SENATE—*Friday, May 15, 1998*

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

PRAYER

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

Gracious God, thank You for this moment of prayer in which we can affirm our unity. Thank You for giving us the same calling: to express our love for You by faithful service to our country. So much of our time is spent debating our differences that we often forget the bond of unity that binds us together. We are one in our belief in You, the ultimate and only Sovereign of this Nation. You are the magnetic and majestic Lord. You enable us to work together.

Take charge of the control centers of our minds. Think Your thoughts through us. Take charge of our tongues so that we may speak truth with clarity, without rancor and anger. May our debates be an effort to reach agreement rather than simply to win an argument. Help us to think of each other as fellow Americans seeking Your best for our Nation.

Enable us to catch the drumbeat of Your direction and march to the cadence of Your guidance. Here are our lives. Invade them with Your calming Spirit, strengthen them with Your powerful presence, and imbue them with Your gift of faith to trust You to bring unity out of diversity. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. ALLARD. Thank you, Mr. President.

SCHEDULE

Mr. ALLARD. Mr. President, for the information of all Senators, this morning the Senate will be in a period of morning business until 12 noon. As a reminder, the majority leader has announced there will be no rollcall votes during today's session. A cloture motion was filed yesterday on the motion to proceed to the tobacco legislation and that vote will occur on Monday at a time to be determined by the two leaders, but not prior to 5 p.m.

Also at noon on Monday, the Senate will begin consideration of Senate bill 1723, the Abraham immigration legislation, under the consent agreement of May 13. Therefore, Members can expect a rollcall vote on cloture and additional votes with respect to the immigration legislation Monday evening.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 1998

Mr. ALLARD. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1605) to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1605) entitled "An Act to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bulletproof Vest Partnership Grant Act of 1998".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest;

(2) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

(4) the Department of Justice estimates that approximately 150,000 State, local, and tribal law enforcement officers, nearly 25 percent, are not issued body armor;

(5) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(6) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite a decrease in the national crime rate, and has concluded that there is a "public safety crisis in Indian country".

(b) PURPOSE.—The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with armor vests.

SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by redesignating part Y as part Z;

(2) by redesignating section 2501 as section 2601; and

(3) by inserting after part X the following new part:

"PART Y—MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS

"SEC. 2501. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase armor vests for use by State, local, and tribal law enforcement officers.

"(b) USES OF FUNDS.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the purchase of armor vests for law enforcement officers in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this part, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for armor vests based on the percentage of law enforcement officers in the department who do not have access to a vest;

"(2) has, or will institute, a mandatory wear policy that requires on-duty law enforcement officers to wear armor vests whenever feasible; and

"(3) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(4) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

"(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall be each be allocated .25 percent.

"(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) ALLOCATION OF FUNDS.—At least half of the funds available under this part shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2502. APPLICATIONS.

"(a) IN GENERAL.—To request a grant under this part, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing

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

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such information as the Director may reasonably require.

"(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this part, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

"(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this part shall not be eligible for a grant under this part unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of armor vests, but did not, or does not expect to use such funds for such purpose.

"SEC. 2503. DEFINITIONS.

"For purposes of this part—

"(1) the term 'armor vest' means body armor, no less than Type I, which has been tested through the voluntary compliance testing program operated by the National Law Enforcement and Corrections Technology Center of the National Institute of Justice (NIJ), and found to meet or exceed the requirements of NIJ Standard 0101.03, or any subsequent revision of such standard;

"(2) the term 'body armor' means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, stabbing, or other physical harm;

"(3) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

"(4) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

"(5) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

"(6) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by adding at the end the following new paragraph:

"(23) There are authorized to be appropriated to carry out part Y, $25,000,000 for each of fiscal years 1999 through 2001.".

SEC. 4 SENSE OF THE CONGRESS.

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available by this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

Amend the title so as to read "An Act to establish a matching grant program to help State and local jurisdictions purchase armor vests for use by law enforcement departments.".

Mr. CAMPBELL. Mr. President, on March 11, 1998, the Senate passed S. 1605, the Bulletproof Vest and Partnership Grant Act of 1998 which I introduced along with my colleagues Senators LEAHY and HATCH. On May 12, 1998, with strong bipartisan support, the House passed this bill and with mutually agreed upon modifications. Today, the Senate is about to pass this legislation by a unanimous vote and send it to the President for signature and enactment into law. I wish to thank the distinguished Chairman of the Senate Judiciary Committee, Senator HATCH, and the Committee's ranking member Senator LEAHY, for their help and support with this important legislation.

Two nights ago, on Wednesday, May 13, 1998, in observance of National Police Week, the National Law Enforcement Officers Memorial Fund held the Tenth Annual Memorial Candlelight Vigil and Reception honoring the fallen men and women in the line of duty. My heart goes out to the families and friends of these men and women and I am proud to be a part of a potential solution to this tragedy that faces police officers in the line of duty.

This legislation is endorsed by 38 Attorneys General, the Fraternal Order of Police, the National Sheriffs' Association, the International Union of Police Associations, the Police Executive Research Forum, the International Brotherhood of Police Officers, and the National Associations of Police Organizations. They know this legislation will benefit police and sheriffs' departments around the country.

There are far too many law enforcement officers who patrol our streets and neighborhoods without the proper protective gear against violent criminals.

As a former deputy sheriff, I know first-hand the risks which law enforcement officers face everyday on the front lines protecting our communities.

Today, more than ever, violent criminals have bulletproof vests and deadly weapons at their disposal. In fact, figures from the U.S. Department of Justice indicate that approximately 150,000 law enforcement officers—or 25 percent of the nation's 600,000 state and local officers—do not have access to bulletproof vests. Unfortunately, many police departments just do not have the resources to purchase vests on their own.

The evidence is clear that a bulletproof vest is one of the most important pieces of equipment that any law enforcement officer can have. Since the introduction of modern bulletproof material, the lives of more than 1,500 officers have been saved by bulletproof vests. In fact, the Federal Bureau of Investigation has concluded that officers who do not wear bulletproof vests are 14 times more likely to be killed by a firearm than those officers who do wear vests. Simply put, bulletproof vests save lives.

This Friday afternoon, at the 17th annual National Peace Officers' Memorial Service, the families, friends and colleagues of police officers who have lost their lives in the line of duty this past year will gather on the West Front of the Capitol to remember the courage and sacrifice of their fallen loved ones.

This heartfelt ceremony marks the climax of National Police Week here in Washington, DC. A perfect way to show tribute to these fallen men and women is through passage of the Bulletproof Vest Partnership Grant Act of 1998 by both houses of Congress.

The Bulletproof Vest Partnership Grant Act of 1998 will form a partnership with state and local law enforcement agencies in order to make sure that police officers who need bulletproof vests get one. It will do so by authorizing up to $25 million per year for a new grant program within the U.S. Department of Justice. The program will provide 50–50 matching grants to state and local law enforcement agencies and Indian tribes to assist in purchasing bulletproof vests and body armor. To ensure that the funding goes first to those police departments which need it most, the Director of the Bureau of Justice Assistance is given discretion to give preferential consideration to smaller departments whose budgets are scarce.

Additionally, those jurisdictions which do not receive any funding under the local law enforcement block grant program will be given preference. Furthermore, at least half of the funds available under this program will be awarded to jurisdictions with less than 100,000 residents.

While we know that there is no way to end the risks inherent to a career in law enforcement, we must do everything possible to ensure that officers who put their lives on the line every day also put on a vest. Body armor often means the difference between life and death.

Mr. LEAHY. Mr. President, today we complete the last step to enact the Bulletproof Vest Partnership Grant Act of 1998 that I introduced with Senator HATCH and Senator CAMPBELL last January. Our bipartisan legislation is intended to save the lives of law enforcement officers across the country by helping state and local law enforcement agencies provide their officers with body armor. When we began Senate consideration I urged action by this week, National Police Week. It is appropriate on the day of the Seventeenth Peace Officers' Memorial Service that along with honoring those who made the ultimate sacrifice in the interest of preserving the public safety,

we in Congress do all that we can to protect our law enforcement officers.

Far too many police officers are needlessly killed each year while serving to protect our citizens. Just yesterday, the Federal Bureau of Investigation announced that 64 law enforcement officers were slain feloniously in the line of duty in 1997, up from 56 in 1996. And some of these deaths might have been prevented if officers were wearing body armor.

According to the FBI, more than 30 percent of the 1,182 officers killed by a firearm in the line of duty since 1980 could have been saved if they had been wearing body armor. Indeed, the FBI estimates that the risk of fatality to officers while not wearing body armor is 14 times higher than for officers wearing it.

Unfortunately, far too many state and local law enforcement agencies cannot afford to provide every officer in their jurisdictions with the protection of body armor. In fact, the Department of Justice estimates that approximately 150,000 State and local law enforcement officers, nearly 25 percent, are not issued body armor.

A recent incident along the Vermont and New Hampshire border underscores the need for the quick passage of this legislation to provide maximum protection to those who protect us. On August 19, 1997, Federal, State and local law enforcement authorities in Vermont and New Hampshire had cornered Carl Drega, after hours of hot pursuit. This madman had just shot to death two New Hampshire state troopers and two other victims earlier in the day. In a massive exchange of gunfire with the authorities, Drega lost his life.

