional minutes.

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

The efforts of Senator Dole and Congressman Synar ultimately resulted in the creation of Section 707(b) of the Bankruptcy Code. This section gives bankruptcy judges the power to dismiss the bankruptcy case of someone who has filed for chapter 7 bankruptcy if that case is a "substantial abuse" of the bankruptcy code.

While this idea sounds good, it has not worked well in the real world. First, nobody knows what the term "substantial abuse" actually means. So we have conflicting court decisions around the country and people just aren't sure what the rules are. Second, creditors and private trustees are actually forbidden from bringing evidence of abuse to the attention of a bankruptcy judge.

The Consumer Bankruptcy Reform Act corrects these shortcomings. Under this bill, 707(b) now permits creditors and private trustees to file motions and bring evidence of chapter 7 abuses to the attention of a bankruptcy judge. This change is very important since creditors have the most to lose from bankruptcy abuse, and private trustees are often in the best position to know which cases are abusive in nature.

Additionally, the bill requires judges to consider repayment capacity of bankrupts in chapter 7. Under this bill, if someone who has filed for chapter 7 bankruptcy can repay 20 percent or more of his or her general unsecured debts, then the bankruptcy judge can kick them out of the bankruptcy system or transfer them to chapter 13.

Taken together, these changes will bring the bankruptcy system back into balance. Importantly, these changes preserve an element of flexibility so that not every debtor is pushed into an inflexible and rigid formula. This means that each bankrupt will have his or her own unique situation taken into account.

Of course, S. 1301 also contains tough fines against creditors who misuse their new powers to harass or intimidate honest consumers rather than to stop abuses. This is a key feature of S. 1301. Whenever we give creditors a new tool, we also give debtors a new shield to restrain potential creditor abuses.

Let me give another example of how my bill gives debtors important new tools to deter and punish abusive creditor conduct. In the last few years, there have been a number of reports about creditors coercing debtors into agreeing to pay their debts even though the debt could be wiped away in bankruptcy. The bankruptcy code allows debtors to reaffirm debts if the choose to do so voluntarily. The problem is that some companies have been threatening consumers in order to force a reaffirmation. Under the bill we're considering today, creditors will face treble damages and high fines if they use coercive tactics to force a reaffirmation.

So, Mr. President, as we proceed to consider this bill, I hope colleagues will keep in mind the balanced, fair nature of this legislation.

PRIVILEGE OF THE FLOOR

Mr. DURBIN. Mr. President, I ask unanimous consent that Anne McCormick be granted privileges of the floor on all Judiciary Committee-related matters for the remainder of this session.

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

Mr. DURBIN. Mr. President, it has been my good fortune to work on the subcommittee with Senator CHUCK GRASSLEY of Iowa. We have worked closely together for more than a year.

We disagree on some political issues—that is no surprise—but I respect him very much. He is a man of his word. He is a hard-working Senator, and it has been a pleasure for me to work with him on this very complicated issue. We will probably have our disagreements when this matter comes to the floor, but my respect for him will continue as during the course of preparing this complicated legislation.

I also acknowledge the hard work of my staff members, Victoria Bassetti and Anne McCormick, on this complicated issue. Were it not for them, I don't believe I would be able to stand here and defend my point of view. They have educated me well. I will do my best to represent them, as well as the people of Illinois, on this issue. This is a highly technical and convoluted subject. We hear words like cramdowns, reaffirmations, panel trustees, lien stripping, automatic stays, codebtor stays, discharge stays, nondischargeable debt, super discharge, and on and on. Most people's eyes are glazing over and wondering what this bankruptcy debate is all about on the floor.

This important Federal bankruptcy law is a delicate and perilous balance. When a person files for bankruptcy, they have a limited amount of assets. They come before the bankruptcy court and ask: What are we going to do with what we have left? It isn't enough to pay our bills and what do you suggest we do to discharge ourselves from this debt and go forward with a clean slate?

When you push on one thing in bankruptcy, almost invariably something else will give. That is because no matter how hard you wish otherwise, we are dealing with a limited amount of assets—a pie of fixed dimensions. Try as we might, in almost every case the pie will not be made any bigger. All we can do is increase the fighting over that small pie—and usually no one really comes out ahead in that fight.

In those cases where we can make the pie bigger, I fully support whatever we can do. We must ferret out those people who are abusing the bankruptcy system. One example is the homestead exemption. The homestead exemption allows a person, in some States, depending on State law, to claim that their home should be exempt from being subject to the claims of creditors. That sounds reasonable. People like to protect their home. But each State sets a different standard. Some States set almost unreasonable standards. That is why you can find a former Governor of a major State, or a former commissioner of baseball, racing to the right State to file bankruptcy—buying a huge home before they file bankruptcy, and then having it exempt from the bankruptcy estate. Luckily, this bill does away with that exemption. The House bill does not. On the floor of the House, unfortunately, we left this abuse in the bankruptcy code. I hope we will stand fast on this issue and that, if this matter goes to conference, we can prevail.

Let me talk about the people who do file bankruptcy, who don't fall into the category of the rich and famous, never have been and never will. Let me show you one of the charts that indicates what happened in terms of the income people earn who are filing for chapter 7 bankruptcy in the United States. This is an interesting chart. The median family income is $42,769. In 1981, the median income of people filing for bankruptcy was $23,254. Look what happened. Over the next 16 years, we have seen a steady decline in the median income of people filing for bankruptcy. What it tells us is that people in the bankruptcy system are just getting poorer. We are not dealing with smoothies here who are racing out to get attorneys and find some way to protect some treasured assets. We are dealing with people who have a very limited amount of income and with very low-income and perilous circumstances. As distasteful as bankruptcy is, the fact remains that we need it. We can't dismantle or radically alter it without doing serious damage to our economy, to creditors, and to millions of individuals.

To see what would happen if we didn't have a bankruptcy system, imagine a world where people could not declare bankruptcy when they were in bad financial straits. In this world, each individual creditor would have to file suit in State court when the debtor defaulted. And then it would be a race to the courthouse door. Some would end up with nothing. Almost nobody would win in this situation. So the bankruptcy code is important. But keep in mind that this median income person, with $17,652, really is not salivating for the opportunity to file for bankruptcy; a disaster has hit that person or his family.

The information I am about to give you has not been produced by some consumer group, but by the major credit card companies. Visa and MasterCard did an analysis of the people who declared bankruptcy in 1997. Here is what they found: 11.6 percent of the people who filed for bankruptcy did so because of a divorce or separation; 16.5 percent declared bankruptcy because of medical or health reasons, and 15.3 percent, because of unemployment. Two-thirds of the people surveyed reported that creditors did not try to work with them to help them avoid filing for bankruptcy.

You must remember the feeling. I can remember it in my early life after graduating from law school, deep in debt, trying to pay off student loans and having no really substantial income. It was a chore to fight off the people calling on credit cards.

They really weren't offering the milk of human kindness in those telephone calls.

From the Visa study, they went on to say:

> Although conventional wisdom holds that there is less stigma associated with personal bankruptcy filings today than there has been in the past, the experience of the respondents suggests just the opposite: A substantial majority—75.2 percent—had not been able to reestablish credit. Nearly a quarter of the respondents—24.7%—still owed income taxes after the bankruptcy was filed. More than half—52 percent—reaffirmed some of their outstanding debt * * *

Let's talk for a moment about the debt. Credit card companies send out as many as 2.8 billion credit card solicitations a year to potential card holders.

Let me show you a chart about one family that I happen to know a little bit about, the Durbin family of Springfield, Illinois.

In a 6-month period of time at our house, we received in Springfield, Illinois, opportunities and invitations for credit cards, some wonderful credit cards. It used to be that they talked about gold credit cards. Here is one called "gold." Now we are talking about titanium and platinum credit cards.

If you look at the total amount of credit that was offered to my home and household, it comes to over $600,000.

There was a time when I can recall getting my first car loan—of about $1,000—sitting nervously across from a loan officer at the First National Bank of Springfield, Illinois. Now, sight unseen, each day in the mail, come invitations to go deeply into debt—in this case over $600,000 worth. And this doesn't count the e-mail credit solicitation which I am currently receiving.

What it suggests to me is that the credit card industry bears some responsibility for the increased filings and bankruptcy.

We found in a 3-month period in 1997 that banks in the United States mailed a record-setting 881 million solicitations.

I have some that my staff received here. I will not go through them all.

I believe everyone here that is witnessing this debate on the Senate floor and those by television on C-SPAN know what I am talking about. You go home every night and start tossing out the preapproved credit card solicitations that say, "Just sign the back of this check, and we will send you a certain amount of money." And you, of course, can have a second mortgage on your home.

All of these things are coming at us fast and furious.

In addition to the mail, credit card companies logged 24.1 million hours in 1996 on the telephones telemarketing their cards.

You can be at home at night watching TV and listening to the radio. The phone starts ringing. It could be some

charity. It might be some opportunity to change your phone service. It might also be a credit card solicitation.

So if we are going to correctly analyze the current situation about the increases in bankruptcy, let us honestly look at what is happening here.

You want to know why so many more people are filing for bankruptcy? Look at this. Track consumer debt in America, and track the filings in bankruptcy, and what you find is the lines are virtually identical.

This isn't a matter of America losing its morality in family values because of the increased filings in bankruptcy. It is because we are deeper in debt as a nation and the credit card industry continues to lure people into debt. Yes. It is a free will choice. But many people are not as well informed as they get into it. The lure of consolidating your debts, and the lure perhaps of buying something that you might not otherwise be able to afford drags people deeper and deeper into debt with risky credit. One bad occurrence, as mentioned in the Visa and MasterCard study, and the next thing you know these folks are in bankruptcy court.

Some people in the credit industry come to see you and say, "You know, I think these people have lost the idea of the moral stigma of bankruptcy." The Visa study says they haven't. I am not sure they have either. I say to the people in the credit industry, "If there is no moral stigma to bankruptcy, then how do you explain the practices of your own industry, an industry that would consider installing ATM machines in casinos, which we now do in America? Where is the moral stigma there?"

Let me talk to you about this bill in particular.

I am pleased that Senator GRASSLEY and I have been able to work well on many issues in this bill, and I will try to continue to do so. But let me suggest there are some changes that I would still like to see in this bill.

We must make sure that reform of the bankruptcy system doesn't actually end up hurting vulnerable groups like women trying to collect alimony, children dependent on child support payments, and the elderly living on fixed incomes.

We have a fixed amount of money here; a limited amount of assets. There will be a struggle and a fight over who will walk away with them. If you give additional assets from a bankrupt estate to a credit card company, you could do it at the expense of child support obligations. The Children's Defense Fund is opposed to the bill. That is one of the major reasons. Their concern is that this bill still does not protect child support payments. I think that is a major concern.

We have to make certain that we lift that up to a level that is sensible. Keep in mind if we do not, we are going to assume that burden as a society. Children who do not receive their child support payments are kids who end up on welfare; kids who end up dependent on the Treasury of the United States and the States of our Union in an effort to survive.

I hope we will be able to adopt an amendment which will, in fact, provide more protection when it comes to child support.

Second, we must make sure that the reforms do not increase opportunities for creditors to themselves abuse and distort this system.

I will not go through the lengthy history that we have of this process of reaffirmation.

What is reaffirmation? I file for bankruptcy and I have a debt, and instead of having it discharged so I don't owe it any longer, I voluntarily agree to reaffirm that debt and to continue to pay all or part of it. Why would a person do that? What if you walked into the bankruptcy court and you owed money on your car? You need a car to get to work. You better reaffirm that debt on the car so you can continue to make the payments, even if you are discharged from bankruptcy from all other debts. It makes sense. Someone walks into a bankruptcy court and says, "My family has done business with that department store downtown for three generations, and I just could not stiff them. I will reaffirm my debt. I will pay it. Just discharge the rest of my debts."

The problem we have is in many instances creditors—major department stores and retail chains—have misled the debtors into believing they must reaffirm their debts; that they can't get off the hook in bankruptcy. I want to make sure that this bill does not create more opportunities for this to happen. I hope just the opposite will be true.

Finally, let me urge that in the course of the debate on bankruptcy we address both sides of the problems. To those who are abusing the bankruptcy system, who walk into court and try to, through all sorts of chicanery, escape their obligations and their debts, we say: This will stop. And, on the other side, we say to the credit card industry: You also have an obligation.

Sadly, all of this focus on the bankruptcy code simply helps to obscure a far more important and dangerous feature of our consumer economy—the profligate availability of risky credit.

Merely making bankruptcy abuse harder is only part of the equation. The other part is preventing bankruptcy in the first place by encouraging more responsibility from the banks, as well as consumers.

Come with me to a "Big-Ten" football game this autumn—a wonderful experience—in Champaign or Bement, Illinois—and walk into that stadium. What you are going to find there will be a booth giving away T-shirts. Mark my words. If you will take a T-shirt, you will also take an application for an official University of Illinois credit card. Kids fresh out of high school are signing up for credit cards when they are 18 to get a free T-shirt. You will find these booths at virtually all sorts of events.

These sorts of things are going on at such a pace that, frankly, it has become almost scandalous. Credit cards are being issued to people who are mentally incompetent. They are being issued to pets; being issued to folks who have no business owning a credit card.

I want to make sure that we straighten up that side of the equation as well.

I want to make sure that the people who send us monthly credit card statements are open and honest. When they say your minimum monthly payment is "X," they ought to tell you how many months it will take you to pay it off if you make the minimum monthly payment, and how much you are going to pay in interest. They ought to provide people with a simple worksheet so when they apply for a credit card they will understand where they stand financially. If fact, if the credit card company hasn't done any kind of analysis of your credit standing and they are offering credit blindly, you ought to know that.

In addition, I want to make sure that we provide in these credit card statements a clear statement of the conditions.

This same University of Illinois credit card solicitation—I don't want to pick on them—said, and I quote, "permanent introductory rate of 5.9 percent."

You don't have to be a business major to understand that "permanent" and "introductory" don't go together. What happens, of course, is that in a short period of time the interest rate goes through the roof.

Let me conclude on this note.

We can spend all of our time trying to punish or prevent a small number of abuses. We can also work on something infinitely more constructive. We can try to help prevent financial catastrophes.

What I propose is a small step in that direction which works on the principle that a well-informed consumer is best able to protect himself. I am happy to join with my colleague, Senator GRASSLEY, in an effort to change the bankruptcy code, but let us do it in a fair way that does not penalize the recipients of child support, that doesn't give an upper hand to creditors who abuse the system, and which says to the credit card industry, yes, we will clean up abuses in bankruptcy court but certainly you should extend your responsibility to issue credit responsibly to a well-informed consumer.

I yield back the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Massachusetts.

CONSIDERATION OF THE PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, just about an hour ago, we had the majority leader taking the floor and making the request that we go to the bankruptcy legislation, as is his authority, and then making a motion to move toward the bankruptcy bill and filing cloture. And I assume, as others would, that we will be debating this legislation next week.

In an exchange with the majority leader, I questioned him as to why we were not considering taking up the HMO legislation, the Patients' Bill of Rights. We could either take up the legislation that had been introduced by the Republicans and lay that down as our leader, Senator DASCHLE, has suggested, or permit some other way or means that we could have a full debate and discussion on that legislation.

As I pointed out in the very brief exchange with the majority leader, we are talking considering legislation that affects about 1.4 million bankruptcies, with all the importance and consequences that has, as expressed by our friends and colleagues from Iowa and from Illinois and stated eloquently by both of them in recent times, or whether we should be considering a measure that affects 165 million Americans with health insurance coverage.

When I go home to Massachusetts and travel around the state, I hear from families wondering when the Congress is going to take action to make sure that health care decisions are going to be made by medical officials, by doctors and by nurses, rather than by accountants and insurance company personnel. That is what the people are talking about. That is what they were talking about during August.

I asked the majority leader whether we would be able to have the opportunity to debate this issue. And as is the wont of the majority leader and the assistant majority leader, Senator NICKLES, they have said, look, you are either going to take it or leave it with our proposal. You are either going to take it the way we want it—that is, you can offer two or three amendments, and we can offer two or three amendments—and, if you are willing to take that, we are willing to schedule it; otherwise, we are not.

They are, for all intents and purposes, gagging the Senate. We do not have any such condition on the measure that is before us this afternoon, the bankruptcy bill. There are a number of very worthwhile, substantive amendments for this measure. The majority leader did not come out here and say take it or leave it on the bankruptcy bill. No, no. Why? Because the credit card industry and the banking industry have the votes to pass this legislation, and, as has been publicly recognized, they have expended some $50 million in order to support the movement of this legislation.

Yet, we find out that there are children in our country today who are being denied a CAT scan because of an automobile accident or because of a bicycle accident or because of some other kind of an accident. They do not make large contributions to push forward legislation that will help them. Nor do the women who are denied access to clinical trials or obstetrical and gynecological care.

And so, Mr. President, we are being effectively gagged by the Republican leadership in debating and discussing and voting on the most important health measure that we will be faced with this year. Again, when asked when we can proceed to this important legislation, the majority leader, as is his wont, calls for regular order: We are not going to listen to any voices in the Senate that have been trying to get to this measure for over a year and a half, either a hearing or a markup in the appropriate committee. No, thumbs down. Scheduled on the floor of the Senate? Absolutely not, unless you take it our way.

Now, Mr. President, you can—and the majority leader has been successful up to this time—avoid having the opportunity for such a debate and discussion, but I do not really understand the reasons why. Why are the Republicans objecting to debating the gag issue or about emergency room access? Why shouldn t patients who believe they are having an emergency based on a reasonable person's judgment be assured coverage at the nearest emergency room? Why shouldn't we be able to debate what would be the appropriate responsibility of HMOs on these issues?

Why shouldn't we be able to debate whether you can keep your own doctor or whether you have access to specialists or whether you are able to have specialists for primary care, as many women, in particular, so need in our society today? And why not discuss the importance of access to clinical trials, or a right to timely appeals—both internal and external—and health plan accountability? Why should the health insurance industry be the only industry that can cause death and disability and be excluded from accountability in the United States of America? Should we not have the opportunity to debate that issue and call the roll? Not according to the majority leader. No, no, not according to the majority leader. You either take it or leave it.

Now, that has been the position effectively on HMOs, the position on campaign financing, the position on any increase in the minimum wage: Take ours or leave it.

Now, he is entitled and has authority as the majority leader to make these decisions, but we also have prerogatives in this body, and we can exercise those prerogatives and, as Senator DASCHLE has indicated, will either do it in a regular way according to the rules of the Senate or we will have some other opportunity to do so.

This body should not be gagged, as the majority leader is doing when he responds: You will take three amendments and that is it. It is very clear what the priorities are for the Republican leadership—protect the banks and the credit card companies—protect the insurance industry—protect their friends. All you have to do is look at who is going to benefit from the HMO reform and patients' rights and who is going to benefit from the bankruptcy legislation.

Who is going to benefit from the bankruptcy legislation? The banks and the credit card companies that have been among the most profitable industries in this country in the last few years. Who benefits from Patients' Bill of Rights? Working families benefit from it. Children benefit from it. Senior citizens benefit from it. The average citizen in this country benefits from it.

But, no, no, the Senate hasn't got time for that. Make no mistake. What was determined this afternoon by the leadership is that the Senate is favoring the banks and credit card companies and we are giving short shrift, short shrift to those who are dependent upon, in too many instances, the kinds of HMOs in this country that are not putting the medical decisions in the hands of doctors.

Why is it that nearly 200 of the leading national medical associations, nursing organizations, patient coalitions, disability groups, mental health groups, religious organizations, small businesses and consumer groups support the Daschle bill? I have been in the Chamber when I have listened to the majority leader and my friend from Oklahoma, Senator NICKLES, talk about their bill. We haven't heard of one single patients' organization that supports their bill. Every one of them supports the Daschle bill. So, when we say let us at least have the opportunity to debate it, we mean let's discuss each of the various elements. Let us have an opportunity to address those measures, with relevant amendments—they are right here. I would settle for amendments on the particular measures on this chart this afternoon, if I were asked, with time limits. But let's have accountability. Let's have accountability. Why is the Republican leadership saying to every doctor who is represented by those organizations, to every nurse, to every patient or survivor of every breast cancer group, "No, we can't debate your proposal"?

So we are going to work at it and we are going to keep at it, time in and time out.

I know there are others who want to speak. How much time do I have?

The PRESIDING OFFICER. The time of the Senator has just expired.

Mr. KENNEDY. Mr. President, I ask consent to have the same privilege as has been extended to the Senator from Iowa and the Senator from Illinois, to proceed for 4 more minutes.

The PRESIDING OFFICER. The Senator from Iowa spoke for 20 minutes. The Senator from Illinois spoke for 15 minutes.

Mr. KENNEDY. I ask for 5 minutes.