During that shootout, all federal law enforcement officers wore bulletproof vests, while some state and local officers did not. For example, Federal Border Patrol Officer John Pfeifer, a Vermonter, who was seriously wounded in the incident. If it was not for his bulletproof vest, I would have been attending Officer Pfeifer's wake instead of visiting him, and meeting his wife and young daughter in the hospital a few days later.

The two New Hampshire state troopers who were killed by Carl Drega were not so lucky. They were not wearing bulletproof vests. Protective vests might not have been able to save the lives of those courageous officers because of the high-powered assault weapons used by this madman. But the tragedy underscores the point that all of our law enforcement officers, whether federal, state or local, deserve the protection of a bulletproof vest.

I am relieved that Officer John Pfeifer is doing well and is back on duty. We all grieve for the two New Hampshire officers who were killed. With that and lesser-known incidents as constant reminders, I will continue to do all I can to help prevent loss of life among our law enforcement officers.

The Bulletproof Vest Partnership Grant Act of 1998 will create a new partnership between the federal government and State and local law enforcement agencies to help save the lives of police officers by providing the resources for each and every law enforcement officer to have a bulletproof vest. Our bipartisan bill would create a $25 million matching grant program within the Department of Justice dedicated to helping State and local law enforcement agencies purchase body armor.

Action today would not have been possible without the extraordinary efforts of Congressman VISCLOSKY, Congressman LOBIONDO, and the more than 300 bipartisan cosponsors they assembled for their companion legislation in the House of Representatives. The endorsement and support of many law enforcement organizations including the Fraternal Order of Police, the National Sheriff's Association, the International Union of Police Associations, the Police Executive Research Forum, the International Brotherhood of Police Officers, and the National Association of Police Organizations have all been critical to focusing attention on this important initiative. In my home State of Vermont, the bill enjoys the strong support of Attorney General William Sorrell, the Vermont State Police, the Vermont Police Chiefs Association and many Vermont sheriffs, troopers, game wardens and other local and state law enforcement officials.

Since my time as a State prosecutor, I have always taken a keen interest in law enforcement in Vermont and around the country. Vermont has the reputation of being one of the safest states in which to live, work and visit, and rightly so. In no small part, this is due to the hard work of those who have sworn to serve and protect us. And we should do what we can to protect them, when a need like this one comes to our attention.

Our nation's law enforcement officers put their lives at risk in the line of duty everyday. No one knows when danger will appear. Unfortunately, in today's violent world, even a traffic stop may not necessarily be "routine." Each and every law enforcement officer across the nation deserves the protection of a bulletproof vest.

I am glad that the bill we enact today returns to the Senate bill from the version hastily substituted in a House committee. We include rather than exclude corrections officers. We include rather than exclude Indian tribes. We include a small State minimum to ensure that Vermont and other small States not lose out to their larger neighbors but are enabled to participate to at least a minimum extend in the program. We have been able to achieve quick passage because we have compromised to achieve consensus. Earlier this week, the House of Representatives passed our bill by a vote of 412–4.

I am also glad that we have been able to proceed this week to enact the Care for Police Survivors Act, which I cosponsored with Senators HATCH, BIDEN, DEWINE and SESSIONS as S.1985. This measure will change a ceiling into a floor for the Public Safety Officers Benefits program. Counseling services will no longer be capped at $150,000 a year.

The unfortunate reality of contemporary life is that we may still lose upwards of 100 law enforcement officers a year nationwide. I wish there were none and I will keep working to improve the assistance and support we provide our law enforcement officers. For those families that sacrifice a loved one in the line of duty I support the additional counseling services that could be made available by the Care for Police Survivors Act.

I hope the House of Representatives will also proceed this week to provide the college education assistance that would be made possible for the families of State and local law enforcement officers killed or disabled in the line of duty by the Public Safety Officers Educational Benefits Assistance Act, S. 1525. I am proud to have cosponsored the Federal Law Enforcement Dependents Assistance Act of 1996 and the pending bill that would extend the educational benefits that we previously provided to the children of federal law enforcement to the families of State and local public safety officials who die or are disabled in the line of duty. Those families make the ultimate sacrifice for our public safety and deserve our support and assistance. I commend Senator SPECTER and Senator BIDEN for their leadership on this effort.

The Senate Judiciary Committee reported this bill to the Senate last Thursday. I said then that I hoped it could be included in a package of legislation passed this week. A fitting tribute to those who gave their lives in preserving our public safety would be for Congress to enact during National Police Week and in anticipation of the annual memorial activities for law enforcement officers the Bulletproof Vest Partnership Act of 1998, S.1605; the Care for Police Survivors Act of 1998, S.1985 (or H.R. 3565 its House counterpart); and the Public Safety Officers Educational Benefits Assistance Act, S.1525. Together these make a significant package of legislation to benefit the families of those who serve in law enforcement.

I am encouraged that we have been able to achieve enactment of two of these three measures and look forward to enactment of the third, that to provide educational opportunities to the

families of State and local law enforcement officers, as soon as the House is prepared to proceed.

Mr. THOMPSON. Mr. President, despite the respect that I have for Members who are co-sponsors of this legislation, I must oppose S. 1605.

I do not oppose this legislation because I believe that encouraging local law enforcement officers to be provided body armor is a poor idea. Rather, it is not an appropriate activity of the federal government.

If this new grant program passes, we will once again encourage people in communities all across the country to drive on past city hall, drive on past the state capitol, drive to the airport, fly to Washington and ask the Congress to help them solve a local problem. I believe that local problems can and should be solved by local people. There is hardly any more local issue than the equipment of local law enforcement officers.

Some localities are enlightened and have provided money for body armor. This bill penalizes them. Under this bill, residents of those communities, who have already paid taxes for body armor for their own law enforcement agents, would be taxed to pay for 50 percent of the cost of body armor of law enforcement in communities that have not taxed their citizens to pay for it. Well, as George Bernard Shaw said, "Any government that robs Peter to pay Paul can always count on the support of Paul."

The only purpose for which this money can be used by local government is to provide body armor. Communities that have not provided body armor and communities that have not managed to reduce their crime rates receive first preference for the award of the money. That certainly creates an unfortunate incentive. And it means that in the future, localities may forego important law enforcement efforts on the hope that if they wait a bit, taxpayers in other parts of the country will pay 50 percent of the cost.

Under this bill, taxpayer money will be returned to the people who paid it, less the carrying charges and with strings attached. What if the locality or state would like to spend the money on some other purpose than body armor? They are prohibited from doing so. Even if a community that has not provided body armor has a more pressing law enforcement need, they cannot spend the money on anything but body armor. This is an unwarranted intrusion on federalism. Maybe we would help more if we left more tax money to remain in localities in the first place.

This is exactly why the federal government should stay out of this. The era of big government is over I keep hearing, but here is a proposal to make it bigger. And somebody will have to pay for it with money that could have stayed right in the community where it was raised.

If this bill passes, there will be lots of opportunity to pass the buck. Municipalities that do not provide body armor can pass the buck to Washington, saying that the federal government now has the responsibility of doing so. The federal government will point out that most of the funds will have to come from the states and localities. Fingers will point everywhere and accountability will rest nowhere. This is undesirable in a democracy.

Therefore, I record my opposition to this legislation.

Mr. ALLARD. I ask unanimous consent that the Senate agree to the amendments of the House.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CARE FOR POLICE SURVIVORS ACT OF 1998

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of Calendar 347, H.R. 3565.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A bill (H.R. 3565) to amend Part L of the Omnibus Crime Control and Safety Streets Act of 1968.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ALLARD. I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 3565) was deemed read the third time and passed.

Mr. BIDEN. Mr. President, I am pleased that the Senate has passed the House companion legislation—H.R. 3565—to S. 1985 the "Care for Police Survivors Act of 1998", which I introduced along with Senators HATCH, LEAHY, DEWINE and SESSIONS.

This week we celebrate National Police Week. As we honor those who protect us, it is important that we remember those who have fallen in the line of duty. However, more than mere remembrance is necessary. We must work to ensure that the loved ones these officers leave behind are comforted and assisted in every way. The Care for Police Survivors Act does just that.

This legislation modifies the Public Safety Officers Death Benefit program, which—as my colleagues know—establishes national programs that counsel and assist the families of slain police officers. The purpose of the Care for Police Survivors Act, which the House of Representatives passed overwhelmingly (403–8), is to enhance these national programs. It does so by directing more funds to these programs that counsel and support these families in the aftermath of tragedy. Under current law, these counseling programs have a ceiling of $150,000, this bill changes this to a floor of $150,000.

Mr. President, I have long been concerned about the plight of families of public safety officers killed in the line of duty—last year, Senator SPECTER and I introduced the Public Safety Officers Educational Assistance Act which provides for the education of the spouse and dependent children of law enforcement officers who die or are totally disabled in the line of duty. In that vein, this legislation offers assurance to those in the public safety profession—and even to those considering service as public safety officers—that there is a well established support system in place to comfort and assist their families and loved ones in the event that they die in the line of duty.