The PRESIDING OFFICER. The Senator may ask for 5 minutes more. Without objection, it is so ordered.

THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, finally, on another measure we have attempted to bring up here, and we will have the opportunity to do so, it is to recognize a fundamental issue of fairness and equity in our country, and that is an increase in the minimum wage.

I ask the Chair to let me know when I have 1 minute left.

We have had the most extraordinary economic prosperity in the history of this country. We have had the explosion in terms of Wall Street, even with its ups and downs. We have the lowest rates of unemployment, the lowest rates of inflation.

Over the many debates which have taken place since I have been here in the U.S. Senate, since 1962—and we have raised the minimum wage during this time five different times with Republican and Democratic support—we are always faced with two issues: If we increase the minimum wage, we are going to add to inflation and add to unemployment. It is fair for those who oppose the increase in the minimum wage to ask us, now that we saw the last increase in 1996–1997—we have seen an increase of 90 cents. For whom? The working poor; men and women working 40 hours a week, 52 weeks of the year, who pay their bills and play by the rules—words that were used by the Senator from Iowa. They are the workers. They are the workers, struggling.

Mr. President, our particular amendment, if successful, with a dollar in the next 2 years, would move it up by the year 2000 to $6.15. That would be $5.76, in terms of purchasing power. It would still be lower than what it was for a period of some 20 years—25 years, in purchasing power, at a time of extraordinary prosperity and economic growth.

In every one of these debates they say if you raise it, you will see higher unemployment and you will see higher inflation. Look what happened the last time. When we raised the minimum wage in 1997, the unemployment rate was 4.9 percent and the rate of inflation was 1.7. Then we raised the minimum wage. We raised the minimum wage. Today, the unemployment rate is—higher? No, it is lower. It is 4.5 percent, and the rate of inflation is 1.4 percent. Mr. President, 3.7 million new jobs have been added. Executive salaries have exploded and gone up through the roof, but the real purchasing income for the needy working families of this country continues to fall further and further behind.

Those who receive the minimum wage primarily are women—60 percent. It is a women's issue. It is a children's issue. These are children of working families. Family values? This is it. When you get an increase in the minimum wage, those families say, "Now we no longer have to work three jobs, we can work two. Maybe we don't have the time to spend with our children." But this is an issue of dignity for those who are out there working. It is an issue of fairness. It is an issue of decency.

This body, at the time of this extraordinary economic growth and prosperity, at a time when we in this body have benefited from a cost-of-living adjustment of more than $3,000 since our last increase in the minimum wage, ought to be able to say to those working poor that we understand, when they work 40 hours a week, 52 weeks of the year, they ought not to be continuing to live in poverty.

Mr. President, those issues are going to come back to us and we will address them, I guarantee you, before the end of the session.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for up to 25 minutes.

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

THE ONGOING INVESTIGATION OF PRESIDENT CLINTON

Mr. LIEBERMAN. Mr. President, I rise today to make the most difficult and distasteful statement, for me probably the most difficult statement I have made on this floor in the 10 years I have been a Member of the U.S. Senate.

On August 17, President Clinton testified before a grand jury convened by the independent counsel and then talked to the American people about his relationship with Monica Lewinsky, a former White House intern. He told us that the relationship was "not appropriate," that it was "wrong," and that it was "a critical lapse of judgment and a personal failure" on his part. In addition, after 7 months of denying that he had engaged in a sexual relationship with Ms. Lewinsky, the President admitted that his "public comments about this matter gave a false impression." He said, "I misled people."

Mr. President, my immediate reaction to this statement that night it was delivered was deep disappointment and personal anger. I was disappointed because the President of the United States had just confessed to engaging in an extramarital affair with a young woman in his employ and to willfully deceiving the Nation about his conduct. I was personally angry because President Clinton had, by his disgraceful behavior, jeopardized his administration's historic record of accomplishment, much of which grew out of the principles and programs that he and I and many others had worked on together in the new Democratic movement. I was also angry because I was one of the many people who had said over the preceding 7 months that if the President clearly and explicitly denies the allegations against him, that of course I believe him.

Since that Monday night I have not commented on this matter publicly. I thought I had an obligation to consider the President's admissions more objectively, less personally, and to try to put them in a clearer perspective. And I felt that I owed that much to the President, for whom I have great affection and admiration, and who I truly believe has worked tirelessly to make life tangibly better in so many ways for so many Americans.

But the truth is that, after much reflection, my feelings of disappointment and anger have not dissipated, except now these feelings have gone beyond my personal dismay to a larger, graver sense of loss for our country, a reckoning of the damage that the President's conduct has done to the proud legacy of his Presidency, and ultimately an accounting of the impact of his actions on our democracy and its moral foundations. The implications for our country are so serious that I feel a responsibility to my constituents in Connecticut, as well as to my conscience, to voice my concerns forthrightly and publicly. And I can think of no more appropriate place to do that than on this great Senate floor.

I have chosen to speak particularly at this time before the independent counsel files his report because, while we do not know enough yet to answer the question of whether there are legal consequences of the President's conduct, we do know enough from what the President acknowledged on August 17 to answer a separate and distinct set of questions about the moral consequences for our country. Mr. President, I have come to this floor many times in the past to speak with my colleagues about the concerns which are so widely shared in this Chamber and throughout the Nation that our society's standards are sinking; that our

common moral code is deteriorating and that our public life is coarsening.

In doing so, I have specifically criticized leaders of the entertainment industry for the way they have used the enormous influence they wield to weaken our common values. And now, because the President commands at least as much attention and exerts at least as much influence on our collective consciousness as any Hollywood celebrity or television show, it is hard to ignore the impact of the misconduct the President has admitted to on our culture, on our character and on our children.

To begin with, I must respectfully disagree with the President's contention that his relationship with Monica Lewinsky and the way in which he misled us about it is nobody's business but his family's and that even Presidents have private lives, as he said.

Whether he or we think it fair or not, the reality is in 1998 that a President's private life is public. Contemporary news media standards will have it no other way. Surely, this President was given fair notice of that by the amount of time the news media has dedicated to investigating his personal life during the 1992 campaign and in the years since.

But there is more to this than modern media intrusiveness. The President is not just the elected leader of our country. He is, as Presidential scholar Clinton Rossiter observed, "The one-man distillation of the American people," and as President Taft said at another time, "The personal embodiment and representative of their dignity and majesty." So when his personal conduct is embarrassing, it is sadly so not just for him and his family, it is embarrassing for all of us as Americans.

The President is a role model who, because of his prominence and the moral authority that emanates from his office, sets standards of behavior for the people he serves. His duty, as the Reverand Nathan Baxter of the National Cathedral here in Washington said in a recent sermon, "is nothing less than the stewardship of our values." So no matter how much the President or others may wish to compartmentalize the different spheres of his life, the inescapable truth is that the President's private conduct can and often does have profound public consequences.

In this case, the President apparently had extramarital relations with an employee half his age and did so in the workplace, in the vicinity of the Oval Office. Such behavior is not just inappropriate, it is immoral and it is harmful, for it sends a message of what is acceptable behavior to the larger American family, particularly to our children, which is as influential as the negative message that is communicated by the entertainment culture.

If you doubt that, just ask America's parents about the intimate and frequently unseemly sexual questions their young children have been asking them about and discussing since the President's relationship with Ms. Lewinsky became public 7 months ago. I have had many of those conversations with parents, particularly in Connecticut, and from them I conclude that parents across our country feel much as I do that something very sad and sordid has happened in American life when I cannot watch the news on television with my 10-year-old daughter anymore.

This, unfortunately, is all too familiar territory for America's families in today's "anything goes" culture, where sexual promiscuity is too often treated as just another lifestyle choice with little risk of adverse consequences. It is this mindset that has helped to threaten the integrity and stability of the family which continues to be the most important unit of civilized society, the place where we raise our children and teach them to be responsible citizens, to develop and nurture their personal and moral faculties.

President Clinton, in fact, has shown during the course of his Presidency that he understands this and the broad concern in the public about the threat to the family. He has used the bully pulpit of his Presidency to eloquently and effectively call for the renewal of our common values, particularly the principle of personal responsibility and our common commitment to family. He has spoken out admirably against sexual promiscuity among teenagers in clear terms of right and wrong, emphasizing the consequences involved.

All of that makes the President's misconduct so confusing and so damaging. The President's relationship with Ms. Lewinsky not only contradicted the values he has publicly embraced over the last 6 years, it has, I fear, compromised his moral authority at a time when Americans of every political persuasion agree that the decline of the family is one of the most pressing problems we are facing.

Nevertheless, I believe that the President could have lessened the harm his relationship with Ms. Lewinsky has caused if he had acknowledged his mistake and spoken with candor about it to the American people shortly after it became public in January. But, as we now know, he chose not to do this. This deception is particularly troubling because it was not just a reflexive and, in many ways, understandable human act of concealment to protect himself and his family from what he called the embarrassment of his own conduct when he was confronted with it in the deposition in the Jones case, but rather it was the intentional and premeditated decision to do so.

In choosing this path, I fear that the President has undercut the efforts of millions of American parents who are naturally trying to instill in our children the value of honesty. As most any mother and father knows, kids have a singular ability to detect double standards. So we can safely assume that it will be that much more difficult to convince our sons and daughters of the importance of telling the truth when the most powerful man in the Nation evades it.

Many parents I have spoken with in Connecticut confirm this unfortunate consequence. The President's intentional and consistent statements more deeply may also undercut the trust that the American people have in his word.

Under the Constitution, as Presidential scholar Richard Neustadt has noted, the President's ultimate source of authority, particularly his moral authority, is the power to persuade, to mobilize public opinion, to build consensus behind a common agenda, and at this the President has been extraordinarily effective. But that power hinges on the President's support among the American people and their faith and confidence in his motivations and agenda, yes, but also in his word. As Teddy Roosevelt once explained, "My power vanishes into thin air the instant that my fellow citizens, who are straight and honest, cease to believe that I represent them and fight for what is straight and honest. That is all the strength that I have."

Sadly, with his deception, President Clinton may have weakened the great power and strength that he possesses of which President Roosevelt spoke. I know this is a concern that many of my colleagues share, which is to say that the President has hurt his credibility and, therefore, perhaps his chances of moving his policy agenda forward. But I believe that the harm the President's actions have caused extend beyond the political arena.

I am afraid that the misconduct the President has admitted may be reinforcing one of the worst messages being delivered by our popular culture, which is that values are fungible. And I am concerned that his misconduct may help to blur some of the most bright lines of right and wrong in our society.

Mr. President, I said at the outset that this was a very difficult statement to write and deliver. That is true, very true. And it is true, in large part, because it is so personal and yet needs to be public, but also because of my fear that it will appear unnecessarily judgmental. I truly regret this. I know from the Bible that only God can judge people. The most that we can do is to comment, without condemning individuals. And in this case I have tried to comment on the consequences of the President's conduct on our country.

I know that the President is far from alone in the wrongdoing he has admitted. We, as humans, are all imperfect. We are all sinners. Many have betrayed a loved one, and most have told lies.

Members of Congress have certainly been guilty of such behavior, as have some previous Presidents. We must try to understand the complexity and difficulty of personal relationships, which should give us pause before passing judgment on them. We all fall short of the standards our best values set for us. Certainly I do.

But the President, by virtue of the office he sought and was elected to, has traditionally been held to a higher standard. This is as it should be. Because the American President, as I quoted earlier, is not just the one-man distillation of the American people but today the most powerful person in the world, and, as such, the consequences of his misbehavior, even private misbehavior, are much greater than that of an average citizen, a CEO, or even a Senator.

That is what I believe Presidential scholar James David Barber, in his book "The Presidential Character," was getting at when he wrote that the public demands "a sense of legitimacy from, and in, the Presidency * * * There is more to this than dignity, more than propriety. The President is expected to personify our betterness in an inspiring way, to express in what he does and is (not just what he says) a moral idealism which, in much of the public mind, is the very opposite of politics."

Just as the American people are demanding of their leaders, though, they are also fundamentally fair and forgiving, which is why I was so hopeful the President could begin to repair the damage done with his address to the Nation on the 17th. But like so many others, I came away feeling that, for reasons that are thoroughly human, he missed a great opportunity that night.

He failed to clearly articulate to the American people that he recognized how significant and consequential his wrongdoing was and how badly he felt about it. He failed to show, I think, that he understood his behavior had diminished the office he holds and the country he serves and that it is inconsistent with the mainstream American values that he has advanced as President.

And I regret that he failed to acknowledge that while Mr. Starr and Ms. Lewinsky, Mrs. Tripp, and the news media have each in their own way contributed to the crisis we now face, his Presidency would not be in peril if it had not been for the behavior he himself described as "wrong" and "inappropriate."

Because the conduct the President admitted to that night was serious and his assumption of responsibility inadequate, the last 3 weeks have been dominated by a cacophony of media and political voices calling for impeachment or resignation or censure, while a lesser chorus implores us to "move on" and get this matter behind us.

Appealing as that latter option may be to many people who are understandably weary of this crisis, the transgressions the President has admitted to are too consequential for us to walk away and leave the impression for our children today and for our posterity tomorrow that what he acknowledges he did within the White House is acceptable behavior for our Nation's leader.

On the contrary, as I have said, it is wrong and unacceptable and should be followed by some measure of public rebuke and accountability. We in Congress—elected representatives of all the American people—are surely capable institutionally of expressing such disapproval through a resolution of reprimand or censure of the President for his misconduct, but it is premature to do so, as my colleagues of both parties seem to agree, until we have received the report of the independent counsel and the White House's response to it.

In the same way, it seems to me that talk of impeachment and resignation at this time is unjust and unwise. It is unjust because we do not know enough in fact, and will not until the independent counsel reports and the White House responds, to conclude whether we have crossed the high threshold our Constitution rightly sets for overturning the results of a popular election in our democracy and bringing on the national trauma of removing an incumbent President from office.

For now, in fact, all we know for certain is what the President acknowledged on August 17. As far as I can see, the rest is rumor, speculation, or hearsay—much less than is required by Members of the House and Senate in the dispatch of the solemn responsibilities that the Constitution gives us in such circumstances.

I believe the talk of impeachment and resignation now is unwise because it ignores the reality that, while the independent counsel proceeds with his investigation, the President is still our Nation's leader, our Commander in Chief. Economic uncertainty and other problems here at home, as well as the fiscal and political crises in Russia and Asia, and the growing threats posed by Iraq, North Korea, and worldwide terrorism, all demand the President's focused leadership. For that reason, while the legal process moves forward, I believe it is important that we provide the President with the time and space and support he needs to carry out his most important duties and protect our national interest and security.

That time and space may also give the President additional opportunities to accept personal responsibility for his behavior, to rebuild public trust in his leadership, to recommit himself to the values of opportunity, responsibility, and community that brought him to office, and to act to heal the wounds in our national character.

In the meantime, as the debate on this matter proceeds, and as the investigation goes forward, we would all be advised, I would respectfully suggest, to heed the wisdom of Abraham Lincoln's second annual address to Congress in 1862. With the Nation at war with itself, President Lincoln warned:

> If there ever could be a proper time for mere catch arguments, that time is surely not now. In times like the present, men should utter nothing for which they would not willingly be responsible through time and eternity.

I believe that we are at such a time again today. With so much at stake, we too must resist the impulse toward "catch arguments" and reflex reactions. Let us proceed in accordance with our Nation's traditional moral compass, yes, but in a manner that is fair and at a pace that is deliberate and responsible.

Let us, as a nation, honestly confront the damage that the President's actions over the last 7 months have caused, but not to the exclusion of the good that his leadership has done over the past 6 years nor at the expense of our common interest as Americans. And let us be guided by the conscience of the Constitution, which calls on us to place the common good above any partisan or personal interest, as we now in our time work together to resolve this serious challenge to our democracy.

I thank the Chair. I thank my colleagues. I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. KERREY. Mr. President, I do not know if the distinguished Senator from Connecticut said anything between the time I left my office and came here to the floor with which I disagree, but in the time that I watched him from my office and listened to his words from my office, and from what I have heard him say in conclusion, I have come before the Senate and I don't disagree with a single word that the Senator from Connecticut has said.

I have passed a few words my way at the direction of the President from time to time, some of them a bit more harsh than I would have liked and preferred. It is sometimes my nature to say things a little too loudly than is deserved in a particular situation. And I have at the same time praised, as I heard the distinguished Senator from Connecticut do, the President's numerous accomplishments. And they are numerous. I do not question his patriotism. I do not question his instinct for service. I have praised his job as Commander in Chief and have said to the country that there is no better example than Bill Clinton that a civilian with no military service can be our Commander in Chief and can learn as he did, the hard way in Somalia. There

are tremendous responsibilities that come with that job; and he has listened to the men and women who serve our country. He has been an exceptional Commander in Chief.

I praised him on a number of other occasions where he has performed in a remarkably generous and good-hearted way.

I have found, as the Senator from Connecticut did, much with which I disagreed in his statement. I believe it is important for those of us who serve, especially in leadership responsibilities, as I do on the Democratic side, chairing the Democratic Senatorial Campaign Committee, to come and say that this is not just inappropriate behavior.

I have heard the Senator from Connecticut and his leadership in calling our attention—by that I mean those of us who serve here in Congress. We all get, from time to time, a bit isolated. I work hard and long trying to do the best that I can for the people of Nebraska. It doesn't give me much time to watch daytime television, to watch what is being broadcast, to listen to what is being said, to consider how this could damage the moral fiber of our Nation, especially the moral fiber of our children upon whom we depend for so much. And he has come to us and told us what is going on and called to our attention that we need to be mindful of the things that we say and the things that we do because our young people will very often do as we say, far less than they do as we do—they will follow our example.

Thus, it seems to me what the Senator from Connecticut has done is come as an American—not as a Democrat, but as an American, as a U.S. Senator. I wish to join him and say that the President has got to go far further than he did in his speech to the Nation. This is not just inappropriate behavior. This is not a private matter. This is far more important for our country and threatens far more than his Presidency, unless we deal with it in a more honest, and as the Senator from Connecticut has said, noncondemning fashion. Lord knows, I am the last person—the Senator from Connecticut said he was a sinner, and I am at least as big. I do not come to the floor arguing that I have superior moral authority to comment on the President's behavior. I am coming simply to say that it is far more than inappropriate, and it is, unquestionably, public. It is serious beyond our ability to do our work.

I think that we can come back as a Congress and finish out our business and perform our responsibilities and do the things that we ask permission to do and we sought the power of this office from our people to do. But there is a moral dimension to what we do that in many ways may be more important than any legislation that we enact.

So I have come here to thank the Senator from Connecticut. It was a thoughtful presentation. They were words that we needed to hear. I believe, in fact, they could become the foundation, the basis, for us to heal a wound that will otherwise not just divide Democrat from Democrat—which is likely to occur—but open up a fissure in America that will make it difficult for us to do what all of us, I believe, think is the most important thing to do, and that is to help our children acquire the character they need not just to be good working people but to be good human beings.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise with the same purpose as my colleague and friend from Nebraska, to thank the Senator from Connecticut for saying what needed saying, and saying it in a manner that gives us hope at a time of profound despond.

In the aftermath of the President's speech on August 17, I commented that it was not adequate. But it was not until just this moment that the full measure of that inadequacy was presented to us in the context of the needs of the Nation, of the profound moral consequences that will arise not just from what has happened but from what might happen if we do not proceed with the measure of moral compass, but also with a capacity to understand we are all sinners. I say to my friends from Nebraska and from Connecticut, I am the oldest of the three of us and, therefore, have sinned the most. Of that you may be sure.

But we have to resolve this. The Senator did not call for any immediate, precipitous action. We have a process in place—imperfect in so many respects, but in place—and in time, not distant time, a point of decision will come to the Congress, a decision will come to the Congress, and it will be for us to discharge our sworn duty. We take an oath to uphold the Constitution of the United States, uphold and defend the Constitution of the United States against all enemies, foreign and domestic—foreign and domestic, sir, which acknowledges that we can be our own worst enemies if we do not hew to our best standards, knowing that we are all imperfect but have an obligation to do our very best.

In the words of Lord Mansfield in a case heard in London in 1772 (Somersett v. Stewart, 12 Geo. 3), the issue was a profoundly moral one. A man had a slave in England he wished returned to Jamaica to sell. That would have been legal under American law at the time. It was not legal under English law. In an epic statement, Mansfield said, "Fiat justitia, ruat caelum"—"Let justice be done, though the heavens fall." But it also could be indicated, "If justice is done with sufficient regularity and moderation, the heavens need not fall. They might even rejoice in the nation that has shown a capacity for redemption and self-renewal."

So I wish to state my profound gratitude for what you have said and done, and hope we will listen to your wise counsel. I might just say it was in many ways more New Testament than Old Testament. To which I am also grateful.