Mr. President, it is critical that we not only remember, but offer real help to the families of those police officers who have made the ultimate sacrifice to keep our streets and homes safe.

PUBLIC SAFETY OFFICERS EDUCATIONAL ASSISTANCE ACT OF 1998

Mr. ALLARD. I ask unanimous consent that the Senate now proceed to the consideration of calendar 359, S. 1525.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A bill (S. 1525) to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ALLARD. Mr. President, I ask unanimous consent the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 1525) was deemed read the third time, and passed, as follows:

S. 1525

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Safety Officers Educational Assistance Act of 1998".

SEC. 2. FINANCIAL ASSISTANCE FOR HIGHER EDUCATION TO DEPENDENTS OF PUBLIC SAFETY OFFICERS KILLED OR PERMANENTLY AND TOTALLY DISABLED IN THE LINE OF DUTY.

Part L of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended—

(1) in the heading for subpart 2, by striking "**Civilian Federal Law Enforcement**" and inserting "**Public Safety**";

(2) in section 1211(1), by striking "civilian Federal law enforcement" and inserting "public safety";

(3) in section 1212(a)(1)(A), by striking "Federal law enforcement" and inserting "public safety";

(4) in section 1216(a), by inserting "and each dependent of a public safety officer killed in the line of duty on or after October 1, 1997," after "1992,"; and

(5) in section 1217—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (6) as paragraphs (2) and (3), respectively.

Mr. BIDEN. Mr. President, I am pleased that the Senate has passed S. 1525, the "Public Safety Officers Educational Assistance Act of 1998."

Last congress, the Senate passed the "Federal Law Enforcement Dependents Assistance Act"—led by Senators SPECTER and KOHL and co-sponsored by myself and nearly every member of the Judiciary Committee. This law provides for the education of the spouse and dependent children of federal law enforcement officers who die or are totally disabled in the line of duty.

The purpose of the legislation was to remove a significant financial burden from the families of these deceased officers and to allow them to continue on the educational path they would have followed had their parent or spouse not been killed in the line of duty.

Last fall, about 30 young men and women were able to go to college under this program. Unfortunately, this program is only available to the children of federal law enforcement officers.

The Public Safety Officers Educational Assistance Act, which Senator SPECTER and I introduced last year, extends these same educational benefits to the dependents of all public safety officers—in other words, not just federal—but also state, county and local law enforcement officers, and fire and rescue personnel—who have given their lives in the line of duty.

Under this bill, the Attorney General will administer a program which will provide up to $4,485 per child, per year to attend a 4-year college. This is the same amount of educational assistance the federal government provides to veterans.

The Justice Department estimates the total cost for this year to be about $300,000. What is more, the Justice Department already has the funds to pay for this $300,000 within their current budget—so we will not need any additional appropriations.

It is critical that we remember the families of those officers who have made the ultimate sacrifice to keep our streets and homes safe. This bill is intended to allow the dependents of public safety officers to continue with their education as they would have been able to do had their parent not been killed or totally disabled in the line of duty.

PASSAGE OF S. 1605, H.R. 3565, AND S. 1525

Mr. HATCH. Mr. President, this week we have been commemorating Peace Officer's Memorial Week, in honor of those law enforcement and public safety officers who have died in the line of duty. As we remember those who have fallen in defense of the public safety, it is highly fitting that the Senate consider legislation to help save police officers' lives, and also to do all we can to comfort and assist the families and loved ones they have left behind. Thus, I am gratified by the Senate's action today in passing three bills to accomplish these goals.

The first of these bills is S. 1605, the Bulletproof Vest Partnership Grant Act. This bill establishes a matching program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers. The lives of our law enforcement officers will be secured by ensuring that every police officer who needs a bulletproof vest receives one, providing an increased measure of protection to those who protect the public.

The FBI estimates that nearly one third of the 1,182 law enforcement officers killed by a firearm in the line of duty since 1980 would be alive if they had worn a bulletproof vest. The FBI also approximates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest. In addition, the Department of Justice estimates that nearly 150,000 State, local, and tribal law enforcement officers, roughly 25 percent, are not currently issued body armor. This piece of legislation will save officers' lives by helping get vests to those who need them.

The second of these bills is the Care for Police Survivors Act of 1998, H.R. 3565. I was proud to introduce the Senate companion to this bill, S. 1985. This bill will strengthen programs available to the families of our slain police officers. For example, groups such as Concerns for Police Officers, more commonly referred to as COPS, will now be allowed to increase and improve their services to these families. Authority will be given to the Director of the Bureau of Justice Assistance to spend no less than $150,000 out of the Public Safety Officers' Benefits program to support and enrich national peer support and counseling programs for families of police officers lost in the line of duty.

This act will also expedite the process of handling cases pending before the Public Safety Officers' Benefits Office by allowing the expenditure of PSOB program funds on outside hearing officers. Currently, survivors of fallen police officers have to wait entirely too long to obtain an appeal hearing for denial of benefits. By enacting this bill, we will make the process of helping these families less burdensome.

Finally, S. 1525, the Public Safety Officers Educational Assistance Act of 1998, will provide aid to the families of those federal law enforcement officers who are killed or totally disabled in the line of duty. By amending the Federal Law Enforcement Dependents Assistance Act, also known as the Degan Law, approximately $4,500 per year in college assistance will be awarded to participants—the children and spouses of these great officers. Under S. 1525, the current program will be expanded to cover state and local public safety officers as well. I am a proud supporter of this program that will both promote and fund education for the small number of families of those who have given their lives or health while protecting our communities.

The Department of Justice estimates that approximately 55 persons would take advantage of this amendment at an additional cost of $330,000 per year. Neither the existing scholarship program nor the expansion are an entitlement, and the cost of the scholarships can be covered under the appropriation for the existing Public Safety Officers benefit program. What an incredible service this will provide.

Mr. President, I am pleased that the Senate has chosen Police Officers Memorial Day to pass these three bills. I believe that by passing this legislation, we can acknowledge a small measure of our tremendous gratitude and support for these heroes and their families. I thank my colleagues for their support of these bills.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, there will now be a period for the transaction of morning business.

The able Senator from Ohio is recognized.

Mr. DEWINE. I thank the Chair.

DETERRING TEEN SMOKING: WHAT WORKS

Mr. DEWINE. Mr. President, this coming Monday, the Senate will begin historic debate on tobacco legislation. This debate represents a once-in-a-lifetime opportunity to reduce teenage smoking, a once-in-a-lifetime opportunity to save lives.

The window of opportunity opened by last year's tobacco settlement is closing fast, and that means we simply

have to keep this process moving. We have to pass a comprehensive bill and we have to pass it now.

A comprehensive bill, Mr. President. That means we have to raise the price of tobacco. But it means much more than that alone. It means a public education campaign. It means limits on tobacco advertising. It means punishing tobacco companies if, in the future, we do not meet the goals we set for reducing teen smoking. Finally, it means enhanced enforcement so a black market does not develop.

There will be a great temptation as we go through this lengthy debate for us to get sidetracked over the coming weeks into debates on countless side issues. It is important that we not give in to that temptation. We need to keep our eyes firmly on a much larger goal, and that goal is saving the lives of America's children from tobacco and from illegal drugs. Frankly, the only way we can achieve this goal is to pass a comprehensive bill, a comprehensive bill that is focused on our one goal, reducing tobacco and drug use among our young people. For the reasons that I will outline in a moment, a piecemeal approach simply will not work. A piecemeal approach will fail.

I commend the majority leader, Senator LOTT, for his leadership in bringing this matter to the Senate floor. Now it is up to all of us to make the most of that opportunity. That is what I want to talk about today.

When a problem generates this much attention, we have to be all the more vigilant to make sure we pay attention to the light rather than to the heat; the facts, not the rhetoric.

Fact: 3,000 children start to smoke every day.

Fact: 1,000 of them are going to die early as a result of that.

Fact: We now have a once-in-a-lifetime opportunity to save these lives, a once-in-a-lifetime opportunity to do this through comprehensive legislation to reduce teenage smoking.

Fact: The number of legislative days we have left in this session in which to do this is rapidly shrinking.

Fact: If we do not do this now, it may never happen. The opportunity may never come again.

Fact: 1,000 early deaths caused every day by smoking. We need to act and we need to act now.

These are the facts. We cannot allow tobacco companies to lie about these facts or to obscure the fact that tobacco and illegal drugs together pose America's greatest public health challenge to our children. This is a huge challenge to our future. And we need a truly comprehensive approach to meet this challenge of tobacco and of illegal drugs.

What I would like to do over the next few minutes is examine some of the elements of the proposed tobacco legislation in a serious, and maybe even clinical, manner in an effort to try to determine which approaches work best in reducing smoking among our young people.

What works, Mr. President? What works to reduce teenage smoking? That is the key question. In fact, it is the only question that we should focus on as we debate tobacco legislation.

Let me begin by discussing the most controversial element of the various proposed tobacco bills—a tax on cigarettes.

Mr. President, the question of whether tobacco taxes will work in reducing teen smoking comes down to the question of how sensitive teen smokers are to changes in price. The way the economists phrase this question is: How elastic is the demand? How responsive is it? Does it go down when prices go up?

Mr. President, writing tobacco legislation would be a very easy task if the demand were very sensitive and responsive to prices. Then all we would need to do is increase the cost of a pack of cigarettes, and kids would stop smoking and their lives would be saved, and that would be it.

Regrettably, it is not that simple. Reputable individuals and organizations in the field of public health have studied this very question and are certainly far from a consensus.

In 1991, a study published in the Journal of Health Economics concluded that there is no statistically significant correlation between cigarette prices and youth smoking. However, a National Cancer Institute expert panel stated in 1993 that "a substantial increase in tobacco excise taxes may be the single most effective measure for decreasing tobacco consumption," and that "an excise tax reduces consumption by children and teenagers at least as much as it reduces consumption by adults."

Mr. President, the confusion continues. The Centers for Disease Control and Prevention have data indicating that in five of the six States that raised cigarette taxes between 1993 and 1995 teen smoking actually increased.

Yet, two reports published by the Surgeon General in 1994 and 1998 reached the opposite conclusion—that young people are at least as sensitive to price increases as adults.

Take all of these different findings together and they raise very serious questions about a tobacco-fighting strategy that is anchored solely by tax increases, or by an increase in the cost of cigarettes.

Here is what I think, Mr. President, based on my experience in working over the years against illegal drugs, based on my experience in working against driving under the influence of alcohol, that crusade, that effort: There is no one single remedy. There is no one single solution. I believe that raising tobacco costs will have an impact, but will only have an impact if that is included as part of the comprehensive approach, if the increase in tobacco prices is accompanied by advertising, by counteradvertising, by pulling down the pro-tobacco advertising on TV, by strict law enforcement. All of these things, I believe, have to come together. You cannot succeed in this effort without that kind of comprehensive approach. Raising the cost of tobacco will help, but it is simply not enough. To meet this kind of challenge, we need a comprehensive approach, one that will harness many different elements in the common purpose of saving children's lives.

In addition to raising the price of cigarettes, what else must we include in that comprehensive package? I outlined that a moment ago, but I would like to talk now in a little more detail about some of the other things that I think are necessary to do in addition to increasing the price of cigarettes.

Public education. Let's start with public education. My own experience with public education on health issues, Mr. President, would indicate to me that it does, in fact, work. Let me give you and my other colleagues an example.

Over the last several decades, we in this country have made tremendous progress in making our streets safer from alcohol-impaired drivers. Back when I was in the Ohio State Senate, I wrote legislation toughening our State's law on driving under the influence. But even more important than the laws we passed was the fact that we were able—all of us, collectively, working together—to begin to change public attitudes. This has been done by tough laws, but it has also been done by very effective advertising by groups such as the Mothers Against Drunk Driving.

It was a national campaign, and it made a difference. Talk to kids today and you will not find many who believe that driving while under the influence of alcohol is "cool" or a great thing to do. The people who do it today are treated with scorn, as they should be. See how often "designated drivers" are talked about today—a concept that 20 years ago nobody had ever heard about. Attitudes have been changed because of advertising. They have been changed because of what public officials—not just politicians, but people in the public sector—have been able to do and talk about. We have all, collectively, been able to change the culture. That is what we have done in regard to drinking and driving. That is what we have to do now in regard to teenage smoking.

I think we have to implement a similar strategy in regard to tobacco. We have to make a massive national investment in educating our young people and in changing attitudes. We should flood the airwaves with the truth—a positive advertising and education campaign to leave no doubt

where America stands on this issue, to leave no doubt what the facts are. Tobacco and the use of it may be legal, but it still kills people. Our message must simply be: stay away from it.

Mr. President, we can do this. We have done it in other areas, and everything in our life and common sense indicates to us that it works. Those of us who are Members of the U.S. Senate, every single one of us, use a significant amount of TV advertising to get elected. Why did we do it? We did it because it works. Why do all the major products use advertising? Because it works. Why do all the national efforts in regard to drunken driving use this very creative type of advertising? Because it works. That is what we have to have in regard to this tobacco situation.

Let me talk further now about another element, a third element, in regard to this comprehensive package that I think has to be part of the bill that we finally approve. That has to do with limiting the type of tobacco advertising. The third proposal to reduce teenage smoking is to regulate the broadcast media in an effort to block the pro-tobacco message. We begin to run into some constitutional problems here, which I would like to discuss. The more constitutional lawyers look into this suggestion, the more problematic it becomes. Basically, it is going to be hard to achieve this objective without the agreement of the tobacco companies. I think we have to understand that.

In recent years, the Supreme Court has struck down as many as a dozen laws attempting to regulate commercial speech. In effect, the Court is reminding those of us in the legislative branch that the first amendment's guarantee of freedom of speech is an important constitutional value. As we look for national solutions to the tobacco-spawned health crisis, we would do well to remember that Congress cannot unilaterally restrict speech.

Specifically, the Court would most likely apply to any of the proposed limits on tobacco advertising the four-pronged test established by the 1980 case of Central Hudson Gas & Electric corporation versus Public Service Commission.

And it is more than likely, Mr. President, that the proposed limits would fail the tests laid out in that case—unless we had the agreement of those whose speech we seek to limit.

Those are the facts.

Under Central Hudson Gas, the first test to determine whether commercial speech is Constitutionally protected is: Is the speech false, misleading, or unlawful?

Mr. President, the days are long gone when tobacco could run ads saying that smoking is good for your health. Those old advertising campaigns may have failed this test. I think today's campaigns are clever enough—and empty enough—not to make any false claims, at least under that court decision.

The second test is: Does the limit on speech serve a substantial government interest? This is closely related to the third test: Does the limit on speech directly advance that substantial interest?

And on these tests, Mr. President, the weight of Constitutional opinion is against unilateral limits on tobacco advertising. Two of America's foremost Constitutional scholars have testified in Senate hearings on this issue.

Floyd Abrams—America's leading expert on First Amendment law—told the Commerce Committee, and I quote:

> Any legislation of Congress which would purport to do by law what the proposed settlement would do by agreement in terms of restricting constitutionally protected commercial speech is, in my estimation, destined to be held unconstitutional. * * * It is a basic tenet of First Amendment law that * * * the interest in protecting children from harmful materials "does not justify an unnecessarily broad suppression of speech directed at adults." * * * The sweep of the proposed settlement's restrictions on speech are simply not tailored to its supposed aim of protecting children.

And Harvard's Laurence Tribe—author of one of America's most influential Constitutional law textbooks—testified before the Judiciary Committee that, quote, "the proposed restrictions on tobacco advertising would raise very serious First Amendment questions if they were to be enacted into law by Congress."

The fourth and final test under this case asks: Is the limit on speech no more extensive than necessary to achieve the goal? On this too, the critics will note that if the same goal of reducing smoking can be achieved without recourse to speech limits, then the Constitutional claims of the speech regulators would fall.

Let me stress, Mr. President, that I am not talking about my own opinion of the Constitutionality of these measures. That would be a subject for another speech, another day. What I am talking about is the immense practical problem posed for us, by the likely opinion of the U.S. Supreme Court based on those previous decisions.

It's likely that the Supreme Court would find these unilateral measures unconstitutional.

The tobacco companies would love that. They would love to change the subject. We must not allow them to do that.

Remember the goal: We are trying to save children's lives. We are driving toward the end zone in the fight against these tobacco companies. We must not—must not—let ourselves get trapped into incurring useless penalties on the way.

This fight is too important—we cannot let it be reduced to passing legislation that will never be enforced. Our goal is to pass effective legislation—not legislation that will tie up our anti-smoking measures in court for years and years.

It's about results. It's about saving lives. We have to remember that.

Let me now turn to a fourth and final element in proposed tobacco legislation—the lookback provision. In my view, Mr. President, the lookback provision is a key component of any solid and effective antitobacco bill. It's a way to hold the tobacco companies liable for the bottom line on this effort to reduce teen smoking.

Put simply, Mr. President, the lookback provision says to the tobacco companies: If we fail to achieve our goal of substantial reductions in teen smoking, you—the tobacco companies—will pay. You will pay. You will pay a lot. We think that will serve as a deterrent. We think, Mr. President, that will affect the future conduct of tobacco companies.

Now, on this one too, Mr. President, the constitutional lawyers are raining on our parade. They point out that the kind of lookback provision we need may well run afoul of Constitutional guarantees of substantive due process. They could hold the tobacco industry liable for actions and results not strictly under the industry's control—and thus be Constitutionally inadmissible.

But I think the solution to this problem—and indeed to that of the First Amendment problem with ad limits—is relatively clear. The government may not be able to do these things by itself. But it can do them, if the industry agrees to them voluntarily.

This, Mr. President, gives us—public officials who are concerned with public health—an incentive to insist on a comprehensive solution, and not a piecemeal approach.