I yield the floor.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

Mr. LOTT. Mr. President, I was somewhat hesitant to speak at this time because I didn't in any way want to make this a partisan series of speeches, but my effort here and my intent is to make it totally nonpartisan and bipartisan.

I won't say anything today about the specifics of the substance that the Senator from Connecticut addressed. I made my comments on this subject on Monday of this week at a press conference down the hall. But I listened carefully, very intently to what the Senator from Connecticut had to say. I don't think there was very much more or less in what he had to say than what I had said earlier. I think our desire and intent, and our wishes and hopes are both the same.

Instead, I want to talk today about the Senator from Connecticut. I expected no less than this from him. He is truly one of the Senators in this body that is always standing for the right thing, trying to make sure that we do have a moral compass as individuals, as an institution. I knew that at some point he would rise and put it all into the proper perspective and that he would not go too far, that he would make us stop and think—not as Republicans or Democrats, but as Senators and Americans—about the seriousness and the difficulties that have been caused by this situation. So I want to thank the Senator from Connecticut for what he had to say, and what he has had to say on many other occasions on other subjects, and for the leadership he has provided on children and the violence and the filth they are being exposed to, and the leadership and pressure he has exerted to try to get us as a country and those involved directly in providing those films, those scenes, to do something about it. So I thank him.

I know it was not easy. I know he has taken time to think about it and pray about it for over about 3 weeks now. I know there was probably a lot of reason not to say anything. But I also know that his conscience dictated that he had to express himself. I commend him for it and I thank him for it.

I also appreciate the fact that Senator KERREY of Nebraska and the Senator from New York, Mr. MOYNIHAN,

would come here and lend his support to what the Senator from Connecticut had to say. This very day, I had lunch with the Senator from New York. Maybe the American people do not realize that we are friends off this floor and that we enjoy each other's company. And we do travel together. We get to be together with our wives and sometimes even our children. But today at lunch, with Senator MACK of Florida, Senator ROTH of Delaware, we were joined by the Senator from New York. We talked about the very serious situation in Russia. Every time he joins us, I immediately want to raise a part of the world and say, "What about India and Pakistan?" or "What about that country or this situation?" He is such a fountain of knowledge and has a wealth of experience and a tremendous understanding of history and people. I found it very informative, and I have been dwelling on what he had to say about Russia this afternoon.

I think at times like this, when our Constitution is going to be reviewed again as to what it means and when we are going to have to make decisions about what to do when we are presented with a set of facts—which may be nothing—it is going to be so important that there are some men and women on both sides of the aisle in this body, and in the other body, that can reach across the aisle and say, "What do we do?" and, most important, "What is best for our country?" With these men, and with others in this Chamber here today such as Senator HATCH, Senator COATS, Senator NICKLES, and the great STROM THURMOND, I am sure we will find a way to rise above petty politics and do the right thing, and Senator LIEBERMAN will lead the way.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from South Carolina is recognized.

PRAISING SENATOR LIEBERMAN

Mr. THURMOND. The Senator from Connecticut, who has just made some remarks, is one of the finest and ablest Members of this body. For as long as he has been in the Senate, and the longer I have dealt with him, I am more impressed with him. He is a member of the opposite party from me, but we can't go by party in deciding the merits of a man. We have to decide his own qualities. The Senator from Connecticut has impressed me as having the right qualities, which we all could emulate.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

GRATITUDE TO SENATORS LIEBERMAN, KERREY, AND MOYNIHAN

Mr. HATCH. Mr. President, in many respects, I have been pulling for the President to pull through this problem and one who had hoped that the speech he gave never would have had to have been given, and who still is very concerned about our country and how this matter is handled.

I want to express my gratitude to the distinguished Senator from Connecticut and my dear friends from Nebraska and New York, as well, for the moral compass that they have brought to the U.S. Senate floor this day, and really for the fine work they have done through the years in some of these very difficult matters.

When the distinguished Senator from Connecticut stands and speaks on these particular issues, he does so with authority because he has spoken out on so many moral issues in the past, and I think with good effect. I think it is important for all of us to reserve judgment on these matters until we have the report of Judge Starr. At that time, we can look at it and make determinations as to what should be done. There is no question that the President has been embarrassed by some of the things that have happened. There is also no question that these are difficult times for him, his wife, his daughter, and others in the administration—frankly, for all of us. Let's hope that we can approach this matter with kindness and deliberation and do the things that really need to be done in this area and, again, as the majority leader said, do what is in the best interest of our country. That may give us a number of alternatives that may be very just and worthwhile and beneficial to the country. Let's hope we choose the right path.

In any event, I express my gratitude to these members of the other party because I know how difficult it is for them to come to the floor and speak on this issue. I respect them for having done so. It is a difficult set of issues, and certainly I feel very deeply about them as well. I express my gratitude.

THE BANKRUPTCY REFORM BILL

Mr. HATCH. Mr. President, I am extremely disappointed in my good friend and colleague from Massachusetts, who has chosen to object to even proceeding to the bankruptcy reform legislation. The fact is that this Grassley-Durbin legislation has broad bipartisan support. This particular bill passed the Judiciary Committee with a 16–2 vote.

This piece of consensus legislation reflects the tireless efforts of both Democrat and Republican Senators on the Judiciary Committee.

Mr. President, at subcommittee markup, no less than eight amendments were offered, all of which were adopted. Furthermore, at the full committee markup, 13 amendments were offered and eight of them were adopted. So there has been a real bipartisan effort to resolve the problems.

A number of changes requested by my colleagues on the minority side were included in a comprehensive substitute amendment that was adopted at the markup.

All during this process, I have been open to other changes. In fact, I worked with Senator DODD to address his concerns that the legislation may have an adverse impact on the ability of ex-spouses and children to collect support payments. Along with Senators GRASSLEY and KYL, I introduced a comprehensive amendment that creates new legal protections for ex-spouses and children who are owed child support and all money payments.

This amendment not only ensures that S. 1301 will have no adverse effect on child support and alimony payments, but also creates significant new legal protections that strengthen the ability of ex-spouses and children to collect the payments that they are owed. So we have made every effort to accommodate everybody here.

Further, I want to respond to the suggestion that this legislation does not help real working families. Mr. President, this bill does exactly that. It is an important bill that will help millions of American families. In fact, abuses of the current bankruptcy system impose a $400 tax per family.

Let me be clear. This is not $400 per family that declares bankruptcy; this is a tax on every American family. This legislation is designed to remedy that.

Again, I am extremely disappointed that we have not been allowed to proceed with this important bill, and I hope we can invoke cloture on this.

UNANIMOUS CONSENT REQUEST—S. 10

Mr. HATCH. Mr. President, on behalf of the majority leader, I ask unanimous consent that it be in order for the majority leader, after consultation with the Democratic leader, to proceed to Calendar No. 210, S. 10, the Violent and Repeat Juvenile Offender Act, and that it be considered under the following limitations:

The only amendments in order be a substitute amendment offered by Senators HATCH and SESSIONS, and the following listed amendments:

An amendment by Senator CAMPBELL on law enforcement concealed carry;

Senator LUGAR on jail drug treatment;

Senator HUTCHISON, SOS on prosecutions;

Senator SMITH of Oregon, juveniles with weapons at school;

Senator HATCH, relevant amendment;

And, five relevant amendments offered by the minority leader or designee;

There be a managers' package of amendments to be cleared by both the majority and minority manager;

And, that each amendment be subject to relevant second degrees.

I finally ask unanimous consent following the disposition of any or all amendments the bill be read a third time, the Judiciary Committee be discharged from further consideration of H.R. 3, and the Senate proceed to its consideration; that all after the enacting clause be stricken, and the text of S. 10, as amended, be inserted in lieu thereof; the bill be read a third time, and the Senate proceed to a vote on passage of the bill. I further ask that following the vote, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah?

Mr. LIEBERMAN. Mr. President, reserving the right to object, I regret that on behalf of the minority leader we must object to the unanimous consent that was just propounded. On this side Members are working to try to find a way to make some progress on this matter and a number of matters related to criminal justice that also need attention. So I must, therefore, formally object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I understand my colleague is acting on behalf of the minority leader, as I am for the majority leader and the Senate Judiciary Committee. But I am disappointed that Members on the other side of the aisle do not wish to take up juvenile crime legislation under an agreement that provides the Senate chance of getting this done. We all know that time is short and the schedule crowded in the last weeks of a session, and in my view, the only way we can get this important bill done is to work in good faith to limit amendments.

I would like to remind my colleagues that this issue, and this legislation are not new. It has been over a year since the Judiciary Committee completed action on S. 10, the most comprehensive reform and reauthorization of the Juvenile Justice and Delinquency Prevention Act in that law's 25 year history. Since the Judiciary Committee completed action on S. 10, we have heard many suggestions on the key provisions of this bill. Many suggestions we received were helpful, and are incorporated in the substitute amendment. And I should note for my colleagues that the minority has had the text of this substitute for well over a month. The substitute is a good faith effort to respond to the legitimate concerns of all members, and makes changes to improve and streamline the block grant, clarify the juvenile records provisions, and improve the anti-gang provisions while ensuring the protection of the rights of law abiding citizens.

All of us have been shocked over the past several months, as our nation has witnessed a series of atrocious crimes committed by juveniles. These incidents bring home to all of us the reality of juvenile crime. And the reality is that we can no longer sit silently by as children kill children, as teenagers commit truly heinous offenses, as our juvenile drug abuse rate continues to climb. FBI data confirms the national problem of rampant juvenile violent crime. In 1996, juveniles accounted for nearly one fifth—19 percent—of all criminal arrests in the United States. Persons under 18 committed 15 percent of all murders, 17 percent of all rapes, and 32.1 percent of all robberies.

Our juvenile crime problem has taken a new and sinister direction. I can imagine few acts more heinous than some of the crimes recently committed by juveniles around the country. We seem now to be in a new era, in which juveniles are committing sophisticated adult crimes. This disturbing trend demonstrates the need to reform the juvenile justice system that is failing the victims of juvenile crime, failing too many of our young people, and ultimately, failing to protect the public.

The Senate has before it comprehensive youth violence legislation. S. 10, the Hatch-Sessions Violent and Repeat Juvenile Offender Act, was reported out of the Judiciary Committee last year on bipartisan vote, two to one vote. This legislation will fundamentally reform and redirect the role played by the federal government in addressing juvenile crime in our Nation.

S. 10 provides the framework to address the modest federal role in reforming a system that neither protects the public nor succeeds in preventing juvenile crime or rehabilitating the offenders. That is why, I believe, it has the support of law enforcement organizations such as the Fraternal Order of Police, the National Sheriffs Association, and the National Troopers Coalition, as well as the support of juvenile justice practitioners such as the Juvenile Judges Association, and victim's groups including the National Victims Center and the National Organization for Victims Assistance.

In short, S. 10 lays the groundwork for a new national approach to the problem of juvenile crime. This is not a federal approach. Indeed, much of S. 10, including the flexible block grant program, the reform of the mandates under the current JJDPA, and the reform of the federal juvenile code that applies to the handful of juvenile cases in federal court, all take their lead from successful reforms in the states. But it is past time for the federal government to adjust its approach to juvenile crime, in order to give realistic and meaningful assistance to state and local reforms. We simply need to pass this bill.

S. 10 will accomplish this. The bill we wish to bring to the floor includes a $450 million per year block grant states and local governments can use to initiate graduated sanctions, build much-needed juvenile corrections facilities, improve juvenile criminal records, and fund a wide variety of prevention programs. The bill provides $100 million a year for state and local prosecutors and courts, for their juvenile crime dockets. The bill provides $50 million per year for an innovative prevention program run by the private sector, to help keep our young people away from crime to start with. And the bill provides $50 million per year for states to upgrade their juvenile criminal records, so that police, courts, and prosecutors all have vital information regarding the records of juvenile offenders.

And this bill beefs up federal laws against interstate gang crime, by including a modified version of the Hatch-Feinstein Federal Gang Violence Act. In recent years, criminal street gangs not only have increased in size and strength, but also have become more sophisticated. Gang activity has spread across the country at a startling rate and is placing more and more of our people in harm's way. Interstate and international criminal gang activity is becoming a national crisis, and it is time for the federal government to take a greater role in assisting state and local law enforcement efforts in addressing these criminal enterprises.

Mr. President, some of my colleagues may suggest that this bill inadequately funds prevention programs. This is demonstrably not the case. And they know it. We all recognize the value of programs that intervene in the lives of juveniles to prevent crime before it starts. They are important. The federal government already spends about $4.1 billion a year on programs aimed at delinquent and at-risk youth. The Hatch-Sessions juvenile crime bill adds another $2.145 billion over 5 years to these efforts. We are doing some great things through public-private partnerships with youth groups like the Boys and Girls Clubs, and we will continue to do this. What we need is to ensure that the prevention programs that we have are backed up by a juvenile justice system that takes crime seriously, and imposes real sanctions for juvenile crime.

Mr. President, it is time for the Senate to act, and I commend the Majority Leader for attempting to bring this bill up at this time. We should debate this bill, debate the amendments, and vote.

We have tried for months to get a list of amendments from the minority. We have seen nothing. Accordingly, I believe we should try to limit—in the interests of our children and public safety—the partisan debate which too often infects criminal justice issues. We must not let petty politics stand in the way of fulfilling our commitment to the American people—this matter is too important to our nation.

Mr. President, I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would like to thank the distinguished Senator from Utah, the chairman of the Judiciary Committee for his outstanding leadership in juvenile justice and juvenile justice reform, as he mentioned, and the other issues that come before that committee. The distinguished chairman is a great constitutional lawyer and a great champion of law and order.

I came to this body less than 2 years ago. I was a prosecutor for over 15 years in my professional career. I have found myself with the opportunities and challenges of being the chairman of the Youth Violence Subcommittee. I made up my mind that we were not going to play politics, and that we were going to produce a bill that would have a practical impact and effect in a way that would reduce juvenile crime in America. That was the goal we set out to accomplish.

We developed some excellent ideas and have worked with the Democratic members of the committee continuously. The committee, on a 2 to 1 vote, with bipartisan support, has cleared this bill and brought it to the floor. I must say that I am extremely disappointed to learn today that there will be no limit on debate on this bill.

The majority leader, Senator LOTT, has a lot of important pieces of legislation, and I have asked him to keep this bill alive, to keep it up on the agenda so that we can have a vote on it. We want to vote on it. But we cannot spend all of our time on this legislation, but we do not have cooperation from the other side. We had 8 weeks of debate on this legislation in committee, and I consider it to be the most significant juvenile crime legislation maybe ever, certainly in the last 20 years.

As with most meaningful pieces of legislation, there have been some disagreements, so we worked hard, as Senator HATCH said, time and time again to make this bill more palatable to Democratic Senators. We modified it in several important areas. These modifications are in the bill and would be part of the consent agreement if we could get it today.

So I am deeply disappointed that the minority party has rejected the unanimous consent proposal and in effect has jeopardized once again our ability to pass a strong, effective juvenile justice bill which would strengthen the juvenile system and actually reduce juvenile crime. We worked in good faith with the minority and the changes we made were designed to further accommodate them. The changes were painful and frustrating to me, and I hated to include them, but I did so in the hope that we could gain the kind of bipartisan support that would ultimately lead to passage of the things that most of us who have studied this legislation believe are critical. I am disappointed that we have not achieved that end.

There are several important things I want to mention that are in the bill. There is a $2.5 billion block grant program to strengthen the State juvenile justice system. The money goes directly to the States. And 75 percent of the money has to go to the counties where the juvenile courts are, where the juvenile judges are overwhelmed, where they have no juvenile halfway houses, detention centers; they do not have money for drug testing. We need to strengthen that activity so that that juvenile judge, when a young person comes before him or her charged with a crime, the judge has the resources and the capacity to intervene effectively in that child's life. And if the judge intervenes effectively, they can perhaps change that child's direction, which is oftentimes on the road to destruction—put them on the right path, help get them off drugs by drug testing, place them back into school, get mental health treatment if that is called for, and obtain the family counseling that is so often necessary.

According to a New York Times front page article on juvenile justice, the Chicago court system spends 5 minutes per case. How can a judge work with that kind of caseload and workload? How can a judge work with insufficient probation officers, insufficient detention space for the serious offender, insufficient halfway houses, or with boot camps for those who deserve it? How can they effectively turn the tide? They cannot. And that is what is wrong. But I have a sense that all over America cities and counties are coming together, demanding that we do something about juvenile crime.

We have spent a tremendous amount of money on adult crime. We have tripled and quadrupled our bed spaces in adult prisons. We have spent very little on juvenile crime, when that has been the No. 1 crime growth area in the country. This bill will encourage more spending to correct that situation. For the first time, it will set up a record-keeping system that would maintain the secrecy of juvenile records from the general public but would make these records available to law enforcement officers. Right now they are not, amazing as it sounds. To get records on a child, law enforcement officers have to go out to each and every juvenile facility in the country. They cannot get them from a national crime information center.

Drug testing is a critical event in effectively diagnosing a young person's problems. What we require is that youngsters who are arrested for crimes be drug tested upon their arrest. We fund that testing by giving the States money. Then the judge can know whether this child's criminality is being driven by a drug problem or not. And if it is, they can require drug treatment.

It is an absolute tragedy that we are not able to pass this bill today. Judge Eric Holder, Washington, DC, who wants drug testing of everyone, said it is absolutely essential for a judge to know whether the kids and adults coming before the court have a drug problem.

Mr. President, this bill is a professionally crafted bill. It remains, in my opinion, an effective, solid, progressive step of historic proportions to assist our State and local communities to effectively deal with the growing problem of juvenile crime in America. Based on my experience of over 15 years, I know that passing this legislation is the right thing to do. We must continue to work to get a vote on this bill. I will continue to listen to any suggestions for change. Senator HATCH has continued to keep the doors open for discussion so that we can proceed with this bill.

Frankly, I believe something is happening here, and I am just going to say it. The bankruptcy bill came out of the Judiciary Committee 16 to 2. It is an absolutely excellent bankruptcy bill. It is not radical in any way and has tremendous bipartisan support, however, we come down here today and the Democratic minority members oppose even bringing it up for consideration. The juvenile justice bill comes out of committee with a 2 to 1 vote and the minority objects, a filibuster, and refuses to agree to a rational compromise on debate.

It appears to me that the members of the other party are obstructing legislation. For some reason, they do not want good legislation to pass. We ought to be working on these bills. If there is a legitimate difficulty, let's deal with it. I am willing to do so. But it is time for us to pass good legislation. I don't think it is right for people to go around talking about a do-nothing Congress when we produce good legislation, bring it to the floor, only to have the minority object under the rules of this body. The rules are legitimately utilized, but the other side ought to be held accountable for obstructing good legislation.

So, again, I am disappointed that we could not get this agreement. I believe that we have an outstanding juvenile justice bill and I have been honored to

work with Senator HATCH and others on the committee to produce it.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The distinguished Senator from Virginia is recognized.

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

KOSOVO

Mr. WARNER. Mr. President, I would like to report on a recent trip which I made in my role as a senior member of the Senate Armed Services Committee to a very troubled region of the world. During this trip, I took quick but informative visits through Bosnia, Belgrade, Yugoslavia, Macedonia, Kosovo, and NATO South Headquarters, in Naples.

To make this trip possible, I asked for and received the full support of the Department of State and NATO. I particularly wish to express my appreciation to Admiral Lopes, Ambassador Miles, posted to Belgrade, and Ambassador Hill, posted to Macedonia.

In my view there are parallels and distinctions between the situation in Bosnia and the situation in Kosovo. Kosovo is an integral part of a sovereign nation—Yugoslavia. It is a civil war between the ethnic function of Albanians and Serbs.

The parallels are to be found in the tragic tactics of this war. While both factions are open for condemnation for human rights violations, the preponderance of evidence weighs against the Serb forces—regular army and "so-called" police. Clearly, President Milosevic must be held accountable for the continuing destruction of dwellings, the farm land, and most of all, the continuing cruel repression against innocent people driven from their homes and land by the combined Serb forces.

Currently, there are estimates in the hundreds of thousands of refugees fleeing—many to the hills and forests near their villages. In a short time, with the coming of winter, the weather will compound their misery and sufferings.

Diplomatic efforts by U.S. and other nations have made a credible, good faith effort to reach some measure of resolution. As I departed Kosovo on Monday, August 31, the very able Ambassadors Miles and Hill assured me they were continuing to press for some solution so that the U.S. and other nations and "NGO's" can put in place programs and logistic plans to bring relief to victims of both ethnic factions.

In my view, the short time between now and winter, will not permit a solution that will embrace a form of limited government acceptable to Belgrade. That must come in time, but for the present, we must get a framework solution for the refugee relief program.