Acting unilaterally, we can punish the tobacco industry. And let me make clear—there's a great deal to be said for that. Their product has destroyed lives.

But if we act not unilaterally, but instead approve a comprehensive solution, then we can harness all our efforts in the interest of the public good. And we can hold the tobacco companies accountable for helping reduce teen smoking.

CONCLUSION

Mr. President, America's attention is engaged by a children's health crisis caused by tobacco and illegal drugs. This is a rare and unique opportunity for us here in the Congress to create some positive change—change that will save lives. We owe it to the American people to write tobacco legislation that represents the best thinking on what will really work to get kids to turn away from tobacco and illegal drugs, and toward a more promising future. I will continue to work throughout our legislative process to make sure the bill we pass lives up to what the American people deserve.

I hope the President of the United States will become more involved in this struggle. This, frankly, is an issue of great national importance—one that cries out for Presidential leadership.

Mr. President, even after we pass a bill in the Senate, there will still be a lot of work left to be done on this legislation—and frankly and candidly, it won't get done until everybody sits at the table and gets ready for some heavy lifting.

This includes the leadership of the Senate and the House, of course, and also the President of the United States. The President can make a huge difference in this process once he becomes fully engaged.

Finally, Mr. President, I remain optimistic that we can pass a strong and comprehensive bill, not just to reduce teen smoking but also teen drug use. Last year's settlement through the States' attorneys general and tobacco companies has given us a once-in-a-lifetime opportunity.

As this legislation moves through Congress, I believe we have to stay focused. We have to stay focused on the issue of saving children's lives. Let's vow to put together comprehensive legislation that really works. Let's do it now. And let's get it done. Mr. President, it will not be easy.

I again congratulate the majority leader for his leadership and for his courage in bringing this bill to the floor.

I congratulate all who have worked on this bill and other bills—Senator MCCAIN, who has worked on this bill and brings this bill to the floor; Senator HATCH and others who have worked on other bills and other approaches. We are all going to have the opportunity next week to have our shot. We are all going to have our opportunity to work to try to fashion a good bill.

The main thing, however, is that we keep the process moving, that we keep it moving in the Senate, that we pass a bill that is comprehensive, that is practical, that we send it on to the House of Representatives, and ultimately then get it into a conference committee and to the President of the United States.

Frankly, it is only going to be at that time that tough, tough decisions are ultimately going to be made and that the package will finally be put together. But if we do not do our work in the Senate, if we do not keep the process moving, then we will have missed this historic opportunity. So the ball is in our court beginning next week. I fully expect the Senate to take up the bill, and I expect us to do what is in the best interests of our children and in the best interests of the future of this country.

I thank the Chair and I yield the floor.

Mr. President, at this point 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. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DASCHLE. Mr. President, might I inquire as to the nature of the proceedings of the Senate.

The PRESIDING OFFICER. The Senate is conducting morning business. Senators are recognized for 5 minutes each.

Mr. ASHCROFT. Mr. President, I ask unanimous consent I be allowed to speak for up to 20 minutes.

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

TOBACCO

Mr. ASHCROFT. Mr. President, I rise today to have the opportunity of commenting on a matter which is a matter of great discussion in Washington and around the country. It is the so-called tobacco settlement. I say "so-called" because I think this is more about taxes than it is about tobacco. It is more about big government than it is about teen smoking. This is a measure of the magnitude of which obscures most of the things we have considered for a long time, at least those things considered in my time in the U.S. Senate.

Now, Washington may be entering a new era of surplus politics, but its inhabitants have yet to reject the sentiment that was expressed by King Henry IV nearly 600 years ago. He put it this way: You have gold and I want gold. Where is it? Well, that may be something that really describes America right now because this measure which is flying under the flag of the tobacco settlement is really a massive tax increase on the people of this great country.

This tax increase would total about $860-some billion—that is the original bill before it went to the Finance Committee. I don't know whether the increase from $1.10 to $1.50 a pack added in the Finance Committee is even reflected in those figures. We are talking about an $800 billion increase in taxes and it will be focused on people who make less than $30,000 a year. These are hard-working families, generally families with small children, at the beginning of their earning potential in life. To focus $860 billion in new taxes on those individuals is a very serious question.

As a matter of fact, that kind of serious question of $860 billion in new taxes and then about 17 new boards, agencies, commissions, et cetera, in government to spend the money is so obvious a question that I objected to moving to this bill very expeditiously, very rapidly. It looked to me like there was going to be a rush to try and get into this bill, and we would somehow be asked to have consideration of this bill which was not thorough and did not have the kind of complete debate and dialog which I think the Senate of the United States ought to have, and which I think we were created to have.

The founders of this great country said that the Senate of the United States was like the saucer; the cup was the House, and it was supposed to be a place where there were hot passions and emotions, but you spill things over into the saucer. It is a place where things cool. You should have the time to look at things carefully in the U.S. Senate. You should have the capacity to thoroughly discuss things. There should be open discussion. We have had a policy and a heritage in this great body of making sure that all the anticipatable consequences and results and effects of a particular proposed policy could be understood and debated and discussed here.

If I have the assurance that that is the strategy which we will pursue, that it will be a Senate strategy of complete discussion, that we will not unduly or inappropriately limit the kinds of amendments which are offered, that we are going to have an open discussion, that we are not going to rush in and impose cloture to stampede the Senate to a conclusion in what is a pretty highly charged and emotional area, then I have no objection to proceeding. I wouldn't object to proceeding to this bill unless I thought it was going to be something that was a must-do project and that the definition of "discussion" would be someone's time objective rather than a quality objective. The ultimate objective that we should have when we are discussing things in the U.S. Senate should be the quality of our output, not whether or not we want to get home for a vacation or take a break.

My own view is that I really do not want to stand in the way of this particular measure being considered, but I don't want anything to stand in the way of this measure being considered thoroughly, and that there be a full opportunity to provide debate, and that there be the potential for amendment which is thorough, which would provide the opportunity for alternatives so if we want to reach our real objective of somehow curtailing the adverse impacts of cigarettes on the young people of America, we wouldn't be locked in to some narrow set of agreements or agencies or taxes, but that we would think carefully about how it is done.

I simply want to say and make clear my position that while I did oppose a unanimous consent to move to this bill, I am not locked into a position of saying we should not consider tobacco.

If I believed that we have an opportunity to consider the so-called tobacco settlement fully and thoroughly and fairly in the great tradition of the Senate, then I am more than willing to proceed to consideration of this matter.

As a matter of fact, I would like to begin the discussion of the matter today talking about some of the things that I think are most difficult about this bill, and perhaps I think ought best be characterized as unwise. The Federal budget surplus is likely to exceed $45 billion this year, and you wonder why Congress would be considering massive new taxes if we are finally in a place of surplus. You would think we should be debating how to give money back to the American people instead of taking more money from the American people.

When our decision is to take money from the American people, our decision is basically that they can't spend it as wisely on their families as we can spend it on their families. After all, the families of America are what we are spending our resources on one way or the other. If we believe we are so much smarter than they are for meeting the needs of their family, we should take the money from them and spend it. But if we have a good awareness that American families know what they need and how to spend their money better than we can spend it on them, we ought to let American families have their resources to spend on themselves.

There are some things that have to be done collectively. We know about those things—certain law enforcement functions, national defense, certain government programs—but the never-ending explosion of taking the resources from families, suggesting that we have better things to do with that money than families do, is a presumption in which I will not imagine and I certainly will not persist.

I intend to fight to kill any tobacco bill that contains a tax increase of the magnitude being considered.

When you are talking about over $800 billion for smokers, for example, the tax that will be imposed against them and on them as a result of this bill will be 50 times greater—50 times greater—than the tax relief we gave them last year. I am not a person who has chosen to smoke, and I am not a person who is associated with the tobacco industry. I don't know of a single smoker in my family. It hasn't been in my family. It wasn't in my father's family. We were taught that tobacco was evil from day one. Speaking of old-time English kings, King James warned citizens of England hundreds of years ago that tobacco was bad for their health. I think people have known it. I don't think it is sneaking up on anybody. I think most Americans know that tobacco is not good for you. If you are close to someone who is smoking and you start choking, I think you understand that this stuff is not good for you. We know the pollutants contained in the byproducts of combustion, smoke, are bad even if you are just walking down a city street and get too many diesel fumes from a bus. So it is not a matter of not knowing.

The question is, Are we going to have a tobacco bill that taxes the American people at an incredibly high level—$860 billion-plus in new taxes—and that says to a fellow who chooses to smoke, in spite of what he knows, that, well, the kind of tax that you are going to pay is 50 times greater than any relief we have given you previously? This is a massive tax increase that will be inflicted on those who are least able to pay. Some estimates suggest that this tobacco bill would increase taxes by over $860 billion. This development of 17 new responsibilities in Government—for boards, commissions, or agencies, or, I suppose—and I hear there is a proposal now to take the formal boards, commissions, agencies out and allow them to be created not in the statute but by department heads on their own later on, so we would sort of fly the commissions, boards, and agencies below the radar screen of the American people.