I commend the efforts of Assistant Secretary of State Julia Taft, who, during her visit just days ago, sounded a fervent appeal. I attach a copy of her analysis.

I also visited some of the towns ravaged by the war and continuing to be ravaged by the roaming Serb forces. This must be stopped. Today I learned that Senator Dole, who, like me is greatly concerned for the need to stop this conflict, is going to visit on his own initiative, Kosovo and the region. I briefed him on my trip and recommended he work with the consortium of nations, including the U.S., Canada, Russia and E.U. nations known as "KDOM".

I have great praise for the U.S. personnel of KDOM who provided me with a trip through some of the war torn regions. I place in this record a briefing given me by KDOM, together with their credible petition for more assistance—logistic—from the Departments of State and Defense. I personally will endorse their needs.

While in NATO South Heights, I received a briefing on options involving military forces—U.S. and other nations. This weekend I will receive further briefings.

I close by urging all Senators to devote time to the growing problems in the Kosovo region. I support the doctrine—time tested—that diplomacy can be no stronger than the resolve to back it up by force if necessary. I urge all Senators to carefully stand by the complexity of the problems—many unique and different than Bosnia—with the use of force.

Hopefully, negotiations will produce a cease-fire and force can be avoided. A problem still exists as to who are the KLA leaders, are they in some agreement among themselves, and how would they be represented at the negotiating table.

I will continue to give this troubled area a high priority and urge others to do likewise. I ask unanimous consent that the documents I referred to during my remarks be printed in the RECORD.

Mr. President, I understand the Government Printing Office estimates the cost of printing this material in the RECORD to be $1,949.

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

[From the USIA Washington File, Aug. 26, 1998]

ASSISTANT SECRETARY OF STATE TAFT IN KOSOVO

WASHINGTON.—Julia V. Taft, assistant secretary of state for population, refugees and migration, is visiting Serbia-Montenegro, including the province of Kosovo, to assess the situation of internally displaced persons (IDPs) and refugees and encourage the return of Kosovar IDPS to their homes.

Taft "will urge Serb officials to make concrete progress on creating conditions for the return of IDPs, particularly those who are shelterless and inaccessible to the delivery of humanitarian aid. She also will meet with relief agency representatives to encourage their increased presence in key areas of return," said the State Department August 26.

Following is the text of a statement by Deputy Spokesman James Foley:

STATEMENT BY JAMES B. FOLEY

A senior State Department official is visiting Serbia-Montenegro, including the province of Kosovo, to assess the situation of internally displaced persons (IDPs) and refugees in the region, and encourage the return of Kosovar IDPs to their homes.

Julia V. Taft, Assistant Secretary of State for Population, Refugees, and Migration, will meet with government officials in the region and representatives of major international organizations and non-governmental organizations during her visit, which will last from today until Saturday. The Bureau of Population, Refugees, and Migration (PRM), which she heads, has primary responsibility for U.S. refugee assistance programs.

Her visit will underscore U.S. concern and commitment to provide assistance for conflict victims in Kosovo and the region. The U.S. Government—through PRM and the U.S. Agency for International Development—has provided more than $11 million in recent months to meet humanitarian needs caused by the conflict in Kosovo.

As a result of the ongoing conflict, there are some 250,000 IDPs in Kosovo and another 26,000 in Montenegro, plus 14,000 refugees in Albania. It is estimated that between 60,000 and 100,000 of those displaced within Kosovo are without shelter, a situation that becomes increasingly grave as winter approaches.

Assistant Secretary Taft will urge Serb officials to make concrete progress on creating conditions for the return of IDPs, particularly those who are shelterless and inaccessible to the delivery of humanitarian aid. She also will meet with relief agency representatives to encourage their increased presence in key areas of return.

DAILY PRESS BRIEFING, WEDNESDAY, AUGUST 26, 1998

Mr. FOLEY. Welcome to the noon briefing. (Laughter.)

My watch stopped about two hours and 20 minutes ago. I beg your indulgence.

I have a few announcements to make before I get to your questions. First, a senior State Department official is visiting Serbia Montenegro, including the province of Kosovo, to assess the situation of internally displaced persons and refugees in the region, and to encourage the return of Kosovar internally displaced persons to their homes. I'm talking about Julia Taft, who, as you know, is the Assistant Secretary of State for Population, Refugees and Migration. She will meet with government officials in the region and representatives of major international organizations and non-governmental organizations during her visit, which will last from today until Saturday.

The bureau that she heads has primary responsibility for US refugee assistance programs. Her visit will underscore US concern and commitment to provide assistance for conflict victims in Kosovo and the region. The US Government has provided more than $11 million in the last few months through AID and the PRN bureau to meet humanitarian needs caused by the conflict in Kosovo. As a result of the ongoing conflict there, we estimate there are some 250,000 internally displaced persons in Kosovo, another 26,000 in Montenegro and 14,000 refugees in Albania. It is estimated that between 60,000 and 100,000 of those displaced within Kosovo are without shelter—a situation that

becomes increasingly grave as winter approaches.

Assistant Secretary Taft will urge Serb officials to make concrete progress on creating conditions for the return of internally displaced persons, particularly those who are shelterless and inaccessible to the delivery of humanitarian aid. She will also meet with relief agency representatives to encourage their increased presence in key areas of return, which we think is very important.

Julia Taft's visit to the region will be one in a series in coming weeks by senior United States Government officials as the US acts to help meet humanitarian needs in the region.

The second announcement has to do with——

QUESTION. (Inaudible)—where she's been, and I didn't quite grab it. You mentioned the stops she made or is making, did you?

Mr. FOLEY. In the region. I believe that she is in Belgrade and going to Pristina today.

QUESTION. (Inaudible)—to the architect of this whole business?

Mr. FOLEY. Yes, yes—well, I don't believe she is meeting with President Milosevic. Ambassador Hill met with President Milosevic yesterday. I did not have an opportunity to talk to him; he called and we didn't connect earlier, this morning. But the high agenda item yesterday in Belgrade for him with Milosevic was, indeed, this issue of allowing humanitarian access. I can get to that if we come to this question a little later in the briefing.

QUESTION. Well, this is short, but far from allowing humanitarian access, it appears that the Serbs are now targeting aid workers. They blew up a convey carrying three Mother Theresa workers. How does she expect to reverse this trend?

Mr. FOLEY. Well let's get into the topic, then. I have a few other announcements to make. Barry, you're the dean; what do you want to do?

QUESTION. Let's just go—(Inaudible).

Mr. FOLEY. Okay. You're absolutely right that international organizations and nongovernmental organizations continue to report serious access problems throughout Kosovo. A UNHCRCRS convoy was unable to deliver humanitarian supplies to the region south of Pec yesterday.

As I said, Julia Taft is in Belgrade and Pristina today, where she is meeting with humanitarian organizations. That's in answer to your specific question, Barry.

The assessment team from the US Office of Foreign Disaster Assistance had planned to arrive in Kosovo this week, but is yet to receive its visas from the FRY. Clearly, in answer to your question, Jim, the Federal Republic of Yugoslavia is not fulfilling its previous commitments to the international community of unrestricted access to Kosovo and to internally displaced persons by humanitarian organizations and diplomatic observers.

The Kosovo diplomatic observer missions have confirmed reports that three humanitarian aide workers were killed between Malisevo and Kijevo yesterday. The three victims are Kosovar Albanians who were working for the Mother Theresa Society, a local NGO that distributes aid directly to internally displaced persons. The evidence indicates that the workers' vehicle was deliberately targeted by a Serbian armored vehicle less than one kilometer away in broad daylight. The targeting of civilians is, indeed, a cowardly act. We deplore deliberate attempts to disrupt humanitarian relief work, which shows indeed the emptiness of Mr. Milosevic's promises.

We call on Serb authorities to halt immediately their offensive. All NGOs—both local as well as international—must be allowed to deliver humanitarian assistance to internally displaced persons, free from fear and obstruction.

Can I move on to my other announcements?

QUESTION. Can I just—who did you say has not received visas?

Mr. FOLEY. This is the Office of Foreign Disaster Assistance. They have been held up. But I understand that Assistant Secretary Taft had some difficulty in getting her visa also, which eventually came through. We certainly expect that will be the case for the OFDA personnel.

A couple other announcements. The United States regrets the incidents of August 26, 1998, that's today, in Northern Israel and Southern Lebanon—especially in view of the casualties which have occurred on all sides. We have been in contact with both the government of Israel and the government of Lebanon, and are urging restraint.

The April 1996 understanding, which established the Israel-Lebanon Monitoring Group, provides a process for resolving complaints. We call upon all the parties to use this process. The Monitoring Group should meet as soon as possible to consider these latest incidents.

Lastly, the United States welcomes the August 25 announcement by the chairman of the Independent National Electoral Commission of Nigeria, presenting the time table for the forthcoming elections designed to return Nigeria to civilian democratic rule. I won't go into the particulars, because the announcement you'll see we'll post lays out the different elections at all levels of government to be held late this year and early next year.

The announcement fulfills head of state, General Abubakar's public pledge to schedule the election of a civilian president in the first quarter of 1999. It is also consistent with his statement that the new elected president would be sworn into office on May 29, 1999. We are committed to working with Nigeria to ensure continued progress toward a rapid, transparent and inclusive transition to civilian democratic rule.

QUESTION by Barry Schweid. Libya apparently has told the UN it isn't ready to say yea or nay to your compromise arrangement, which I though the US—it is a compromise—that is, a take-it-or-leave-it proposition. Do you suppose they're expecting you to fall back even further?

* * * * *

The Assistant Secretary's visit to the region will be one in a series in coming weeks by high-level USG officials as the United States acts to help meet humanitarian needs in the region, calls attention to the potential for a greater humanitarian crisis in Kosovo, raises awareness of the human rights situation there, and presses for a cease-fire between Serb and rebel forces and cooperation from Serb officials.

[From the USIS Washington File, Aug. 28, 1998]

ASSISTANT SECRETARY TAFT PRESS CONFERENCE IN BELGRADE

BELGRADE.—"With the snow may come the death of more than 200,000 people who have been displaced from their homes because of the conflict in Kosovo," said Assistant Secretary of State Julia V. Taft at a press conference in Belgrade August 28 after a visit to Kosovo.

"It was one of the most heart-wrenching experiences I have had in 25 years of working in humanitarian relief. We have a catastrophe looming, and we only have as a world humanitarian community six weeks to help the government of Serbia respond to this crisis. The snows come early, I understand, to this part of the world."

Tarft said, "While I was there, the authorities in Pristina unveiled their new concept for targeted assistance to 11 points within Kosovo. They indicated that the government was prepared to provide building material, food, water and electricity, and they encouraged and hoped that the international community, the NGOs, would also have the ability to go into those same locations as part of the confidence-building effort. Planning for those centers is going on now. These are not safe havens, but they are going to be places where there will be opportunities for people to come down from the mountains [and obtain supplies]."

While humanitarian assistance is desperately needed for the internally displaced persons (IDPs), Taft said, "There are many Serb families and other ethnic groups that have to be assisted by the relief community. We are going to try to make sure that there is equity for everybody."

Following is the transcript of the press conference:

Assistant Secretary TAFT. Thank you very much for your patience. I have been delayed because of some very important meetings with government officials today to discuss the tragedy that is unfolding in Kosovo. I have just returned from a visit, although short, to Kosovo. It was one of the most heart-wrenching experiences I have had in 25 years of working in humanitarian relief. We have a catastrophe looming, and we only have as a world humanitarian community six weeks to help the government of Serbia respond to this crisis. The snows come early, I understand, to this part of the world. With the snow may come the death of more than 200,000 people who have been displaced from their home because of the conflict in Kosovo.

My mission here has been to meet with government officials, with the international organizations, with the United Nations High Commissioner for Refugees [UNHCR] representatives, the International Committee of the Red Cross and many non-governmental organizations who are providing relief at this moment to many villages and towns in Kosovo. I believe that we have to work together, to support the efforts of this government, to support the efforts of the relief community, to find the way to deal with this emergency. Yesterday in Pristina I announced that the United States had already invested $11 million in providing relief over the past few months. This compares to about $10 million that we have provided for Serbian refugees in this area. About $11 million was focused mostly on the humanitarian crisis up to now. I have asked my office in the State Department to prepare a request to the President of the United States to allow us immediately to invest many millions of more dollars within the next few weeks to try to avert this disaster. We're here to share with you our impressions, our concern, and our commitment that Kosovo and the people of Kosovo will not have to face the consequences of death when the snows arrive.

I would be very pleased to answer any questions that you might have. Let us begin with the first question:

Q. You were speaking about the humanitarian side. Were you involved in any way in the political issues that have, after all, created the humanitarian catastrophe that you are talking about?

Assistant Secretary TAFT. Well, I am involved in those because they, of course, are driving the crisis that we have now. However, Ambassador Chris Hill is the one that is leading the negotiation team working with Dr. Rugova and working with the authorities here on a peace process. I don't know how quickly that process will come to a positive conclusion. I hope it is soon, but I don't know if it will be as fast as when the snows come. So we have to deal with this humanitarian crisis right now, because its outcome will also affect the political outcome.

Q. Have you talked to the representatives of the Albanian people about these humanitarian issues and how much they could affect their forces in the field, the so-called Kosovo Liberation Army, to allow access for the humanitarian organizations, because recently Ms. Emma Bonino couldn't even reach the place she intended because of this situation in the field?

Assistant Secretary TAFT. I had access to every place I wanted to go. I went with the KDOM forces, and I went from Pristina to Pec, to Decani, and to Junik, and saw many villages along the road and met with some of the displaced persons who were camping out in some of the destroyed villages. It was a very moving experience. I then had a chance to speak with Dr. Rugova to ask for a clarification on a statement he allegedly made, which said that the Albanian people should not come down from the mountains, that they should stay up there because it was not safe to come down. He denied having expressed in that way. I assured him that every effort was going to be made to build the confidence so that people come down from the mountains, and I hope that he would change or clarify his position. While I was there, the authorities in Pristina unveiled their new concept for targeted assistance to 11 points within Kosovo. They indicated that the government was prepared to provide building materials, food, water and electricity, and they encouraged and hoped that the international community, the NGOs, would also have the ability to go into those same locations as part of the confidence-building effort. Planning for those centers is going on now. These are not safe havens, but they are going to be places where there will be opportunities for people to come down from the mountains.

I spoke today with the authorities in Belgrade and said that we would be prepared to fund operational expenses over the next six months, but it was absolutely critical that the government considered this an emergency—to wave restrictions that have existed in the past for getting relief workers in, getting commodities delivered, and providing for reduced military presence, particularly in those 11 areas. I believe we've made a lot of progress in our discussions, and I'm hoping that this new initiative starts with the 11 locations and will expand and multiply in the weeks ahead.

Q. What kind of assurances did you get from the Serbian government that people could go back to their homes? What kind of security measures would make the people feel safe so that they could go back?

Assistant Secretary TAFT. The assurances have been made public by the authorities through leaflets, through the notification and announcement of these locations. They are not yet safe, because there is not the kind of presence that needs to be there. I am hoping that quick planning will result in some real movement back to towns soon. You know, there is something called safety in numbers. Where there is the presence of Western relief workers, where there is the presence of the United Nations, where there is the presence of KDOM observers, I think, that will add to a sense of credible safety. But, quite frankly, let me say I think that the entire area of Kosovo is under serious strain, economically and psychologically, right now. It is not just assistance dedicated to those people who are on the mountains, cold and hungry and some dying, but it's also for the other people in Kosovo that have to have assistance, too. There are many Serb families and other ethnic groups that have to be assisted by the relief community. We are going to try to make sure that there is equity for everybody.

Q. When you say that you had talked with the representatives of the so-called KLA, did you, as a humanitarian worker, remember to ask them what has happened to the at least 115 abducted and missing citizens of Kosovo-Metohia?

Assistant Secretary TAFT. I did not speak with KLA representatives, I spoke with Dr. Rugova. We did express grave concern about the missing Serbs. I think there are about 176 that are missing. This is a great concern. On the other hand, there have also been many missing and killed Albanians, too. I think this underscores that no one has been left untouched by the tragedy that has happened, and that makes it even more compelling that we stop the war, stop the killing, and try to provide a humanitarian alternative. It is not responsibility of the international community, however, to stop it. It is the responsibility of the people within Kosovo and Serbia to try to find conditions for confidence-building and assistance. We stand ready to try to support financially, and through whatever technical assistance we can, to mobilize the planning and deployment of external resources that can help bridge the requirements that exist right now.

Q. Ms. Taft, how would you estimate the level of the humanitarian catastrophe?

Assistant Secretary TAFT. On the scale of one to ten? I'd say about nine. It is a crisis now, where some lives have been lost, but we still have time to work together to save about 200,000 lives. It's not too late.

Any other questions? Yes, San Francisco Chronicle.

Q. Yes, my question is: Do you think that it is realistic that you can employ the kind of measures that you would like to, humanitarian measures, without a cease-fire?

Assistant Secretary TAFT. A cease-fire would be our hope. In the absence of a cease-fire, we have identified, however, a number of things that need to go forward. We believe the KDOM needs to be expanded. I will be asking my own government to try to make additional contributions, and work with other donor countries to expand the presence of KDOM. We have to get more experienced relief workers into Kosovo working with the international relief community. There is a proposal we offered to try to accelerate the approval, on an emergency basis, of those visas. There is a problem of communications. You know, it's very difficult to have a far-flung relief assistance program if the people in the field cannot communicate with their base offices.

And we believe it's a security and a protection issue. Radios are very difficult to manage in Kosovo, so we have raised this question, and it needs to be resolved. There also is the local economy, which has collapsed. There's very little in the stores. There are some stores in the major cities that are functioning, and some markets that are functioning. But, basically, there is in effect an embargo on commercial availability of some of the most important life-sustaining requirements. And we have asked, on an emergency basis, that the informal "blockade" be lifted for such things as wheat flour, sugar, oil, milk, and detergent, which did not sound life-threatening to me, but everybody needs it. Those are the elements that we are going to ask to try to get the government to lift this informal blockade on the commercial sector. We've got to get food to people, and these commodities to people in the cities and the villages down there. Those are elements of what we are considering, what we have offered the government to consider. We are not managing this disaster. We are only trying to help those who are responsible for making sure the security of people in Kosovo exists, and that their livelihood and lives are sustained. I had assurances at all levels today that, in fact, the government here is desirous of living up to the agreement that was made between Yeltsin and Milosevic two months ago, which had a number of elements in it that are not really operational now. Although KDOM was part of it. This Kosovo Diplomatic Observer Mission was part of it. There were other requirements that were in that communique, in that agreement which related to unfettered access by humanitarian workers, and that's what we have been particularly focusing on. It is important to know that our President, the President of the United States, will be meeting with [President Boris] Yeltsin in the next few days, and we are going to be raising this issue with the Russian authorities, too, because they have been a very effective interlocutor with the authorities here.

Q. Were you informed by the Serbian authorities they have for the past several months been offering a dialogue to the Albanian party, that Mr. Hill has had a very hard job of convincing the Albanian party to negotiate, that the new negotiating team was formed thanks to the representatives of the European Union, but there is no dialogue yet? In the meantime Mr. Adern Dernaci, UCK representative, announces a guerrilla war. How do you think there can be any improvement of the humanitarian situation in Kosovo?

Assistant Secretary TAFT. That is a very troublesome but appropriate question. I don't know the answer. All I can say is that, from previous experiences, where there has been a threat of guerrilla action, that guerrilla action takes its root from the people who are displaced who have no hope, who have no food, and are discontent. I think that what we need to do is reinforce a better alternative for people by having these areas, and appropriate distribution and shelter, so that they are not victims. This is a very important feature, of course, of Ambassador Chris Hill's initiative. He feels that there has been some progress. I was with him yesterday, but as I say, the political and humanitarian time frames may be different. I do think that if we are able to find ways to accelerate the flow and effectiveness of relief, so that people's lives are not so tortured—I mean, these people that I met with and saw, they are not political, they are peasants, they are people who just want their families with them, they have so many needs, they've been dispossessed and moved to often—that's what they want, they don't care what the politicians want. We need to be part of an international effort that provides them a different alternative and some hope back to their villages.

I hope you will all follow this story. For those of you who can get down and see what

is happening, you will understand how appalling and how heart-wrenching it is for all the people down there. Six weeks is not a long time. It will be a real test of whether or not there is a viable future for the people of Kosovo.

Q. You said that the international community is not responsible for bringing the war in Kosovo to an end. So what about NATO air strikes? Would you suggest to your own government that they shouldn't take place?

Assistant Secretary TAFT. I will not be making recommendations about the NATO air strikes. My portfolio is humanitarian. I do not think we need any more killing, any more destruction, or any more bloodshed. We have got to focus right now on the next six weeks, if people are still in this hills, and still dying, I think that will be the point of decision-making internationally about what else should be done. I pray we don't get there. There seems to be energy, interest and a commitment to try to avoid that catastrophe, and that's what I am praying for.

Thank you very much.

[From the United States Information Service, Aug. 28, 1998]

ASSISTANT SECRETARY OF STATE FOR POPULATION, REFUGEES, AND MIGRATION JULIA V. TAFT'S, PRESS CONFERENCE IN PRISTINA, YUGOSLAVIA

Secretary TAFT. As you all know, I just returned from a six-hour field trip today to Junik and Decani, and visited a number of empty villages along the way, and was able to see first hand the level of devastation that has been occurring during this conflict. It would be an understatement for me to say that I am just concerned. I am really appalled by the devastation and overwhelmed by the need for urgent humanitarian assistance. As you know, a number of United Nations agencies and non-governmental agencies have been working very hard to meet some of the needs that the internally displaced persons, the refugees and the local families are facing in Kosovo. One of the things that was particularly positive about my trip was seeing so many families who had welcomed internally displaced people into their homes—people they didn't know, and people with whom they were willing to share whatever food and shelter they have.

In the end, of course we know that the suffering will only stop when the conflict stops. I hope that would be true soon, certainly within the next few months. But therefore then, I am very much afraid there is a looming catastrophe within the next six weeks, because of the weather and the cold that will come. So, my energy is here, and the focus of the humanitarian investments we are planning to make over the next few days and week, or so, will be focused on how to help accelerate and underscore a massive, innovative program for humanitarian assistance. It will require all of the energy and creativity of the NGOs. It will require the cooperation of the government officials. It will require generosity on the part of the donors, and it will be very important that those elements of the conflict put down their arms.

Six weeks is almost here, and I hope very much to see in six weeks that we have been able to have enough confidence on the ground, and security on the ground, so that these people will be able to come home.

In the last very few months, the United States has given more than 11 million dollars to support the humanitarian requirements in Kosovo. I am going back to the States over the weekend, and I have already indicated today to my office to prepare a request for President Clinton to offer additional millions of dollars.

I am looking here over the next few days on how this money can best be spent, but it will be significant, and it will be able to, I think, help quite a lot.

As you know, we are participating in the Kosovo Diplomatic Observer Mission. I'm going to try to urge even fuller participation by our government in that, it's an excellent innovation, and we appreciate the willingness of the government officials to allow this observer mission as much access as it does have.

Today, when I was meeting with the government officials, I was told that they had come up with a new idea to open up a special focus on eleven locations here for coordinated humanitarian response. We welcome this initiative. We will look forward to seeing how they are able to fulfill it.

We also met with the non-governmental organizations to encourage their participation in a focused coordinated manner, which we hope will help.

Eleven cities is not enough. The whole country needs help. And we are going to try to do whatever we can to work with the people of this wonderful area, and to work with all of the relief agencies, so that we will be able to avoid a catastrophe that is looming in front of us.

Thank you very much, and I'll be glad to answer your questions.

QUESTION. How do you mean to help the population of Kosovo in these circumstances when we see that everyday Serbia is burning and destroying every village, every town, and every place in Kosovo?

Secretary TAFT. It is true, I saw even today several different buildings burning—fresh fires in places that were already destroyed.

My sense is that we have to deal with it on many different levels. There's the diplomatic level, and our ambassador, Chris Hill, is working very closely on that. He also met with Dr. Rugova today to try to move the process along, and he met yesterday with Mr. Milosevic. The Contact Group meets every week and is working very hard on the diplomatic side. I think what we would welcome is a standing-down over the next six weeks of any aggressive action on the part of any group in this area. We have got to be able to help the citizens of Kosovo, and we've got to make sure that the government here is responsible for security. We also have to make sure to the extent possible that there is safe distribution of relief supplies by relief workers, and that means no guns and no fire.

QUESTION. Do you have any word of the reports that the Serbs actually opened fire on a family of eleven people killing them in the back of a tractor today in the city of Gracka?

Secretary TAFT. Oh, God, no I don't. We did, of course, raise the issue of the deaths of the three Mother Theresa relief workers with great sorrow that they were victims of this conflict when their whole lives had been dedicated to volunteering to help people. We expressed our condolences not only to the president of the Mother Theresa Society, but I raised it today with the authorities to find out what they are going to do to find out who actually committed the killings. I must say I was very reassured by both the regret and the apology by the authorities that these people had been killed, and there is gong to be an inspection. It is also true that the NGOs were invited in to the government to discuss not only this plan for the new eleven locations, but also they expressed great regret and apology to the NGOs.

QUESTION. Mr. Milosevic has said from time to time that there have been irresponsible units that have destroyed villages (inaudible). Shouldn't somebody be pushing him to prosecute these people or actually (inaudible) them the way that so-called irresponsible units would be in any normal army?

Secretary TAFT. Absolutely. It's my understanding that the last incident in which there was an identified errant unit that had attacked maliciously, that that unit was removed and was replaced. Whether there is a broader observer mission that can do this reporting and accounting, I think really we have to build on the existence of KDOM and get more people out there. On the issue of the willingness of the government to rein in their army, my position is get the army out of here and you'll have less of a problem. This all needs to be negotiated in terms of this concept of unfettered access which the NGOs are supposed to have—well, it's fettered and we need to work on some agreements about the level of security and this will be a high priority.

QUESTION. Should the six weeks you've been mentioning be considered as a deadline for Milosevic to stop all his hostilities?

Secretary TAFT. There are hostilities on all sides and all must be stopped. The message I would like to send is that the world is watching what's happening in Kosovo and we need to make sure that the people who purport to lead the citizens of Kosovo, whatever their background, they need to make sure that there is access and there is no fighting so that people can be having some degree of assurance that they can come down from the mountains. Six weeks? I don't know. This is the first time I've ever been to Kosovo. It's already getting a little cold at night, but I do believe that, from the people with whom I have discussed, six weeks is a time frame that—if we can meet—will certainly alleviate much of the suffering.

QUESTION. Six weeks for politicians is a short time, but six weeks for civilians who are in the mountains—and exactly for children—is a very long time. We have there children who are dying even from cold weather, so, if this six weeks will take so many children's lives, what after?

Secretary TAFT. My sense is that if there is enough presence of relief workers, if there is enough presence of the KDOM, and if there is an agreement to live up to access, that the people can come down, and they will be able to be assisted. We have talked a lot over the last couple of days about, even if there were access, is there enough food in the pipeline? And are there enough relief workers and local people who can help in the distribution? And we've identified a few things that we can push. But one of them doesn't even relate to relief, it relates to what I understand is an informal embargo or an informal blockade of a number of commodities that ought to be in the stores of Kosovo. And I've driven by and looked for something to buy, and there's nothing to buy. So we know that there are restrictions or there is in essence a variety of very important commodities that the people here would like to buy that they find difficult to obtain. We are going to present a list of those that we consider absolutely urgent and would hope that the normal market could be energized in this time frame, too, because that would certainly help quite a lot, particularly the families who have been so generous in opening up their homes. We try to do relief assistance for them, but we don't have enough in the pipeline for two million people. So we have to deal with the local economy.

QUESTION. How are you going to deal with the obstacles usually coming from the Serbian authorities toward relief organizations?

Secretary TAFT. I've received a number of suggestions of things that would be greatly helpful. One is a more forthcoming role on the part of the United Nations High Commissioner to help in registering agencies that have relief workers. To try to get radio frequencies is a big problem. Trying to deal with the visa problem. Even the USAID team is waiting for its visas. So visas are not just a problem for relief workers, they're also a problem for diplomats. We need to find a way to streamline that and to give assurances to the authorities that the people who are coming in actually have training, have functions, have a job to do. We're going to take this up tomorrow, and I think the highest issues that I've been asked to convey mostly deal with radio and communications, access, and visas. And we'll try to deal with that.

QUESTION. Just to speak about one issue that you've raised—this informal embargo. Why should people be optimistic that any one of the long laundry list of actions that need to be taken, and which you are helping to identify, will actually be acted upon? This embargo has been going on for months. If the international community, not to mention the United States, were serious about doing something about it, they could have been and it seems to me, some might argue should have been, banging on the doors in Belgrade for months about this. It's a bit late to suddenly start talking about an informal embargo when officials have known about it for months.

Secretary TAFT. From my office and my perspective, I am responsible for refugee programs on a humanitarian basis for the State Department, and we have been working very closely obviously with the authorities and everybody on the Serb refugee question. The IDPs are people in refugee-like situations, and with the events of the last few months, it was determined that I have got to get my resources and my office much more heavily engaged, which I am doing. It is also a fact that the Secretary-General has indicated that Sadako Ogata, who is the U.N. High Commissioner for Refugees, is, in fact, the lead agency. We are the primary funders worldwide for UNHCR, so I have a client there and a relationship where we can move very quickly. So, you will see not only me, but you saw Emma Bonino last week, Soren Jessen-Peterson. There will be a series of other people coming out. All of us have different aspects in our portfolios and we are going to be working very energetically to deal with this. The food embargo, I think, is one that has been raised diplomatically a number of times. Right now, I have put it on the urgent list because of the time frame and the fact that we are not going to be able to come up with enough relief commodities. We've got to make sure that the normal economy is working, and that there is access by the commercial vendors and others. Now not all the laundry list of items is realistic to try to change overnight, but if we're working on this on an emergency basis to say, "At a minimum, you've got to have oil, sugar, wheat flour, a lot of people have said detergent—I'm interested in that—and salt." Those are the ones. I know the list is much longer, but we will push that, and if you have other suggestions, I'd be delighted to hear them.

QUESTION. Each day the war is spreading to new parts of Kosovo. On the other side the politicians are seeking a political solution. Do you think there is still time to solve the problem by dialogue?

Secretary TAFT. The problem will only be solved when there's a peace agreement and there is real cease-fire. I have to be optimistic. We don't have a choice. We've got 176,000, maybe more, people who are in urgent need of help, and it's up to all of us to figure out how to do it. So I have to be optimistic that the good will of the people here, and the government, and the NGOs will work. Now I may not come back in six weeks if it's not a success, but I think it's being able to identify and pinpoint exactly what requirements you have that have to be met, and set up a user-friendly system by all of the relief agencies to be able to interface with the government. The government was very responsive today and I think we need to continue to work with the authorities to make sure that we are all working together.

QUESTION. You've spoken about this special focus on eleven areas that the government has identified. Is that to suggest that the government is going to provide security for something resembling safe areas that they will guarantee will be safe?

Secretary TAFT. What this is going to be, as I understand it, and I think it's still in its formulative stage, is that they have picked eleven locations (We can make the list available; I don't have in front of me right now) where they will provide electricity, water, building materials, and food assistance. What I have asked the non-governmental organizations if they would be willing to do is right away figure out where those areas are where there are areas where they can operate in as well, and sit down and figure out what is going to be available, so that when assistance is there, it's used effectively, right away. One of the things that surprised me on this trip today was to go and see two different locations where the government had made available building materials, but I didn't see anyone there to use them for rebuilding, or any presence of organizations that could be helpful. So we have an opportunity, I think, to match the manpower and skills of the NGOs with the raw materials, at least in those locations and to get moving. Eleven sites in this immense place is not much, but it's a start, it's this week. Let's go with it, and let's see how we can open up more opportunities.

Thank you for your interest. I think the word really needs to get out, not only here, but internationally. There has to be more attention on this crisis, because it is here, and there are opportunities for us not to have to admit to chaos in about six weeks. So, I appreciate however you can cover this story. It's important for the world to know the struggle that's going on here. Thank you very much.

KOSOVO DIPLOMATIC OBSERVER MISSION COMMAND BRIEFING BY SENATOR WARNER, AUGUST 31, 1998

PURPOSE

Observe and report on the situation in Kosovo: Freedom of movement/freedom of access; human rights issues and humanitarian relief efforts; internally displaced persons/refugees; and general security situation.

BACKGROUND

Milosevic offer of 8 March.
PC decision in April to establish KDOM.
London Contact Group meeting.
Milosevic/Yeltsin meeting.
First mission—6 July.
Headquarters security approved by DOS 31 July.

OPERATIONS

Patrol planning	[1] 1900
Patrol/protection briefing	0730
Vehicle preparation	0830
Departure	0900
Return	1500
Debrief/team report	1900
Final report to Embassy	2300

[1] Day prior.

DAILY RHYTHM

	Patrol day	Plan/Medevac day	I&W/analysis	Reports
0730	Update	Additional jobs or MEDEVAC		
0830	Inspection			
0900	Depart			
1500	Return			
1600	Verbal debrief		Debrief assist	Debrief assist
1900	Team reports	Mission prep		Draft report
2300	Reports done		Analysis	Report to Embassy
			KSU receipt	
			Brief prep	
			Update brief	

SECURITY/PROTECTION

Permanent RSO.
Hotel upgrades.
Guards/interpreters.
Communications.
Medical.
Procedures.

SUCCESSES

Fully integrated interagency operations.
Fully integrated with international partners.
Since 6 July, 155 missions—34 joint (US & EU and/or Russian Federation); and 6 weekly joint reports to contact group and NAC.
Established functional headquarters from scratch.
Command and control and reporting system that reaches from the observer in the field to the Capitol in Washington.

WAY AHEAD

Commenced partial operations since 6 July.
Full operations since 15 Aug.
Improve fleet of vehicles.
Personal rotations/fills.
Continuous freedom of access.
Punlic information.
Communications.
Danger benefits (DoD).

Mr. WARNER. Mr. President, I thank the Chair and yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, the remarks of the Senator from Virginia, as always, are thoughtful, articulate, and in this case somber and serious, given the gravity of the situation that he described. They are important remarks and important for each of us in this body to thoughtfully and seriously consider.

The Senator's commitment, as a valued member of the Senate Armed Services Committee, and ex-chairman of that committee—his commitment to traveling to where the action is taking place and meeting with representatives from all sides, analyzing the problem and bringing back the very latest of information, is invaluable to those of us who serve on that committee and everyone here in this body who needs to make decisions about what the policy of the United States should be in regard to these difficult situations that arise.

The Senator has indicated he has made close to 10 separate trips to this very difficult area of the world. This is not easy travel. This is a commitment that is extraordinary but also extraordinarily important to us in terms of formulating our policy. I thank the Senator for his leadership in that effort.

Mr. WARNER. Mr. President, I express my humble gratitude to my good friend who has served these many years that we have been together on the Armed Services Committee and, indeed, has made trips to remote parts of the world. I remember well a trip to the gulf region, and other regions. And I and other Members of this body on both sides of the aisle will dearly miss the wisdom and the insight that you have in these complex problems, and problems that you have addressed very forthrightly in your distinguished career in this body. As you bring it to a close, we wish you well.

I thank the Chair and thank my colleague.

Mr. COATS. I thank my colleague from Virginia for those kind words.

SENATOR DOMENICI REPRESENTED THE SENATE AT THE SUMMIT IN RUSSIA

Mr. LOTT. Mr. President, Senator DOMENICI has been on official Senate business earlier this week and was therefore, necessarily absent for the two votes held on Tuesday and the five votes held on Wednesday. He attended the Summit in Russia.

During the Summit an important agreement was signed regarding the management and disposition of weapons-grade plutonium. Senator DOMENICI was instrumental in first identifying this issue and recommending a strategy for significantly reducing the amount of dangerous plutonium in the world and to make sure that it is kept away from rogue states and terrorists. Senator DOMENICI's suggestions were a blueprint for taking advantage of this opportunity for the United States and Russia to work together to withdraw approximately 50 metric tons of weapons-grade plutonium from each countries' respective nuclear weapons programs. This is very important arms control/non-proliferation objective. The countries agreed to cooperate in transforming this weapons-grade plutonium into a form that cannot be readily used to make nuclear weapons. This agreement, when its terms are carried out, will make the world a safer place.

I am pleased that the Senator from New Mexico represented the majority and the Senate at this United States-Russian Summit.

THE $2 BILLION FAILURE

Mr. LOTT. Mr. President, we have failed.

For the past nine months, I have worked with the members of the Environment and Public Works Committee and the Administration to draft much needed reforms to our nation's hazardous waste program. These reforms would have made RCRA work more quickly and more cheaply. They would have removed the bureaucratic obstacles that hinder environmental cleanups. They would have given the states the proper authority and freedom they need to responsibly manage their RCRA sites.

My colleagues, the Senate has failed to save the federal government $2 Billion this year in clean up costs. Despite our best efforts, agreement could not be reached on a bill to save two billion dollars per year.

Early in this Congress, the General Accounting Office released a report highlighting the need for a legislative change in remediation waste policy. The Administration, states, stakeholders—even the EPA—agreed that only a legislative fix could adequately streamline the program and speed the pace of cleanups. This GAO report also said that a legislative fix would save the federal government $2 billion each year.

Unfortunately, the Congress and the administration were unable to come to agreement on how to structure this legislative fix. Discussions among interested parties and legislators clearly showed the need for a bill, but translating this need into legislative language has been difficult. Progress was made, but not enough.

And so, Mr. President, the next Congress is tasked with addressing this two billion dollar environment opportunity. Although I am truly disappointed that these many months of educating and negotiating have left us without a bill to champion, I am hopeful that the Senate will return to this issue with renewed vigor next year.

I know that Senator CHAFEE, the Chairman of the Environment and Public Works Committee, and Senator SMITH, Chairman of the Superfund, Waste Control and Risk Assessment Subcommittee, share my commitment to seeing meaningful RCRA reform enacted in the next Congress and will make it a priority. With this leadership, I believe that we can resolve the outstanding issues quickly and move forward with legislation that will indeed make the cleanup of contaminated sites smarter, faster and better. This is also true of those on the House Commerce Committee as well as many in the Administration.

I was encouraged by the RCRA team built this year and look forward to working with this team again next Congress.

I again want to stress that the RCRA reform goals have not changed. To make RCRA work more cheaply and quickly, to streamline the bureaucratic process and give more authority to the states and to speed site clean up. It is unfortunate that yet another year has passed without reform.

Mr. President, let's make sure Congress gets the job done next year. The nation expects and deserves its RCRA sites to be cleaned up. This nation wants $2 billion in savings each year. I would like to thank my colleagues and their staffs for the work done this session and look forward to redoubled efforts in the 106th Congress.

RCRA REFORM WILL BE A PRIORITY FOR THE 106TH CONGRESS

Mr. CHAFEE. Mr. President, for the past year, the Majority Leader, Senator BOB SMITH, and I have been working with our colleagues on the Environment and Public Works Committee and the Administration to draft legislation to address some of the requirements of the Resource Conservation and Recovery Act ("RCRA") that currently impede the cleanup of literally thousands of contaminated sites across the nation. This so-called "RCRA rifle-shot" would have been an important piece of legislation. It would have demonstrated once again that we can improve our environmental laws, without jeopardizing human health or the environment, and reduce unnecessary costs. Just last year, the Government Accounting Office reported that eliminating those impediments to cleanup could save up to $2.1 billion per year and, at the same time, significantly expedite environmentally responsible cleanups.

It was our hope to craft a bipartisan bill that could be enacted this year. Our goal was a shared one—to develop legislation to eliminate overly restrictive treatment standards for mediation waste, to streamline permitting requirements, and preserve existing State cleanup programs, all while still ensuring that human health and the environment are protected. Under Senator LOTT's leadership, we worked hard

to achieve that goal and I believe that we made significant progress in resolving our differences. Unfortunately, we were not able to reach a final agreement and we have essentially run out of time.

I remain committed, however, to the goal of improving the remediation waste program. I continue to believe that this is an important issue and that with appropriate legislation we can achieve a significant environment benefit—cleaning up thousands of contaminate sites and saving billions of dollars. That is clearly a worthwhile goal. Therefore, I intend to make RCRA reform a priority for the Environment and Public Works Committee in the next Congress. Building on the progress that we have made this year, and with Senator LOTT's continued leadership, it is my hope that we will move legislation through the Senate early in the next Congress.

RCRA REMEDIATION WASTE LEGISLATION

Mr. SMITH of New Hampshire. Mr. President, it is with some regret that I am here today to join my colleagues, Majority Leader TRENT LOTT and Environment Committee Chairman JOHN CHAFEE, in announcing that we will be unable to enact legislation this year to reform the remediation waste provisions of the Resource Conservation and Recovery Act.

As many of my colleagues know, since I became Chairman of the Senate Superfund Subcommittee, which has jurisdiction over the RCRA, it had become apparent to me that hazardous waste cleanups in the United States take too long, are too costly, and result in widespread areas of our country becoming brownfield wastelands.

Since I introduced RCRA remediation legislation in the 104th Congress, S. 1286, I have attempted to work with Senators LOTT, CHAFEE, BREAUX, BAUCUS, and LAUTENBERG, with the Clinton administration, States, and members of the industrial and environmental communities to achieve a bipartisan fix to this confusing and burdensome law. Despite our best efforts and the dedicated work of our respective staff, we weren't able to come to agreement.