The truth is, if you are going to spend $860 billion, you are going to have bureaucrats do it. Over 5 years, the hike would increase taxes $109 billion, more than erasing the entire effect of the measure of the tax relief we provided last year. Of course, I will mention that 60 percent of those who would be paying these taxes earn less than $30,000 a year. That really means these are, in many cases, young couples, couples with children. They are going to be bearing the burden of this tax increase. The Finance Committee came up with the idea that these taxes be increased by $1.50 a pack for cigarettes. Now, if you have a young family with a mother who smokes one pack a day and the father smokes two, that is $4.50 a day that the Government would be taking from that family. Over the course of a month, I think that is $140 a month, and 12 times 14, if my math serves me correctly, would be close to $1,600 a year. Now, that is serious. That is very serious. In my judgment, we have to think carefully about that kind of tax increase.

Mr. President, maybe you will do the math for me. I was doing that math in my head, so it may not be $1,600; it may be more than $1,600. I think it would be.

But the point is, this is a massive tax increase on people. What about the children in those families? The whole presumption of this idea that we can collect the $868 billion is that people are so addicted, they can't stop, so we will tax them. In spite of the fact that taxes are going up, there is going to be persistent use. On one hand, they say these taxes are going to keep people from smoking. On the other hand, they put a lot of money in the budget saying people won't be able to stop smoking and therefore we will get the money. It seems to me there is a little tension between these two arguments. It is a massive tax increase. It seems to me the only thing more addictive than nicotine is taxing and spending in the Congress.

People are going to say this is about teenage smoking, but this bill doesn't even make teenage smoking illegal in Washington, DC. This doesn't make teenage smoking illegal or unlawful in the Capitol or in the Senate office buildings. We are talking about what kind of messages we want to send to our teenagers. This Congress, the U.S. Senate, has never cared enough about the role modeling it does to forbid smoking in the in the U.S. Capitol or in the Senate office buildings. We are up here saying we are going to try and stop teenagers from smoking, and we stand around—I don't—and we don't stop smoking, we don't curtail smoking. We provide incentives. We make sure there are plenty of ashtrays. If you want to use the stairs in our buildings, that is where they put the ashtrays. If you need to draw a deep breath after four or five flights of stairs, you can be sure that because of our policy we will have a role model there smoking for you.

If we are really serious about teen smoking, there are other things to do other than raising taxes by $868 billion. If Washington gets its way, excise taxes will increase by $1.50 a pack. Now, my view is that this is not the kind of tax increase I was sent here to be involved in—an $868 billion increase on the taxes of the working people in this country. This is not what Republicans were sent here to do.

Lots of Republicans are fond of talking about Ronald Reagan. Well, people who make less than $30,000 a year frequently—some of them are Republicans, but some are what we call Reagan Democrats. Ronald Reagan was understood by those people to care for them, and he was understood by those people to be sensitive to their plight. They were called Reagan Democrats because of it. This is a tax increase that is aimed right at Reagan Democrats. It will take the money and resources right out of their pockets, send it to Washington, keep them from being able to spend it on their own families.

Taxes are at an all-time high. Never before in the history of this country have taxes been so high. Just last week, on May 10, was tax freedom day this year. That means the average citizen had to work until May 10 in order to pay their taxes. The rest of the year, he or she can work for his or her family. What a deal. And we are going to add $868 billion to that burden? Pretty

soon, we will be working more for the Government than for our families. If we think Government ought to be a bigger influence in this culture than families, I think we are sadly mistaken. Whether we succeed or fail in the next century is dependent on good, strong families. If moms and dads and families do their job, governing America will be easy. But if moms and dads and families can't do their job, governing America will be impossible. We cannot make it impossible for families to do the job that families ought to do in this country.

Total taxes as a share of total income have reached an all-time high in the United States of America. When I was born, in 1942, taxes as a share of the total income amounted to 21.1 percent. That was during the war—the big war, WW–II. Yet, that was 21.1 percent as a total share of income. We are approaching twice that much now. We are over 35 percent as a total share of income. It is time for us to come to the conclusion that if families are important in this country, leaving them with some of the money they earn is important, and an $860 billion-plus tax increase would be inappropriate.

Today, the median two-income family can expect to pay 37.5 percent of its income in Federal, State, and local taxes—37.5 percent. Three-eighths—3 out of every 8 days are devoted to paying the Government. It is getting worse. Taxpayers are working longer, harder than ever before to pay their taxes. It is time for us to think carefully about providing relief, rather than a massive increase in taxes.

The proposed tobacco bill is nothing more than an excuse for Washington to raise taxes and spend more money on new Federal programs. I will fight to kill any tobacco tax bill that contains a tax increase of the magnitude being considered. I didn't come here, and I don't think we were sent here, to have a massive raid on the families of America and their ability to provide for the needs of their families. What we are talking about is a cut in pay for Americans. We cut their pay by taking it when they earn it. I just do not think a pay cut for American families is what is needed at this moment. I think this country knows that if there is a cut anywhere, it should be a cut in Government, not a cut in families. I think we have to understand that is what we are talking about. So I urge my colleagues to oppose this legislation, which is a massive tax increase. It is a tax burden focused on those making less than $30,000 a year. The vast majority of the taxpayers who will pay the $860-plus billion will be people making less than $30,000 a year. I think of the kids of those moms and dads, who are both working and blue-collar folks, that they want to be able to do well by and do well for. We plan to tax them with the most, the lion's share of the burden of an $868 billion tax increase.

I reiterate again my position. I rose to object to moving to this bill when I thought we might be moving to it in haste; and that our consideration of the bill might be limited and compressed and inappropriately telescoped. It might be drawn together in such a way that we wouldn't have a thorough opportunity to debate this. It could be that I am wrong. With proper assurance that we would have the kind of full range of Senate debate, with the complete opportunity for amendment and that we will not be clotured so as to preclude the kind of debate that is necessary and appropriate in this respect, I don't mind moving forward to this issue. As a matter of fact, I wouldn't object to moving forward to the issue. We must, however, consider this issue based on its merits and not based on a schedule or convenience. This is too important an issue and too substantial a set of stakes for us to ignore the kind of full debate that the Senate rightfully should provide.

It is with that in mind that I rise to oppose this measure and to indicate my position on considering the measure. I hope when we have the opportunity to debate this measure fully, we will be able to see that a tax increase of that magnitude is not in the best interest of the American people. It is not in the best interest of the future of America. It is not a measure that really augurs well for the children of America. It is really a big government extension of the heavy hand of government in the pocketbooks of American families.

Thank you, Mr. President, for this opportunity.

I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I want to be recognized for a unanimous consent request.

Before I do that, let me commend the junior Senator from Missouri. He is right on target. I would like to share with him that in the last 2 weeks I had over 20 town hall meetings in the State of Oklahoma. In not one meeting did anyone bring up this thing and initiate the discussion. I think this is really a beltway issue. When I brought it up and told them about the massive tax increase—the largest single tax increase, with the stroke of one pen that this results in—they were all very, very much against it. I think some people will try to use this as somehow a way to stop children from smoking when, in fact, it would not stop children from smoking.

Mr. ASHCROFT. I thank the Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from Oregon that I be recognized for as much time as I may consume as if in morning business.

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

PRIVILEGE OF THE FLOOR

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that Lourdes Agosto be allowed floor privileges while I provide these remarks today.

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

NATIONAL PEACE OFFICERS MEMORIAL DAY

Mr. SMITH of Oregon. Mr. President, I rise today in recognition of National Peace Officers Memorial Day, a day to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

The men and women who serve this Nation as our guardians of law and order do so at great personal risk. There are very few communities in the United States that have not been touched by the senseless death of a police officer.

In Oregon we have seen our share of loss. In January in a standoff between the Portland police and a man with a high-powered SKS military rifle, Colleen Waibel, a 17-year veteran of the Portland Police Bureau, was shot and killed. Two other officers, Kim Keist and Sgt. James Hudson, were wounded in that same standoff. In July of last year, Thomas Jeffries, a Portland police officer, was shot and killed. In 1984, a Washington County sheriff's deputy, Robert Talburt, also died in the line of duty.

Mr. President, because of the dedication and sacrifice of our Nation's police officers, our communities are safer and our children have a better chance of receiving their education in a crime-free environment.

Today, more than 15,000 peace officers are expected to gather in our Nation's Capital, together with the families of their recently fallen comrades. The National Peace Officers Memorial Day provides our country an opportunity to show these public servants that their efforts on our behalf and those of their fallen comrades are greatly appreciated.

To the surviving families of those officers who have paid the ultimate price, this day will show that their sacrifice will always be remembered.

Mr. President, I am a proud cosponsor of Senate Resolution 201 designating May 15, 1998, as National Peace Officers Memorial Day. I urge my colleagues to join Senator KEMPTHORNE, myself, and others, in recognizing this important day.

I thank the President.

I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first, I would like to say to the Senator from Oregon that I applaud him for this, and I would ask that my name be included as one of his original cosponsors.

PROHIBITING CONVEYANCE OF LAND AT LONG BEACH NAVAL STATION

Mr. INHOFE. Mr. President, I rise today to share with you and with my colleagues something I think is quite significant that is taking place, and also to correct some of the things that I have said that I found to be untrue.