It is particularly troublesome that we come to this juncture given the fact that just about a year ago we received a report from the GAO (*Hazardous Waste—Remediation Waste Requirements Can Increase the Time and Cost of Cleanups*) that demonstrated the urgency of fixing the remediation waste program. Although I have quoted that report previously, I believe that it is worth repeating today.

Despite the fact that remediation waste "does not pose a significant threat to human health and the environment," the RCRA requirements are so costly and time consuming that "parties often try to avoid triggering the requirements by containing waste in place or by abandoning cleanups entirely."

The report further stated that RCRA "can drive parties to use less aggressive and perhaps less effective cleanup methods, such as leaving contaminated soil in place and placing a waterproof cover over it rather than treating it." Instead of dealing with the problem, the statute forces parties to "purchase land elsewhere for their plant expansion or other needs."

Even the EPA, which is responsible for implementing the statute is quoted in the report as stating: "Although cleaning up a site may offer economic benefits, such as relief from liability for contamination and increased property values, industry sometimes concludes that the costs of complying with RCRA can outweigh the benefits."

According to the GAO report we could save upwards of $2 billion per year by making some common sense legislative fixes to RCRA—cost savings that would really jump-start the efforts by industry to address these languishing sites. Nonetheless, despite tireless efforts by members and staff, and notwithstanding good progress in translating these changes into legislative language, it appears that we will not be able to accomplish our shared goal of passing a RCRA remediation waste rifle shot during the time we have left in the 105th Congress.

As I conclude my statement, I would like to join Senator LOTT and Senator CHAFEE in pledging my desire to press forward on this issue when the Senate returns next year. Perhaps the additional time will give the staff the additional opportunity to bridge the gaps that currently separate us.

Finally, in addition to thanking Senator LOTT and Senator CHAFEE for their leadership on this issue, I would like to thank our staff, Jeff Merrifield, Lynne Stauss, Ann Klee Carl Biersack and Kristy Sims for their hard work on this issue. Similarly, I would like to recognize Senator BAUCUS and LAUTENBERG and their staff for their hard work on attempting to come to a consensus.

Again, I am disappointed that we were unable to make this happen this year, but I am hopeful that we can make it happen in 1999.

UPDATE ON THE WIPO LEGISLATION

Mr. ASHCROFT. Mr. President, I wanted to take a few minutes to advise my colleagues that H.R. 2281, a bill to implement the World Intellectual Property Organization copyright treaties, has been adopted by the House, but in a substantially different form than the Senate bill to implement these treaties. The House version of the bill includes some improvements agreed to by representatives of the affected industries, but it also includes some extraneous provisions, which in some cases were negotiated without the full participation of important affected individuals. A number of my colleagues have expressed to my office their continuing interest in this legislation, and so I thought it would be helpful to provide an update on the legislative developments in the House, and to share with you some of my concerns about the many extraneous provisions added to the bill.

On July 22, the Committee on Commerce filed its report on H.R. 2281, the Digital Millennium Copyright Act of 1998. In drafting the bill, the Committee used as the base text the bill approved by the Senate, and then made some substantive and clarifying changes. I understand that the Commerce Committee version of the legislation represents an agreed upon compromise by the content community and the fair use community. Moreover, I understand that these groups have agreed to support the agreement throughout the remaining process. Some aspects of this agreement concern important issues that I worked to have addressed in the Senate version of the bill. Let me describe a few of the most important aspects of the agreement.

First, with respect to "fair use," the Committee adopted an alternative to section 1201(a)(1) that would authorize the Secretary of Commerce to waive selectively the prohibition against the act of circumvention to prevent a diminution in the availability to individual users of a particular category of copyrighted materials. As adopted by the Senate, this section would have established a flat prohibition on the circumvention of technological protection measures to gain access to works for any purpose, and thus a system that some have described as the beginning of a "pay-per-use" society. Under the compromise embodied in the Commerce Committee's version of the bill, the Secretary of Commerce would have authority to address the concerns of libraries, educational institutions, and others potentially threatened with a denial of access to categories of works in circumstances that otherwise would be lawful today.

Second, the Committee made an important contribution by eliminating the potential for misinterpretation of the "no mandate" provision of the bill. I had been very concerned that S. 2037 could be interpreted as a mandate on product manufacturers to design products so as to respond affirmatively to or to accommodate technological protection measures that copyright owners might use to deny access to or prevent the copying of their works. To address this potential problem, I offered an amendment providing that nothing in the bill required that the design of, or design and selection of parts and components for, a computing product, a consumer electronics, or a telecommunications product must provide for a response to any particular technological protection measures. The amendment reflected my belief that product manufacturers should remain free to design and produce the best

available products, without the threat of incurring liability for their design decisions. Technology and engineers—not lawyers—should dictate product design. This provision reflected the working assumption that this bill is aimed fundamentally at so-called "black boxes" and not at legitimate products that have substantial non-infringing uses. The Commerce Committee has tightened this language even further making it crystal clear that nothing in this legislation should be interpreted to limit manufacturers of legitimate products with substantial non-infringing uses—such as VCRs and personal computers—in making fundamental design decisions or revisions.

Third, as an important related matter, the Committee on Commerce reaffirmed my view that technological protection measures that cause "playability" problems may not be deemed to be "effective" under this legislation. As I pointed out in my floor speech just prior to final passage of S. 2037, "playability" problems may arise because technological protection measures may cause noticeable and recurring adverse effects on the normal operation of products. Adjustments may need to be made either in the factory or after sale to correct these playability problems. It was my view that the legislation did not make such adjustments illegal, and I was pleased to note that the Commerce Committee made this point explicit in its Committee Report. The Commerce Committee's report also included helpful language circumscribing the potential breadth of the bill by narrowly defining the types of technological protection measures that control access to, or the copying of, a work.

In addition, the Committee of Commerce adopted specific provisions making it clear that the bill is not intended to prohibit legitimate encryption research. As my colleagues know, Senator BURNS, LEAHY and I have lead the effort in the Senate to ensure that U.S. business can develop, and export world-class encryption products. By explicitly fashioning an affirmative defense, the Committee has made an important contribution to our overall efforts to ensure that U.S. industry remains at the forefront in developing secure encryption methods.

Finally, the Committee built on my efforts to ensure that this legislation would not harm the efforts of consumers to protect their personal privacy by adopting two important amendments. The first amendment would create incentives for website operators to disclose whenever they use technological protection measures that have the capability to gather personal data, and to give consumers a means of disabling them. The second amendment strengthened section 1202 of this legislation by making explicit that the term "copyright management information" does not include "any personally identifying information about a user of a work or a copy, phonorecord, performance, or display of a work." In my view, these amendments help preserve the critical balance that we must maintain between the interests of copyright owners and the privacy interests of information users.

In sum, the House version of the bill by and large reflects the substantial improvements proposed by the House Committee on Commerce. In his floor statement, Congressman BLILEY of Virginia, made clear the importance the Committee attaches to the "fair use" and "no mandate" provisions included in the bill. He and others reaffirmed as well the Committee's report language with respect to the definition of technological measures and the inapplicability of the legislation to manufacturers, retailers, product servicers, and ordinary consumers when faced with playability problems caused by either protection measures or copyright management information systems. None of the Members of the Judiciary Committee present offered contrary views about these important provisions, which represent a delicate compromise agreement of the interested parties. I thus would hope we can assume that these matters have been definitively settled.

Since the passage of the House language several issues have begun to arise that have either been caused by the drafting in the House, or as is more often the case, through the unintended consequences of outlawing technology. Perhaps the most troubling of these issues is making security system testing illegal and criminally punishable. Currently, the federal government agencies, companies, state governments, anyone with a computer system can hire professional consultants to survey and test their IT security systems for vulnerabilities.

Two of the best known organizations that engage in this sort of consulting are Price Waterhouse Coopers and Ernst & Young, clearly two well-known and responsible corporate citizens. With the language currently in the WIPO legislation these critical services will no longer be legal. The impact will be destructive to existing businesses and to any future promise of electronic commerce. Moreover, without this type of beneficial testing, our country's critical infrastructure will be at risk from domestic and international hackers and cyber-terrorists. This effect must surely be unintended, as even those who support the current language would be at grave risk if our communications, security, and Internet systems were left without adequate protection.

On August 4, the House adopted H.R. 2281 by voice vote. For reasons not explained on the floor, the bill contains a series of extraneous measures that have little or nothing to do with the underlying WIPO copyright treaties. I would call to the attention of my colleagues in particular sections 414, 416, and 417, as well as titles V and VI, of the bill. Unfortunately, the floor debate in the House offered little insight into the anticipated effect or scope of these provisions. They appear to have been added by the House Committee on the Judiciary, but none of the Members of the Committee described in any way the substance of these measures on the floor.

Section 414 makes what ostensibly is only a clarifying change to section 107 of the Copyright Act. No one from the House Committee on the Judiciary, however, said a word on the floor about why this change to the "fair use" provision is necessary.

Section 415 inhibits the continued development and the further introduction of new digital subscription music services. Again, I am left to wonder why this provision is necessary, or even whether it has been carefully considered by anyone here in the Senate. Apparently, the 1995 Act regarding digital performance rights in sound recordings was reopened to resolve ambiguous issues. What has resulted seems to be a two tiered approach to subscription service. One tier consisting of existing providers that may compete effectively and a second tier of providers without an up and running system who will be hobbled by many new restrictions and at a greater cost. Not surprisingly, this second group was not represented in the negotiations.

The net result of this will be a significant advantage for incumbent providers that reflects a legislative advantage, not a competitive advantage. For those of us who believe that the market, not the government, should pick winners, this is a disturbing development. Even worse, there is a small group of companies who paid the government for spectrum based on the assumption that they could provide subscription service unencumbered, but because they have not yet provided service will now have to operate under these new, anti-competitive rules. The result is that the spectrum they purchased will have a vastly diminished value. This is precisely the type of regulatory taking that discourages and demoralizes the kind of investment and innovation the country needs to take full advantage of the promise of new technologies.

Section 416 concerns the assumption of contractual obligations related to transfer of rights in motion pictures. No one from the House Committee on the Judiciary said a word on the floor about why this provision is necessary to WIPO implementing legislation.

Section 417 makes what ostensibly is only a clarifying change to the first sale doctrine. No one from the House Committee on the Judiciary, however,

said a word on the floor about why this change to the first sale doctrine is necessary, or what relation the provision has to a recent Supreme Court decision. Before the Senate is asked to act on any of these extraneous matters, we need to be convinced that the measures belong in this bill.

Title V apparently sets forth the views of the House Committee on the Judiciary on how best to provide legal protection against misappropriation of collections of information such as databases. I understand that the Administration has indicated that it has serious reservations about this approach, including a concern that it may be unconstitutional. This is a matter the Senate Judiciary Committee plans to address in scheduled hearings. Until those hearings take place, I see no reason to endanger the WIPO bill with a potentially controversial issue that the full Senate Judiciary Committee has not had an opportunity to examine.

Title VI would provide protection for certain boat hull designs. As in the case of the other extraneous provisions added in the House, no one from the House Committee on the Judiciary said a word on the floor about why this change to current law is necessary. At worst, this provision represents fundamental shift in the tradition and breadth of copyright law. At best, it is a dubious idea that was attached without discussion or consideration. The Senate should not include this extraneous matter in the WIPO bill without deliberation.

I would hope all parties to the debate would recognize that much has been done to calibrate the WIPO copyright treaties implementing legislation. Each of us, working alone, would undoubtedly have produced a different bill. In fact, last fall I introduced a bill that I believe did a far better job of implementing the treaties and did not need dozens of carve-outs to deal with the problems created by the approach recommended by the Administration. In any event, we are now late in the session. Much important work has been done in the Senate, and I want to thank the Chairman and Ranking Member of the Judiciary Committee for working with me this spring to address my concerns with this bill. I think the House Committee on Commerce has made additional important contributions. This bill is not a perfect bill, but it is an important bill. Before taking any final action, we should eliminate the extraneous provisions in this bill, while preserving the true heart of the legislation: the WIPO legislation. However, once that analysis has been completed, I would hope we could move this legislation forward.

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.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-6652. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison of the Air Force Research Laboratory support functions at Wright-Patterson Air Force Base, Ohio; to the Committee on Armed Services.

EC-6653. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison of the Civil Engineering functions at Wright-Patterson Air Force Base, Ohio; to the Committee on Armed Services.

EC-6654. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison of the Communications and Telephone Services functions at Wright-Patterson Air Force Base, Ohio; to the Committee on Armed Services.

EC-6655. A communication from the Administrator of the Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Official/Unofficial Weighing Service" (RIN0580-AA55) received on August 28, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6656. A communication from the Administrator of the Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mediterranean Fruit Fly; Removal of Quarantine Area" (Docket 97-056-16) received on August 28, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6657. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Additional Disability or Death Due to Hospital Care, Medical or Surgical Treatment, Examination, or Training and Rehabilitation Services" (RIN2900-AJ04) received on August 28, 1998; to the Committee on Veterans Affairs.

EC-6658. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Election of Education Benefits," (RIN2900-AH88) received on August 28, 1998; to the Committee on Veterans Affairs.

EC-6659. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1997 through March 31, 1998; to the Committee on Governmental Affairs.

EC-6660. A communication from the Acting Director of the Bureau of the Census, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Foreign Trade Statistics Regulations; Shipper's Export Declaration Requirements for Exports Valued at Less that $2,500" (RIN0607-AA28) received on August 28, 1998; to the Committee on Governmental Affairs.

EC-6661. A communication from the General Counsel of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Thrift Savings Plan Loans" received on August 28, 1998; to the Committee on Governmental Affairs.

EC-6662. A communication from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule regarding Fulbright-Hays Programs (RIN1840-AC53) received on August 28, 1998; to the Committee on Labor and Human Resources.

EC-6663. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers (benzenesulfonic acid)" (Docket 97F-0467) received on August 28, 1998; to the Committee on Labor and Human Resources.

EC-6664. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Irradiation in the Production, Processing and Handling of Food" (Docket 98N-0392) received on August 28, 1998; to the Committee on Labor and Human Resources.

EC-6665. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers (light stabilizer)" (Docket 98F-0055) received on August 28, 1998; to the Committee on Labor and Human Resources.

EC-6666. A communication from the President of the United States, transmitting, pursuant to law, notice of an Executive Order to amend Executive Order 12947 in order to more effectively respond to the worldwide threat posed by foreign terrorists; to the Committee on Banking, Housing, and Urban Affairs.

EC-6667. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Extended Examination Cycle for U.S. Branches and Agencies of Foreign Banks" (Docket R-1012) received on August 28, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-6668. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, notice of a financial guarantee to the Chase Manhattan Bank on a loan to the Ministry of Finance of Croatia; to the Committee on Banking, Housing, and Urban Affairs.

EC-6669. A communication from the President and Chairman of the Export-Import

Bank of the United States, transmitting, pursuant to law, notice of a loan guarantee Petroleos Mexicanos, Mexico, to support the export sale of oil and gas services and equipment; to the Committee on Banking, Housing, and Urban Affairs.

EC–6670. A communication from the Federal Register Liaison Officer of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Charter and Bylaws; One Member, One Vote" (RIN1550–AB17) received on August 28, 1998; to the Committee on Banking, Housing, and Urban Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–524. A resolution adopted by the Council of the City of Homestead, Florida relative to the renaming of the Everglades National Park; to the Committee on Energy and Natural Resources.

POM–525. A resolution adopted by the Legislature of the State of Alaska; to the Committee on the Judiciary.

Whereas certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

Whereas there are symbols of our national soul, such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, that are the property of every American and are therefore worthy of protection from desecration and dishonor; and

Whereas the American Flag was most nobly born in the struggle for independence that began with "The Shot Heard Round the World" on a bridge in Concord, Massachusetts; and

Whereas, in the War of 1812, the American Flag stood boldly against foreign invasion, symbolized the stand of a young and brave nation against the mighty world power of that day and, in its courageous resilience, inspired our national anthem; and

Whereas, in the Second World War, the American Flag was the banner that led the American battle against fascist imperialism from the depths of Pearl Harbor to the mountaintop of Iwo Jima, and from defeat in North Africa's Kasserine Pass to victory in the streets of Hitler's Germany; and

Whereas Alaska's star was woven into the fabric of the Flag in 1959, and that 49th star has become an integral part of the Union; and

Whereas the American Flag symbolizes the ideals that good and decent people fought for in Vietnam, often at the expense of their lives or at the cost of cruel condemnation upon their return home; and

Whereas the American Flag symbolizes the sacred values for which loyal Americans risked and often lost their lives in securing civil rights for all Americans, regardless of race, sex, or creed; and

Whereas the American Flag was carried to the moon as a banner of goodwill, vision, and triumph on behalf of all mankind; and

Whereas the American Flag proudly represents the United States at Olympic events; and

Whereas the American Flag to this day is a most honorable and worthy banner of a nation that is thankful for its strengths and committed to curing its faults and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

Whereas the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

Whereas House Joint Resolution 54, which passed the United States House of Representatives and has been referred to the United States Senate, proposes an amendment to the United States Constitution stating, "The Congress shall have power to prohibit the physical desecration of the flag of the United States"; and

Whereas Senate Joint Resolution 40, introduced in the United States Senate, proposes an amendment to the United States Constitution stating, "The Congress shall have power to prohibit the physical desecration of the flag of the United States"; and

Whereas it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; Be it *Resolved by the Alaska State Legislature*, That the Congress of the United States is requested to pass House Joint Resolution 54 or Senate Joint Resolution 40, or comparable legislation, and present to the legislatures of the several states an amendment to the Constitution of the United States that would specifically provide the Congress power to prohibit the physical desecration of the Flag of the United States; this request does not constitution a call for a constitutional convention; and be it

Further resolved, That the legislatures of the several states are invited to join with Alaska to secure ratification of the proposed amendment.

Copies of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Trent Lott, Majority Leader of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; the governors of each of the several states; the presiding officers of each house of the legislatures of the several states; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, United States Senators, and the Honorable Don Young, United States Representative, members of the Alaska delegation in Congress.

POM–526. A resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

ASSEMBLY JOINT RESOLUTION NO. 60

Whereas, The United States Air Force Reserve operational unit, which is now the 940th Air Refueling Wing (940th ARW), has been in the Sacramento Valley since 1963; and

Whereas, The 940th ARW, which has been located at various times at Mather Air Force Base, McClellan Air Force Base, and Beale Air Force Base, has a proud tradition of supporting the nation's defense since the 940th ARW's activation; and

Whereas, The mission of the 940th ARW is to perform global air refueling and strategic airlift operations, which allow other aircraft to fly far beyond their normal range by overcoming the restrictions imposed by limited onboard fuel capacity; and

Whereas, The 940th ARW has participated in many conventional and humanitarian efforts that were undertaken by the Department of Defense and the United Nations, including rebuilding schools in Honduras, providing food and medical supplies to Somalia, and deployment in support of democracy in Haiti; and

Whereas, The 940th ARW was the first Air Force Reserve unit to establish ground operations in the Middle East as a part of Desert Shield when it deployed hundreds of United States military reservists to Saudi Arabia in August 1991, just days after the invasion of Kuwait; and

Whereas, The 940th ARW continues to support peace in Bosnia by supporting joint service missions and conducting peacekeeping operations in the skies above the former Yugoslavia; and

Whereas, The 940th ARW flies KC–135E model aircraft equipped with TF–33 engines that are reaching the end of their 10-year to 15-year life span; and

Whereas, These engines are of 1960's technology and do not meet contemporary international or United States noise, emission, and fuel efficiency standards; and

Whereas, Conversion to the KC–135R model engine would provide each aircraft with 26 percent more thrust on takeoff and 18 percent improved fuel consumption, offering increased offload capacity of 20,000 pounds of fuel; and

Whereas, The KC–135R model engine exceeds in-flight noise standards and offers a 69 percent reduction in in-flight engine emissions; and

Whereas, These engines are widely used in the commercial sector, making repair and parts available worldwide; and

Whereas, The 940th ARW is the only air refueling wing positioned in the central west coast that is capable of conducting or hosting "bridge" refueling operations for global deployment of United States Armed Forces to the Pacific region; and

Whereas, Conversion to the KC–135R aircraft with the multiport refueling system would allow the 940th ARW to cost-effectively support United States Marine Corps and United States Navy aircraft that are based at El Centro, Lemoore, and Miramar, California, and at Fallon, Nevada, as well as other locations worldwide; and

Whereas, The 940th ARW has been moved from Mather AFB to McClellan AFB due to Base Realignment and Closure (BRAC); and

Whereas, Conversion to the KC–135R model engine would ensure that the 940th ARW remains a viable-force structure asset and would preserve, for the Department of Defense and the nation, the skills of its 950 members, including 185 full-time employees of the unit who live in the central valley, including Sacramento, El Dorado, Yolo, Yuba, Sutter, Placer, and San Joaquin Counties; and

Whereas, Conversion to the KC–135R model engine would protect the 940th ARW's $22,000,000 contribution to the local economy in the form of maintaining salaries and operating expenses; and

Whereas, The 940th ARW creates an estimated 300 secondary jobs; and

Whereas, The loss of the 940th ARW would have a significant negative impact on the region's economy; and

Whereas, Resource limitations may not allow the United States Air Force Reserve to fund the conversion of both of its remaining KC–135E units to the KC–135R aircraft, since the Air Force Reserve Command has earmarked funding for the conversion of four additional aircraft, but has not decided which of the two remaining KC–135E model units will be converted; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature memorializes the President and the

Congress of the United States to endorse, support, and fund the 940th ARW as the next KC–135 unit to convert to KC135–R model aircraft, because that conversion would ensure that the 940th ARW remains a relevant, capable, and necessary part of the United States Air Force mission in the 21st century and a viable and productive asset to the Department of Defense, the State of California, and the nation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to each member of the Senate Armed Services Committee and the House Veterans Affairs Committee.