I was on the floor yesterday introducing an amendment to the 1999 Senate defense authorization bill. In this authorization bill, I have an amendment that would stop the transfer of land in California at Long Beach to the COSCO, which is the Chinese Ocean Shipping Company. I would like to share why this is an important amendment.

I don't criticize any of my fellow Senators. But when I started talking about this yesterday, and I moved to set aside the Feinstein amendment in order to consider my amendment to stop the transfer of land to COSCO out in California, there was objection to that unanimous consent request. In a way, I think that is good because it gives me an opportunity to go into a lot more detail and to talk on some talk radio shows to alert America as to the seriousness of something that is happening out there.

I would like to start off by saying, however, that when I talked on the floor about the fact that President Clinton signed a waiver back in 1996, and then another waiver in 1998 that allowed the transfer of technology to the Chinese, this was something that I thought was done in secret. I found out just this morning that it was not done in secret. He signed a waiver. He apparently did not disobey any law or violate any law in so doing. However, since I am a member of both the Intelligence Committee and the Senate Armed Services Committee, and I was not aware that he signed the waiver in 1996 or 1998, and not one of my colleagues who I have talked to was aware of it, I reasonably assumed that it was done in secret.

To kind of give you the sequence in which this happened, I will tell you, Mr. President, that in June of 1989 we all saw what happened on the Tiananmen Square. At that time, as a result of the Tiananmen Square massacre, our country imposed some sanctions banning U.S. trade in dual-use technology. The President retains the power to grant waivers on a case-by-case basis. It seems to me that this President has an obsession in granting waivers and preferential treatment to China. In a minute I am going to read an article from this morning's New York Times that might shed a little light as to why the President was doing this. Let me finish with this sequence of events.

From 1990 to 1995, there were some waivers given for certain technologies. In 1995, President Clinton offered a waiver for commercial satellites, allowing U.S. satellites to be launched on Chinese rockets. The Loral Corporation—maybe it was a coincidence—which was the single largest contributor to the Democratic National Committee in two Presidential elections, in 1992 and 1996, took advantage of this waiver. So we had our commercial satellites placed on rockets that were designed and manufactured by the Chinese government. Anyway, one of these rockets went off, and there was an explosion in 1996, and they went in to investigate as to why the explosion took place. In 1998, just 2 months ago, in February of this year, the President granted another waiver allowing the transfer of information to China which gave them more reliability and accuracy in their missiles.

Now, I would like to put this in a context that is easier to understand for a lot of people who are not involved in these issues. I am from the State of Oklahoma. It is a known fact—there is nothing classified about it—that both China and Russia have missiles that can reach the United States from anyplace in China or Russia. Specifically, in the case of China, they have their CS–4 missile that has a range of 8,000 kilometers, and by going the polar route, it will reach anyplace in the continental United States or any part of the United States. So this missile will do it.

However, with the technology the Chinese had before the President allowed our technology to go over there and give them more accuracy, their missile could hit my State of Oklahoma but it could not pinpoint any particular city like Oklahoma City or Tulsa or Fort Sill or any of our military establishments. With this technology, it gives them the accuracy to do that. So that is what the President did. I am very concerned about this obsession that the President has to share everything that we have with the Chinese.

Let's keep in mind we are talking about the China Ocean Shipping Company. It is not just owned by the Chinese. It is owned and run by the Communist Chinese military. It was only a week ago Monday that the Washington Times came out and disclosed the content of a CIA report. This report stated that there were some 18 CS–4 missiles that China had that were targeted at various places around the world, and 13 of those missiles are targeted at cities, major cities in the United States of America.

Now, when you get a little bit concerned about the President giving preferential treatment to China with all these waivers, allowing them to have our technology so they can pinpoint their targets, and then we find out, as I think most of us knew anyway, that there are rockets in China, ICBMs aimed at major cities in the United States of America, it is very, very distressing.

This morning in the New York Times this article on the front page right here says, "Democrat Fund-Raiser Said to Name China Tie." This is a major breakthrough, and it may shed some light as to why the President has been granting these waivers and giving this Presidential treatment, and in my opinion changing his policy to the Far East from what it was when he ran for President in 1992. I recall that he made statements in opposition to MFN status for China. Now he is the leading advocate for MFN status for China. He was one who was opposed at one time to the normalization of our relations with Vietnam, and, of course, now, as we all know, he has headed up an effort that has successfully normalized those relations. He is right now spending much of his time trying to convince Congress to let the IMF bail out some Far Eastern banking concerns to the extent of $18 billion.

Let me just read, Mr. President, the first four paragraphs from this article in the New York Times, "Democrat Fund-Raiser Said to Name China Tie."

> A Democratic fund-raiser has told Federal investigators he funneled tens of thousands of dollars from a Chinese military officer to the Democrats during President Clinton's 1996 re-election campaign, according to lawyers and officials with knowledge of the Justice Department's campaign finance inquiry.
>
> The fund-raiser, Johnny Chung—

We all remember Johnny Chung, this friend of President Clinton's of long-standing—

> told investigators that a large part of the nearly $100,000 he gave to Democratic causes in the summer of 1996—including $80,000 to the Democratic National Committee—came from China's People's Liberation Army through a Chinese lieutenant colonel and aerospace executive whose father was Gen. Liu Huaqing, the officials and lawyers said.
>
> General Liu was then not only China's top military commander but also a member of the [top] leadership of the Communist Party.

It goes on to talk about this. It says.

> . . . investigators regard the identification of Ms. Liu—

This is his daughter—

> as a breakthrough in their long search for conformation of a "China Plan." The hunt was prompted after American intelligence intercepted telephone conversations suggesting that Beijing considered covertly influencing the American elections.

I am quoting all this out of an article that is in today's New York Times.

Now, Mr. President, I do want to go back and address my amendment because my amendment is going to be before this body this coming Tuesday, and when it is, I want to make sure

that all of my colleagues who are watching right now, or listening, hopefully, have full knowledge of exactly what this amendment is all about.

First of all, I think it is important to look at what is COSCO. COSCO—that stands for the China Ocean Shipping Company—is owned by not just the Chinese Government, but it is run by China's military. COSCO reports to the Chinese Ministry of Communication which falls under the State Council which in turn is led by Communist Party politburo member and Premier Li Peng.

Now, I noticed the other day—I am quite sure it was in the Washington Times—that Sven Kramer, who has long served the National Security Council under both Democratic and Republican administrations—I think everyone in this body is familiar with Sven Kramer—said he is disgusted with the cavalier actions of an administration that critics say put a dial-for-dollars campaign ahead of national security. Kramer asserts he finds it difficult to believe that the United States would surrender key ports in Long Beach and at either end of the Panama Canal to the PLA—that is the People's Liberation Army—led shipping company called COSCO. He cites the "foolishness of the intelligence community" for not blowing the whistle on these operations.

So we have COSCO as a government-owned shipping company that is planning to take over the land in the Long Beach area which requires the President of the United States to sign a waiver.

Now, does anyone doubt that the President will sign this waiver? I have no doubt at all. I can stand on this Senate floor, and say that the President is planning to do that, because any President who signs a waiver allowing, in 1996 and in 1998, the Chinese to have technology that will give their missiles more accuracy to hit targets in the United States when we already know there are some 13 missiles that are targeted to the United States, would certainly not hesitate to sign this waiver. And so we have areas of concern about this company COSCO.

One of these areas of concern is that in March of 1996, in Oakland, CA, the COSCO ship *Express Phoenix*—that is the name of the ship—transported 2,000 illegal Chinese weapons, AK-47s—these are the machine guns, not the AK-47s that will fire one round at a time; those are replicas; these are the real things—transported 2,000 illegal Chinese machine guns to be used on and sold to California street gangs, to be used by street gangs. Fortunately, we found out about it and the guns were confiscated by the FBI.

This is also the same shipping company that has been stopped by the U.S. Coast Guard some six times because of various violations. This is the one that, in December of 1996, created a lot of damage to a boardwalk in New Orleans in their harbor. It also is the same shipping company that is in the process of gaining control of both the entrance and exit—it depends on which way you are going—of the Panama Canal, on the Atlantic and on the Pacific sides.

So we do have great concern over what COSCO has been doing. Last year, in the 1998 Senate authorization bill, the Senate defense authorization bill, I had an amendment that I wanted to put on. We were unsuccessful in getting it on. Congressman DUNCAN HUNTER over in the House of Representatives was unable to get his amendment on also. So he and I have been trying to do it this year. It is an amendment that would stop COSCO from being able to benefit from the transfer of this property.

On April 29, 1998, an appeals court decided that the Port of Long Beach followed State law in its environmental review process to plan to lease the land of the former Long Beach Naval Station to COSCO. So you can see, we are much closer than we were last year at this time when we tried to put these amendments on.

Anyway, I applaud Congressman DUNCAN HUNTER, who was able to offer and successfully pass an amendment in the House National Security Committee by a margin of 45 to 4. I am introducing an amendment that does exactly the same thing.