POM–527. A resolution adopted by the Legislature of the State of California; to the Committee on Appropriations.

ASSEMBLY JOINT RESOLUTION NO. 63

Whereas, The Elk Hills Naval Petroleum Reserve contains within it two sections of school lands and, upon sale, the value of the school lands is to become available to the State of California for the purposes of retired teacher benefits; and

Whereas, The federal government, in the 1996 Defense Authorization Act, recognized and provided a means to adjudicate California's claim to revenues from the sale of the Elk Hills Naval Petroleum Reserve; and

Whereas, The State of California, through the Governor and the Attorney General, have complied with all requirements and have reached agreement with the federal government on the state's claim; and

Whereas, The agreement between the Secretary of Energy and the State of California, pursuant to the 1996 Defense Authorization Act, provides that 9 percent of the net sale value will be used for California; and

Whereas, The sale has been completed and approximately three hundred twenty million dollars ($320,000,000) is the state's 9 percent share; and

Whereas, The funds received from the sale of the Elk Hills Naval Petroleum Reserve will be used to provide retirement benefits to those teachers who have lost most of the value of their pension to inflation; and

Whereas, These teachers are mainly over 80 years old and have the lowest pensions from the State Teachers' Retirement System; and

Whereas, The federal government and the President have included, within the 1999 fiscal year budget proposals, the sum of thirty-six million dollars ($36,000,000) as the first payment pursuant to the agreement; and

Whereas, The State of California believes that the appropriation should be made and honored at the earliest date possible; now, therefore, be it

Resolved by the Assembly and Senate of the State of California jointly, That the Legislature of the State of California memorializes the President and the Congress of the United States to approve the appropriation included in the 1999 fiscal year proposed energy appropriation in the bill appropriating funds for the support of the Department of the Interior; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–528. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to an amendment to the Constitution of the United States regarding term limits; to the Committee on the Judiciary.

POM–529. A resolution adopted by the House of the Legislature of the State of Illinois; to the Committee on Labor and Human Resources.

HOUSE RESOLUTION NO. 505

Whereas, The United States General Accounting Office issued a report entitled, "Proprietary Schools; Millions Spent to Train Students for Oversupplied Occupations", claiming that an oversupply of cosmetologists exists; and

Whereas, In reality, a serious shortage of cosmetologists exists; hundreds of job opportunities in salons are not being filled, which has resulted in salon clients being turned away; and

Whereas, While compiling data for the report, the General Accounting Office did not talk to anyone in the private sector, including salon owners, trade schools, and state and national associations; and

Whereas, The report used statistics from state-level labor market data, which are inaccurate because employers and job seekers do not use unemployment offices, employees rarely use Labor Department offices, and employers use direct marketing and classified advertisements instead; and

Whereas, In counting available places for job openings, the General Accounting Office incorrectly counted each chain of stores as only one entity, when each of their multiple locations should be counted as a separate retail outlet to more accurately reflect the need to fill the multitude of openings that are immediately available; therefore, be it

Resolved, by the House of Representatives of the Ninetieth General Assembly of the State of Illinois, That we urge the U.S. Congress to insure that federal financial aid assistance continues for cosmetology training; and be it further

Resolved, That suitable copies of this resolution be delivered to the President pro tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the Illinois congressional delegation.

POM–530. A resolution adopted by the House of the Legislature of the State of Illinois; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE RESOLUTION NO. 547

Whereas, The United States' embargo against Cuba, imposed 35 years ago, has increasingly created physical hardships for the people of Cuba, depriving them of much needed food and medicines and exposing them, including the children, to the effects of malnutrition and other severe health concerns; and

Whereas, The recent visit to Cuba by Pope John Paul II focused world attention on the needs of the Cuban people and called for mutually beneficial reconciliation and the lifting of the United States' embargo against Cuba; and

Whereas, Many Cuban-Americans living in the United States as American citizens have families that are being subjected to these hardships and would want to help their families without breaking the laws of the United States; and

Whereas, The State of Illinois, a leader in education, commerce, agriculture, and technology, stands to benefit from the potential economic development and trade that could be established with the island nation of Cuba; and

Whereas, The Congress of the United States is currently considering HR 1951 and S 1391, which seek to lift the embargo against Cuba for the purpose of making available humanitarian aid in the form of food and medicines; therefore be it

Resolved, by the House of Representatives of the Ninetieth General Assembly of the State of Illinois, That we urge the passage and enactment of HR 1951 and S 1391 to lift the United States' embargo for humanitarian reasons and that the delivery of food and medicine to the Cuban people be allowed; and that such an adjustment in our foreign policy reflects America's humanitarianism that transcends political ideology; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate, and each member of the Illinois congressional delegation.

POM–531. A resolution adopted by the Legislature of the State of Illinois; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION NO. 51

Whereas, The current State sales tax on coal burned in Illinois raises approximately $60 million dollars each year in revenue for the State; and

Whereas, Ninety percent of Illinois coal is purchased by the electric utility industry, and about one-half of the electricity used in the State comes from coal-burning plants; and

Whereas, The 1990 Federal Clean Air Act amendments have resulted in fuel switching from Illinois high-sulfur coal to western, low-sulfur coal to generate electricity; and

Whereas, The sale of Illinois coal has continued to decrease, due primarily to increased competition from western, low-sulfur coal, resulting in the loss of thousands of jobs directly related to coal mining; and

Whereas, Illinois coal is mined in 18 counties and accounts for as much as 16% of employment and 23% of personal income in individual counties; and

Whereas, The coal mining industry provides approximately 5,000 jobs and more than 17,000 spin-off jobs in the State; and

Whereas, Almost $800 million dollars has been spent on clean coal technology projects to expand the use of high-sulfur Illinois coal; and

Whereas, It is important to keep the Illinois coal industry competitive because coal is the State's most abundant and economically important natural resource; therefore, be it

Resolved, by the House of Representatives of the Ninetieth General Assembly of the State of Illinois, the Senate concurring herein; That a 12-member Task Force be formed to study the feasibility of eliminating the sales tax on Illinois coal; the Task Force shall consist of the Directors, or their designees, of the Department of Revenue and the Department of Commerce and Community Affairs; a member of the Illinois Coal Development Board (within the Department of Natural Resources); the President of the United Mine Workers; the Vice President of the Illinois Coal Association; one member from the Governor's office; 2 members appointed by the President of the Senate; 2 members appointed by the Speaker of the House of Representatives; one member appointed by the Minority Leader of the Senate; and one member appointed by the Minority Leader of the House of Representatives; appointments made by the General Assembly shall be made within 30 days after this Resolution is adopted; and be it further

Resolved, That the Task Force report its findings and recommendations to the General Assembly and the Governor no later than January 1, 1999; and be it further

Resolved, That suitable copies of this resolution be delivered to the Governor, the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of the House of Representatives, the Minority Leader of the Senate, and each member of the Illinois congressional delegation.

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 Mr. REED (for himself, Mr. D'AMATO, Mr. INOUYE, Mr. KERRY, Mr. TORRICELLI, and Mr. DODD):

S. 2436. A bill to require that jewelry imported from another country be indelibly marked with the country of origin; to the Committee on Finance.

By Mr. REED:

S. 2437. A bill to require that jewelry boxes imported from another country be indelibly marked with the country of origin; to the Committee on Finance.

By Mr. KENNEDY:

S. 2438. A bill to suspend until December 31, 2001, the duty on parts for use in the manufacture of certain high-performance loudspeakers; to the Committee on Finance.

S. 2439. A bill to suspend until December 31, 2001, the duty on certain high-performance loudspeakers not mounted in their enclosures; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN:

S. Res. 271. A resolution designating October 16, 1998, as "National Mammography Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself, Mr. D'AMATO, Mr. INOUYE, Mr. KERRY, Mr. TORRICELLI, and Mr. DODD):

S. 2436. A bill to require that jewelry imported from another country be indelibly marked with the country of origin; to the Committee on Finance.

LEGISLATION REQUIRING MARKING OF IMPORTED JEWELRY

• Mr. REED. Mr. President, today, I am introducing legislation to require permanent country of origin markings on most imported fashion or "costume" jewelry products. I am joined in this effort by Senator D'AMATO, who founded the Senate Jewelry Task Force with me, as well as Senators INOUYE, KERRY, TORRICELLI, and DODD, who I would like to thank for their strong support of the 16,200 Americans employed by our nation's fashion jewelry manufacturers.

Like many sectors of our nation's economy, domestic fashion jewelry manufacturers are all too familiar with the pressures of the new global economy. And, for many years, little attention was paid to the industry by our trade negotiators and other officials. Today, that is changing: The Commerce Department is working with our fashion jewelry makers and has undertaken a competitiveness study of the industry, and our trade negotiators now recognize the needs of America's jewelry manufacturers when they sit down with our trading partners.

Yet, the industry still faces an uphill battle against low-wage importers, who do not have to abide by appropriate environmental standards and other important U.S. laws. For that reason, we are introducing this legislation to require a permanent country of origin label on imported fashion jewelry products so American consumers know where it was made. This is the same labeling requirement we see on thousands of imported products from televisions to tennis shoes. Unfortunately, the current marking requirement for jewelry imports is a hanging tag or sticker, which can be removed, fall-off, or be obscured by price tags.

Consumers deserve better, and this legislation allows them to make an informed choice, in light of the $524 million worth of fashion jewelry imported in 1995 alone. Our bill is modeled on the current permanent marking requirement for imported Native American style jewelry products, and it is endorsed by the nation's largest jewelry trade organizations such as the Manufacturing Jewelers and Silversmiths of America and the Jewelers of America.

Mr. President, imported jewelry is a fact of our international economy, but consumers have a right to know where a product is made and hard working American jewelry makers have a right to a level playing field. I encourage my colleagues to support this legislation, and I look forward to its consideration by the Senate.

Mr. President, I ask unanimous consent that the full text of the legislation be printed in the RECORD.

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

S. 2436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARKING OF IMPORTED JEWELRY.

(a) MARKING REQUIREMENT.—By no later than the date that is 1 year after the date of enactment of this Act, the Secretary of the Treasury shall prescribe and implement regulations that require that all jewelry described in subsection (b) that enters the customs territory of the United States have the English name of the country of origin indelibly marked in a conspicuous place on such jewelry by cutting, die-sinking, engraving, stamping, or some other permanent method. The exceptions from marking requirements provided in section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) shall not apply to jewelry described in this section.

(b) JEWELRY.—The jewelry described in this subsection means any article described in heading 7117 of the Harmonized Tariff Schedule of the United States.

(c) DEFINITION.—As used in this section, the term "enters the customs territory of the United States" means enters, or is withdrawn from warehouse for consumption, in the customs territory of the United States.•

• Mr. D'AMATO. Mr. President, today along with my colleague Mr. REED of Rhode Island I introduce legislation that will require country of origin marking on imported costume jewelry in order to better inform American consumers about the country of origin of their costume jewelry purchases.

The jewelry industry in the U.S. consisted of more than 3500 companies and 55,000 American workers in 1994, with sales totaling in the billions of dollars annually. In 1977 imports of costume and fine jewelry were about 14% of the jewelry sales in the U.S. By 1994 the imported costume jewelry sales reached 26% of all costume jewelry sales, and 50% of all fine jewelry sales. This increase in imports led to a decline in employment in the U.S. jewelry manufacturing industry by 26%. Of course we all favor the advantages that come from foreign competition in the marketplace. And we also favor informed consumers.

Currently, imported jewelry is one of the few products that does not require a country of origin stamp. This bill will require imported costume jewelry to be stamped in English with the country of origin. This eliminates the problem of removal or loss of adhesive labels or tags that state the country of origin prior to reaching the retail store. In this way we respect the integrity of our American workers by removing any question as to the origin of any costume jewelry purchases. This bill is a reasonable and low-cost response that extends the country of origin marking law to cover a product that should be included.

With the increasing wealth of our country, the sales of jewelry are increasing and those who wish to know the country of manufacture of their jewelry will be easily satisfied by a simple stamp or imprint on these items. This jewelry should be subject to same rules as all other imports. The industry trade group, The Manufacturers, Jewelers, and Silversmiths of America, also support this bill. I urge my colleagues to support this bill as well.•

By Mr. REED:

S. 2437. A bill to require that jewelry boxes imported from another country be indelibly marked with the country of origin; to the Committee on Finance.

LEGISLATION REQUIRING MARKING OF IMPORTED JEWELRY BOXES

• Mr. REED. Mr. President, today I am introducing legislation at the request

of Rhode Island's jewelry box manufacturers to require a permanent country of origin marking on imported jewelry boxes.

This bill is similar to another piece of legislation I am introducing today to require a permanent country of origin label on imported fashion jewelry items, and it is my hope that this jewelry box bill will be considered in tandem with that legislation.

Mr. President, I ask unanimous consent that the full text of this legislation be printed in the RECORD I urge my colleagues to support this bill.

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

S. 2437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARKING OF IMPORTED JEWELRY BOXES.

(a) MARKING REQUIREMENT.—By no later than the date that is 1 year after the date of enactment of this Act, the Secretary of the Treasury shall prescribe and implement regulations that require that all jewelry boxes described in subsection (b) that enter, or are withdrawn from warehouse for consumption, in the customs territory of the United States have the English name of the country of origin indelibly marked in a conspicuous place on such jewelry boxes by cutting, die-sinking, engraving, stamping, or some other permanent method. The exceptions from marking requirements provided in section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) shall not apply to jewelry boxes subject to this section.

(b) JEWELRY.—The jewelry boxes referred to in subsection (a) are jewelry boxes provided for in headings 4202.92.60, 4202.92.90, and 4202.99.10 of the Harmonized Tariff Schedule of the United States.•

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 374

At the request of Mr. ROBB, the names of the Senator from Connecticut (Mr. DODD), the Senator from Maine (Ms. COLLINS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. DURBIN), and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 374, a bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes.

S. 1593

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 1593, a bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to penalties for powder cocaine and crack cocaine offenses.

S. 1868

At the request of Mr. NICKLES, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1868, a bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

S. 2180

At the request of Mr. LOTT, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Kansas (Mr. ROBERTS), the Senator from California (Mrs. FEINSTEIN), and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2190

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2190, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 2208

At the request of Mr. FRIST, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2208, a bill to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research.

S. 2219

At the request of Mr. KERREY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2219, a bill to direct the Secretary of the Interior to convey certain irrigation project property to certain irrigation districts in the State of Nebraska.

S. 2244

At the request of Mr. CHAFEE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2244, a bill to amend the Fish and Wildlife Act of 1956 to promote volunteer programs and community partnerships for the benefit of national wildlife refuges, and for other purposes.

S. 2266

At the request of Mr. THURMOND, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2266, a bill to amend the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973 to exempt State and local agencies operating prisons from the provisions relating to public services.

S. 2295

At the request of Mr. MCCAIN, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2352

At the request of Mr. LEAHY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2352, a bill to protect the privacy rights of patients.

S. 2432

At the request of Mr. JEFFORDS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2432, a bill to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

SENATE RESOLUTION 270

At the request of Mr. FRIST, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of Senate Resolution 270, a resolution to express the sense of the Senate concerning actions that the President of the United States should take to resolve the dispute between the Air Line Pilots Association and Northwest Airlines.

AMENDMENT NO. 3445

At the request of Mr. DODD the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Rhode Island (Mr. REED) were added as cosponsors of amendment No. 3445 proposed to S. 2132, an original bill making appropriations for the Department of Defense for fiscal year ending September 30, 1999, and for other purposes.

SENATE RESOLUTION 271—DESIGNATING OCTOBER 16, 1998, AS "NATIONAL MAMMOGRAPHY DAY"

Mr. BIDEN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 271

Whereas according to the American Cancer Society, in 1998, 178,700 women will be diagnosed with breast cancer and 43,500 women will die from this disease;

Whereas in the decade of the 1990's, it is estimated that about 2,000,000 women will be

diagnosed with breast cancer, resulting in nearly 500,000 deaths;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide a safe and quick diagnosis;

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives;

Whereas mammograms can reveal the presence of small cancers up to 2 years or more before a regular clinical breast examination or breast self-examination (BSE), reducing mortality by more than 30 percent; and

Whereas 47 States and the District of Columbia have passed legislation requiring health insurance companies to cover mammograms in accordance with recognized screening guidelines: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 16, 1998, as "National Mammography Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

Mr. BIDEN. Mr. President, I rise today to submit a resolution to designate October 16, 1998 as "National Mammography Day." Since 1993, I have introduced similar measures, and each year the Senate has gone on record in support of the value of mammography by approving this resolution.

The American Cancer Society estimates that 178,700 women will be diagnosed with breast cancer in 1998, while 43,500 women will eventually succumb to the disease this year. However, despite these horrifying numbers, the cure for breast cancer continues to allude us.

Experts therefore agree that early detection and treatment are a woman's best defenses in the fight against this killer. Mammograms can reveal the presence of small cancers up to 2 years before regular clinical breast examinations or breast self-examinations [BSE], reducing mortality by more than 30 percent.

Mr. President, the resolution I am submitting sets aside one day in the midst of "National Breast Cancer Awareness Month" to encourage women to receive or sign up for a mammogram. In doing so, we can educate our nation's mothers, sisters, and friends on the importance of early detection through mammography and prevent more women from dying from this disease. I sincerely hope my colleagues will join me in recognizing mammograms as a key element in the fight against breast cancer.

AMENDMENTS SUBMITTED

CONSUMER BANKRUPTCY REFORM ACT OF 1998

KENNEDY AMENDMENT NO. 3540

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . FAIR MINIMUM WAGE.

(a) SHORT TITLE.—This section may be cited as the "Fair Minimum Wage Act of 1998".

(b) MINIMUM WAGE INCREASE.—

(1) WAGE.—Paragraph (1) of section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.65 an hour during the year beginning on January 1, 1999; and

"(B) $6.15 an hour during the year beginning on January 1, 2000.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on January 1, 1999.

NOTICE OF HEARING

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a hearing entitled "The Safety of Food Imports: Fraud and Deception In The Food Import Process." This hearing is the third in a series of hearings the Subcommittee has scheduled as part of an in-depth investigation into the safety of food imports. The upcoming hearing will address specific fraud and deceptive techniques used by unscrupulous individuals to import food products illegally into the United States.

This hearing will take place on Thursday, September 10, 1998, at 9:30 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Timothy J. Shea of the Subcommittee staff at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet in Executive Session during the session of the Senate on Thursday, September 3, 1998, to conduct a mark-up of H.R. 10, the Financial Services Act of 1998.

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

COMMIMTTEE ON FINANCE

Mr. LOTT. Mr. President, Finance Committee requests unanimous consent to conduct a hearing on Thursday, September 3, 1998 beginning at 10 a.m. in room 215 Dirksen.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, September 3, 1998, at 10 a.m. for a hearing on the nominations of Patricia Broderick, Neal Kravitz, and Natalia Combs Greene to be Associate Judges of the D.C. Superior Court.

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

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, September 3, 1998 at 10:30 a.m. in room 226 of the Senate Hart Office Building to hold a hearing on: "U.S. Counter-Terrorism Policy."

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet on Thursday, September 3, 1998, at 10 a.m. in open session, to receive testimony on Department of Energy low level waste disposal practices.

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

ADDITIONAL STATEMENTS

NEW WISCONSIN SAGE SCHOOLS

• Mr. FEINGOLD. Mr. President, as children around the country head back to school this week, I come to the floor to speak about 44 Wisconsin schools with an extra reason to be excited on their first day of school this year. The students, teachers and parents at these 44 schools are excited because they are now participants in Wisconsin's successful pilot program, the Student Achievement Guarantee in Education, known as the SAGE program. These 44 schools deserve congratulations and I want to recognize some of them here today on the Senate floor.

New SAGE participants include Giese Elementary School in Racine, McKinley Elementary School in Kenosha, Allen-Field Elementary School in Milwaukee, Chegwin Elementary School in Fond du Lac and many, many, more.

The new SAGE schools are spread throughout Wisconsin from LaCrosse in the east, to Sheboygan in the west, Ashland in the north and Madison in

the south. They include schools in Wisconsin's most populous areas, such as, Milwaukee, Madison, Racine and Waukesha, and also, the rural communities of Winter, Kickapoo and Baraboo.

Mr. President, Wisconsin's SAGE program is a model for the nation in how to implement successful education reforms in our public schools, most importantly, reducing public school class size. I congratulate those in Wisconsin that have made the SAGE program possible for these additional twenty schools and take this opportunity to again alert my Senate colleagues to Wisconsin's innovative SAGE program.

Mr. President, for many years now, I have been a strong advocate of federal support for states that are trying to reduce class size in their schools. I have witnessed first-hand, how reducing class size enhanced the overall quality of education in Wisconsin's SAGE classes. Those participating in SAGE, teachers, parents, students and school administrators, report that student academic performance, student behavior and teacher morale all improved. In addition, comprehensive evaluations of Wisconsin's SAGE program have confirmed that small class size promotes effective teaching and learning.

Leading scientific studies of the impact of small class size, including Tennessee's STAR study and its follow-up, the Lasting Benefit study, found that students in small classes in their early years earned higher scores on basic skills tests in all four years and in all types of schools. Follow-up studies have shown that these achievement gains were sustained in later years, even if students go on to larger classes. Along with important factors in quality education like teacher quality, high expectations, and parental involvement, the significance of small class size should not be underestimated and cannot be ignored.

When asked about her experience as a kindergarten teacher at Webster Stanley Elementary School in Oshkosh, a new SAGE school, Lauren Flanagan said she noticed that she could visit with each table more frequently and the children listened and learned more readily. In addition, she said about the SAGE program, quote, "It just makes such a difference. I had a chance to visit schools around the state participating in the SAGE program, and what I observed is that they were much further along in their curriculum. The students were much more advanced." end quote.

Mr. President, I have been so impressed with the success of the SAGE program that I introduced the National SAGE Act, legislation to offer grants to qualifying states to assist them in reducing public school class size in the earliest grades. The National SAGE Act authorizes $75 million over five years to fund a limited number of demonstration grants to states that create innovative programs to reduce public school class size and improve educational performance, as Wisconsin has done. The Secretary of Education would choose the states to receive funding based on several factors, including a state's need to reduce class size, the ability of a state education agency to fund half the program, and the degree to which parents, teachers, administrators, and teacher organizations are consulted in designing the program.

The National SAGE Act is fully offset by cuts in a wasteful and unnecessary federal subsidy that benefits research and development for the world's largest aircraft manufacturer. We can fund this important SAGE program, while simultaneously reducing the federal budget deficit by more than $2.1 billion over five years.

My legislation also includes a comprehensive research and evaluation component that would document the benefits of smaller class size in the earliest grades, and support efforts to reduce class size in schools all over the country.

I think we all can agree that there are no easy solutions to the problems in our public schools. I believe, however, that targeting federal funds, matched on a 50–50 basis with state funding, to assist school districts moving toward smaller class size, is an effective use of federal dollars. The federal government, in cooperation with local school boards and state governments, has a responsibility to take positive steps toward helping school districts reduce class size as a part of an overall effort to improve student learning. As we near the end of the 105th Congress, I hope my Senate colleagues will embrace SAGE as a serious and exciting reform effort and act to assist states trying to reduce public school class size.

Again, congratulations to the twenty new Wisconsin SAGE schools—you are off to a great start for a successful school year.•

THE VERY BAD DEBT BOXSCORE

• Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 2, 1998, the federal debt stood at $5,566,129,223,474.84 (Five trillion, five hundred sixty-six billion, one hundred twenty-nine million, two hundred twenty-three thousand, four hundred seventy-four dollars and eighty-four cents).

One year ago, September 2, 1997, the federal debt stood at $5,424,369,000,000 (Five trillion, four hundred twenty-four billion, three hundred sixty-nine million).

Five years ago, September 2, 1993, the federal debt stood at $4,399,264,000,000 (Four trillion, three hundred ninety-nine billion, two hundred sixty-four million).

Ten years ago, September 2, 1988, the federal debt stood at $2,605,115,000,000 (Two trillion, six hundred five billion, one hundred fifteen million).

Fifteen years ago, September 2, 1983, the federal debt stood at $1,358,215,000,000 (One trillion, three hundred fifty-eight billion, two hundred fifteen million) which reflects a debt increase of more than $4 trillion—$4,207,914,223,474.84 (Four trillion, two hundred seven billion, nine hundred fourteen million, two hundred twenty-three thousand, four hundred seventy-four dollars and eighty-four cents) during the past 15 years.•

NASHVILLE PILOTS COMPLETE HISTORIC JOURNEY

• Mr. THOMPSON. Mr. President, I want to share with the Senate a courageous story about two female Tennesseans who recently succeeded in their quest to retrace a historic flight around the world.

Nikki Mitchell and Rhonda Miles landed their single-engine Maule M–5 plane at the Lebanon, Tennessee airport on Saturday, August 22, 1998. Their trip, dubbed the "Bridge of Wings Tour," was completed 49 days after they took off from the same airport.

Their flight commemorates the historical achievement of three female Russian pilots. That journey, known as the "Flight of the Rodina," was a story of courage and stamina in the tradition of Lindbergh and Earhart. It took place in 1938, when the three Russians flew non-stop from Moscow to the southeastern tip of Siberia.

The Russian pilots flew with virtually no radio transmission, through skies so overcast no landmarks were visible, yet they broke a world record and opened up the route across Siberia. They were cheered worldwide and received their country's highest award, the Gold Star of Hero of the Soviet Union.

Sixty years later, Nikki and Rhonda celebrated the accomplishments of the Rodina on the anniversary of its flight. A portion of their 15,000 mile trip included retracing the steps of the three Soviet women from Moscow to the southeastern tip of Siberia. And for this leg of the route they were joined by two Russian women who flew their plane side by side with the American aircraft in a unified flight of honor and goodwill.

As they flew over Russian territory, Nikki and Rhonda were met by crowds and cheers in villages across the Russian Far East. The level of excitement was such that a commercial airline canceled a flight so its fuel could be used for the continuation of their flight.

Before returning to Tennessee, Nikki and Rhonda were also warmly welcomed in Alaska, Canada, and Des Moines, Iowa. It goes without saying

that upon arrival in Lebanon, Tennessee, they were given a welcome fit for heroes.

Nikki and Rhonda, dressed in blue flight suits and holding flowers, couldn't contain their excitement as they stepped out of the plane. Nikki showed how happy she was to be back in the Volunteer State by immediately kissing the Tennessee soil. Also thankful to be home, Rhonda could not stop smiling as friends rushed to greet her.

Mr. President, I know my colleagues in the Senate join me in saluting Nikki and Rhonda for their courageous journey. These Tennesseans have recreated one of history's most daring and remarkable flights. Their trip will always be remembered as an international effort to honor one of aviation's most exciting moments. I have no doubt that the example set by these women will inspire others to strive toward achieving their own ambitions and goals.•

INTERNATIONAL MONETARY FUND

• Mr. KYL. Mr. President, yesterday, I led an effort during consideration of the FY99 foreign operations appropriations bill to tighten the conditions under which additional funding is made available to the International Monetary Fund (IMF).

Although the bill included provisions to prod the IMF into making badly needed reforms of its operations, it stopped short of actually requiring the implementation of those reforms. Instead, it merely conditioned the release of funds on the IMF making a public commitment to reform. That, in my view, was not good enough.

The IMF has not effectively used the funds that have been allocated to it in the past. According to Johns Hopkins University economist, Steve Hanke, few nations have actually graduated from IMF emergency loans. Most have stayed on the dole for years on end. One study found that, of the 137 mostly developing countries from 1965 to 1995, less than a third graduated from IMF loan programs.

The Heritage Foundation has found that, of the IMF's borrowers during 1965 to 1995, no more than half were better off than when they started the loan programs. Almost all were actually poorer, and almost all were deeper in debt.

The IMF's failures are apparent even today. Just a few months ago, the IMF orchestrated a $22.6 billion bailout package for Russia, yet that country's economy shows no signs of improving. In fact, it is growing worse every day. And all of the experts agree that, unless Russia establishes the kind of rules of law required for a functioning economy, all the money in the world will not help it. We would be fooling ourselves to think otherwise.

Although my amendment failed on a vote of 74 to 19, I am heartened by two things. First, we won more votes for effective IMF reform yesterday than we did when the question was first put to the Senate back in March. And second, the issue is far from settled in the House, which has been more skeptical of providing the IMF with any additional resources. In other words, this issue is far from settled, and my hope is that the final version of the foreign operations bill will either include the more effective reforms I have proposed, or will scale back IMF funding altogether.

FY99 FOREIGN AID SPENDING

Mr. President, pending a final resolution of the IMF issue, I think it is important to consider what else is accomplished by this bill, because there are some very good things about it. First, I would note that the cost of the bill, aside from the IMF, is nearly $600 million, or 4.5 percent, less than last year's measure. That is significant.

Second, this bill contains $2.94 billion in aid to Israel: $1.08 billion in economic assistance and $1.86 billion in military assistance. I would note that this amount is $60 million less than was appropriated for Israel last year, and it is consistent with the United States' agreement with Israeli Prime Minister Benjamin Netanyahu to phase out U.S. economic assistance to Israel over ten years. These funds are crucial to ensuring that Israel's economic and security concerns continue to be adequately addressed.

The level of support for Israel that is contained in this bill sends a clear message to the people of Israel and the world that the world's greatest democracy remains committed to supporting the only democracy in the Middle East, a critical ally that supports American values and interests in a critical region.

Third, the bill contains other provisions that I believe will serve to protect our values and interests in the Middle East. For example, the bill makes clear that the Palestine Broadcasting Corporation is an organization that restricts fundamental press freedoms and broadcasts material that is inimical to U.S. interests, and is therefore unworthy of U.S. assistance.

Fourth, the legislation includes an amendment offered by the Majority Leader—an amendment I cosponsored—that will provide $10 million to support the Iraqi opposition. Saddam Hussein's recent decision to halt all cooperation with U.N. arms inspections and recent revelations that Iraq had developed the capability to load deadly VX nerve gas in missile warheads is a reminder of the continuing threat posed by this rogue regime to U.S. forces and friends in the region. The additional funding in this bill is intended to reinvigorate the Iraqi opposition as part of an overarching strategy that is aimed at replacing the current government in Iraq.

Fifth, the bill provides clear and strong support for the Agency for International Development's efforts to ensure that the countries of the former Soviet Union develop effective legal systems capable of addressing the many challenges facing these states as they continue to build stable democratic societies. One area of particular concern is the troubling amount of domestic violence in Russia. This bill makes clear that the active support of women's crisis centers in Russia should be a priority.

Additionally, the bill makes clear that no funds should be provided to Russia if the government of Russia implements any statute, executive order, or regulation that would discriminate against religious groups or communities in Russia.

Sixth, I am pleased that this bill conditions assistance to Russia on Moscow's termination of financial and technical support for Iran's nuclear program. Iran's ongoing efforts to acquire nuclear weapons are a threat to our security; it would be the height of irresponsibility to send American taxpayers' dollars to a country that is assisting a rogue state such as Iran in developing these dangerous weapons.

Along similar lines, the bill wisely restricts aid to North Korea unless the President can certify that it has ceased its efforts to develop nuclear weapons and that it has also stopped assisting the ballistic missile programs of states that support terrorism.

Seventh, the bill takes steps to ensure that American interests in Central Asia are protected. In the next few years, a massive pipeline will be built to transport the vast oil and natural gas resources of the Caspian Sea region to the Mediterranean sea for export to the West. The bill states that an East-West pipeline that travels through Turkey—as opposed to a Northern pipeline through unstable regions of Russia—will provide a secure energy transport system that will support stability and democracy in the region.

CONCLUSION

Mr. President, given that the IMF issue has yet to be resolved—House approval is tenuous at best—I ultimately based my vote on the initial version of the FY99 Foreign Operations bill on the balance of factors I have just discussed. Should it turn out that the IMF funding is ultimately included, particularly without a mechanism for ensuring the implementation of effective reforms of the way the international agency does business, I may well reassess my vote on the final conference report. For now, I am supporting the bill.

TRIBUTE TO PROFESSOR CHARLES ALAN WRIGHT

• Mrs. HUTCHISON. Mr. President, I rise today to pay tribute to a man for whom I have great respect; a man who

inspired and taught me while I attended the University of Texas Law School. I am speaking of Law Professor Charles Alan Wright. Today is Charles Alan Wright's birthday. Charles Alan Wright is one of the most distinguished constitutional authorities in the country, a champion for racial justice, and the model of what a great lawyer should be. For more than forty years he has shaped and influenced generations of Texas lawyers while teaching at the UT Law School, including myself. Professor Wright also does not shy from a challenge. He has argued twelve times before the Supreme Court, winning most of his cases, some of them landmark decisions. As an author, Professor Wright has written one of the most definitive texts in the arena of law, Federal Practice and Procedure, cited by many as the bible for federal judges. His pursuit of professional excellence is mirrored by his righteous courage, having fought for desegregation and to put an end to racial intolerance.

I would like to quote from the Austin American-Statesman: "For Wright's accomplishments in the legal field, his country thanks him. For his sterling record as a professor, the university and its graduates thank him. For his personal courage in opening minds, all Austin should thank him." Happy Birthday Charles and thank you. I ask that the Sunday, June 21, 1998, Austin American-Statesman editorial paying tribute to Charles Alan Wright be printed in the RECORD.

The editorial follows:

[From the Austin American-Statesman June 21, 1998]

A SCHOLAR AND A LEADER

Charles Alan Wright is lucky enough to live in interesting times and smart enough to make the most of it.

A profile of this towering scholar and professor at the University of Texas law school in today's editions by American-Statesman reporter Mary Ann Roser is a testament to his presence on campus and in the world at large.

Wright has made an indelible imprint on the law school, an institution he helped raise in stature in his tenure of more than 40 years. And his impact in the legal profession will be just as lasting, as his multi-volume bible of federal court procedures, Federal Practice and Procedure, attests.

Wright joined the law school faculty in 1955 and made an immediate impression. From intramural football to the controversial defense of President Richard M. Nixon in the Watergate scandal, Wright has been involved both in the school and in the life around him. As he is today as a member of the legal team appealing the Hopwood decision by the federal court of appeals.

Wright brought status and stature to the UT School of Law. His high profile and prestige certainly helped attract the faculty that has kept the law school in the top rank in the country.

Wright will always be known for his work with the Nixon defense team during the Watergate years and for his involvement with the prestigious American Law Institute, for which he served as president and vice president.

Those intimate with the legal profession are impressed, too, that three U.S. Supreme Court justices have appointed him to the Standing Committee on Rules of Practice and Procedure of the Judicial Conference. He served the conference from 1964 to 1993.

But Wright's personal courage in challenging this community's racial intolerance in the early years of desegregation illuminates Wright the man as much as his many professional accomplishments burnish Wright the constitutional scholar.

He fought personally to desegregate the private church school his daughter attended, to desegregate the private clubs and institutions on the University of Texas campus and to spread the message of racial tolerance throughout the community.

For Wright's accomplishments in the legal field, his country thanks him. For his sterling record as a professor, the university and its graduates thank him. For his personal courage in opening minds, all Austin should thank him.●

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, after consultation with the Democratic leader, pursuant to Public Law 93–415, as amended by Public Law 102–586, announces the appointment of Robert H. Maxwell, of Mississippi, to serve a one-year term on the Coordinating Council on Juvenile Justice and Delinquency Prevention.

ORDERS FOR FRIDAY, SEPTEMBER 4, 1998, AND TUESDAY, SEPTEMBER 8, 1998

Mr. COATS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Friday, September 4, for a pro forma session only. I further ask that the Senate then stand in recess until 10:30 a.m. on Tuesday, September 8. Further, I ask unanimous consent that when the Senate reconvenes on Tuesday, immediately following the prayer, there be a period of morning business until 12:30 p.m., divided among several Members as follows: The time from 10:30 to 11:30 a.m. under the control of Senator DASCHLE or his designee, the time from 11:30 a.m. to 12:30 p.m. equally divided between Senators HATCH and GRASSLEY.

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

Mr. COATS. Mr. President, I further ask unanimous consent that on Tuesday the Senate stand in recess from 12:30 until 2:15 p.m. to allow the weekly party caucuses to meet.

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

Mr. COATS. Mr. President, finally, I ask unanimous consent that the cloture votes with respect to the motions to proceed to the missile defense bill and the Consumer Bankruptcy Protection Act occur on Wednesday, September 9, under the provisions of rule XXII.

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

PROGRAM

Mr. COATS. Mr. President, for the information of all our colleagues, the Senate will meet tomorrow at 10 a.m., but for a pro forma session only. The Senate will then reconvene on Tuesday, September 8, at 10:30 a.m. During Tuesday's session, the Senate will be in a period of morning business until 12:30 p.m. and then recess until 2:15 p.m. to accommodate the weekly policy luncheons. Following those luncheons, it is the leader's intention for the Senate to begin consideration of the Interior appropriations bill. The Senate may also consider any other legislative activity or executive items cleared for action. Members are therefore reminded that rollcall votes could occur during Tuesday's session, and an announcement will be made when a voting schedule becomes available.

RECESS UNTIL 10 A.M. TOMORROW

Mr. COATS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:24 p.m., recessed until Friday, September 4, 1998, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 3, 1998:

FEDERAL LABOR RELATIONS AUTHORITY

JOSEPH SWERDZEWSKI, OF COLORADO, TO BE GENERAL COUNSEL OF THE FEDERALLABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

NATIONAL SCIENCE FOUNDATION

PAMELA A. FERGUSON, OF IOWA, TO BE A MEMBER OF THE NATIONAL SCIENCEBOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2004, VICESHIRLEY MAHALEY MALCOM, TERM EXPIRED.

ANITA K. JONES, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL SCIENCEBOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2004, VICEF. ALBERT COTTON, TERM EXPIRED.

ROBERT C. RICHARDSON, OF NEW YORK, TO BE A MEMBER OF THE NATIONALSCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10,2004, VICE JAMES L. POWELL, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATESCOAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) THOMAS J. BARRETT, X...
REAR ADM. (LH) JAMES D. HULL, XX...
REAR ADM. (LH) JOHN F. MCGOWAN, X...
REAR ADM. (LH) GEORGE N. NACCARA, XX...
REAR ADM. (LH) TERRY M. CROSS, X...

THE FOLLOWING NAMED OFFICER OF THE UNITED STATES COAST GUARD TO BE A MEMBER OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 188:

To be lieutenant commander

JOSEPH E. VORBACH, X...

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE AIR FORCE RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LARRY V. ZETTWOCH, [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY RESERVE UNDER TITLE 10, UNITED STATES CODE, SECTIONS 12203(A), 12204(A)(1) AND (2), AND 12207:

To be colonel

CARL W. HUFF, [redacted]

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ROBERT D. ALSTON, [redacted]
DAVID J. BARISANO, [redacted]
ROBERT F. BISCHKE, [redacted]
JAMES G. CHAMPION, [redacted]
EDWARD DAILY JR., [redacted]
MATHEW J. DEW III, [redacted]
LINDA R. DONOHUE, [redacted]
ROBERT E. FISHER, [redacted]
WILBUR E. GRAY, [redacted]
JEAN A. HALPERN, [redacted]
BILLY J. HUTTON JR., [redacted]
MICHAEL D. KROUSE, [redacted]
JOSEPH A. MATCZAK, [redacted]
WILLIAM L. MCKNIGHT, [redacted]
TERRY L. MELTON, [redacted]
JOHN B. MILLER, [redacted]
JAMES E. NORTON, [redacted]
DONALD J. ODERMANN, [redacted]
JAMES J. OLSON, [redacted]
RICHARD L. PUGLISI, [redacted]
CRAIG L. SCHUETZ, [redacted]
JOSEPH T. SMOAK JR., [redacted]
RONALD D. SPEARS, [redacted]
MICHAEL C. STERLING, [redacted]
DONALD K. TAKAMI, [redacted]
JODI S. TYMESON, [redacted]
MICHAEL J. WILLIAMS, [redacted]
PATRICK D. WILSON, [redacted]
EARL R. WOODS JR., [redacted]