For people who are not aware of the process that is used around here, when you pass the defense authorization bills, they are passed by both the House and the Senate. Those items that are different from the House and Senate bills go into a conference committee. That conference committee is manned by both Members of the House and Members of the Senate. I will be a conferee on that conference committee.

By passing this amendment this coming Tuesday, we will be able to use the same language as Congressman DUNCAN HUNTER used successfully in putting it on the House version of the authorization bill and it will not be what we call a conferenceable item; in other words, it will be in there and it will be a done deal. So that is how significant this is, that we are able to get this passed.

I am hoping, if there is anyone out there who is really concerned about what is going on in our relationship with China, about the China missiles that are targeting sites in the United States, and are concerned about the preferential treatment we have been giving China when China—and you stop and think about this. Now the administration admits that there are some 25 nations that have weapons of mass destruction, either biological, chemical, or nuclear. And some of these nations are run by people who murder their own grandchildren, so they would not have any reluctance about sending a missile in our direction.

You might remember Saddam Hussein, who made the statement during the Persian Gulf war that if he had just waited a little bit longer to take his action in Kuwait, he might have had a missile that he could have used to stop us from interfering with what he was doing in Kuwait. That is pretty much a direct threat. You might remember also, it wasn't very long ago, a little over a year ago, when Taiwan was wanting to hold its elections and China was trying to intimidate Taiwan, that they were firing missiles in the Taiwan Straits. The second highest Chinese military official said: No, we are not concerned about the United States getting in here and getting involved, because they would rather defend Los Angeles than defend Taipei.

So, I say there is a threat out there. Those individuals, most of them liberals, most of them who want to continue the demise of our military defense system in this country where right now we are approximately one-half the force strength we were back in 1991—those individuals like to perpetuate this notion that somehow the cold war is over and there is no longer a threat out there, let's take that money and put it in social policy. And that is what we have been doing since this President was elected in 1992.

With that, while this doesn't resolve all the problems that we have, we still do not have any way of defending ourselves. I hope that everyone who is concerned with this issue, who is concerned with the transfer of our technology to China to allow them to pinpoint areas in the United States of America, will be aware of the fact that we do not have a national missile defense in America. How many people in America are aware that, if they fire a missile from Beijing and it comes over toward the United States of America, and it is headed for Washington, DC, it takes 35 minutes to get over here? If you ask the average person, what would Government do if that should happen—because certainly we have the satellite technology to know when they are launching these missiles—they say, well, I assume that Government would do something and knock down this missile during that 35 minutes it is coming over.

Here is the problem. We don't have the capability to do that. Somebody very smart, back in 1983, decided they were going to put together a program to deploy a national missile defense system by fiscal year 1998. That is now, fiscal year 1998. They were pretty smart back then, because now is when we need it. Now is when the threat is out there. Now is when we pick up the newspaper and we see things that are happening and that there are countries

out there with weapons of mass destruction and now with the missile capability of hitting the United States. We need to do something.

The reason we cannot knock down a missile is not that we don't have missiles that will knock down missiles, it is just that in trying to adhere to these silly treaties like the ABM Treaty and some of the START treaties, disarmament treaties, we have agreed with parties in the former Soviet Union not to defend ourselves, or have a system that will adequately defend ourselves against a missile that is coming over from a foreign country. This is insane that we are doing this, but we are.

So, while we do have missiles, we can't knock down a missile that is coming over to the United States until it reenters the atmosphere. By that time, you have only 1 or 2 minutes to hit it, and it is going at such a velocity, our technology doesn't have anything that goes fast enough to knock it down. So we are naked right now to any kind of an attack that comes by way of missile from any of these countries that are out there that have access to missiles.

Don't think that just because China and Russia are the only countries that have these missiles, and they love us so dearly, supposedly, that no other countries can have missiles to deliver these weapons of mass destruction, because we know that both China and Russia are dealing, selling their technology to countries like Iran and other countries. So they are going to be able to have these missiles.

About a week ago, I was reminded again about how we are being lulled into, I suppose, a euphoric feeling of complacency, that there is not any threat out there. In a recent letter to a member of the Senate, Gen. Henry Shelton, the Chairman of the Joint Chiefs of Staff, said we are going to have 3 years' notice before there is any real threat of any missile coming over.

He said he thought we would have 3 years' notice because our intelligence tells us we are going to have 3 years' notice. It was only days later after he made that statement that we found out about the nuclear tests in India. And India—we find out in only this morning's paper it is understandable why they are doing this, because with the preferential treatment that we have given China, they are trying to build some type of system that will give them the capability of deterring aggression from the adjoining countries, both China and Pakistan.

So the threat is out there. I suggest, if our intelligence is good enough to rely on that we are going to have 3 years' notice before any ICBM comes over, that is the same intelligence that told us there wasn't anything going on in India.

On Tuesday, we will be offering this amendment. I am hoping all of my colleagues will be very sensitive to the fact that the No. 1 purpose for Government is to defend Americans against attack. We will have an opportunity to go a long way in accomplishing that this coming Tuesday, by passing my amendment to the defense authorization bill that will stop the transfer of this land from the United States to the China Ocean Shipping Company.

I yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, May 14, 1998, the federal debt stood at $5,492,886,169,970.40 (Five trillion, four hundred ninety-two billion, eight hundred eighty-six million, one hundred sixty-nine thousand, nine hundred seventy dollars and forty cents).

One year ago, May 14, 1997, the federal debt stood at $5,339,781,000,000 (Five trillion, three hundred thirty-nine billion, seven hundred eighty-one million).

Five years ago, May 14, 1993, the federal debt stood at $4,247,909,000,000 (Four trillion, two hundred forty-seven billion, nine hundred nine million).

Twenty-five years ago, May 14, 1973, the federal debt stood at $453,698,000,000 (Four hundred fifty-three billion, six hundred ninety-eight million) which reflects a debt increase of more than $5 trillion—$5,039,188,169,970.40 (Five trillion, thirty-nine billion, one hundred eighty-eight million, one hundred sixty-nine thousand, nine hundred seventy dollars and forty cents) during the past 25 years.

DIGITAL MILLENNIUM COPYRIGHT ACT

Mr. KYL. Mr. President, I rise today to speak about a section in the Digital Millennium Copyright Act that I am particularly proud of, and that is the law enforcement exception in the bill. At the Judiciary Committee markup, Senator GRASSLEY and I, along with the assistance of Chairman HATCH and Senator ASHCROFT worked to strengthen the law enforcement exception in the bill. We received input on the language from the copyright community and the administration: the National Security Agency (NSA), the Central Intelligence Agency (CIA), the Departments of Commerce and Justice, and the Office of Management and Budget (OMB).

The law enforcement exception ensures that the government continues to have access to current and future technologies to assist in their investigative, protective, or intelligence activities. I am concerned that the tools and resources of our intelligence and law enforcement communities are preserved—and more importantly, not limited, by passage of S. 2037. Under that bill, a company who contracts with the government can continue to develop encryption/decryption devices under that contract, without having to worry about criminal penalties.

Because much of our leading technologies come from the private sector, the government needs to have access to this vital resource for intelligence and law enforcement purposes.

The law enforcement exception recognizes that oftentimes governmental agencies work with non-governmental entities—companies, in order to have access to and develop cutting edge technologies and devices. Such conduct should not be prohibited or impeded by this copyright legislation.

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.)

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. WARNER (for himself and Mr. ROBB):

S. 2086. A bill to revise the boundaries of the George Washington Birthplace National Monument; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER (for himself and Mr. ROBB):

S. 2086. A bill to revise the boundaries of the George Washington Birthplace National Monument; to the Committee on Energy and Natural Resources.

GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT LEGISLATION

Mr. WARNER. Mr. President, I rise today to introduce legislation which would preserve a tract of land of legendary historic significance. Many of my colleagues have heard me speak on the importance of preserving the legacy of George Washington, and have joined me as cosponsors of Senate Resolution 83, to commemorate the bicentennial of the death of our Founding Father. We have the opportunity to protect the scene of George Washington's early life, the site at which young Washington undertook lessons that

taught him the principles which guided his life. By extending the boundaries of the George Washington Birthplace National Monument to include the 85 acre area in Stafford County, Virginia, known as Ferry Farm, we may celebrate that expanse of land where Washington developed his extraordinary character.

Ferry Farm was the childhood home of our first President. Lying across the Rappahannock River from historic Fredericksburg, Virginia, it is the site of the legendary cherry tree, chopped down by a boy who could not tell a lie. Here, a fable recounts, young Washington threw a stone across the Rappahannock, one of the last unspoiled scenic rivers in the country. And it was here that Washington developed those qualities of honesty, integrity, loyalty, perseverance, and devotion to public good which make him the indomitable role model for our country and the world at large. By preserving this site, we will sustain the environment in which our Founding Father grew into his role as a leader in military strategy as well as democratic principles. The exploration, research, and interpretation of this site will inspire and challenge all who visit to study the life of Washington, and his impact on our Nation.

Yet this site, the tangled brush, the serene river vista, belies the intertwining of history which occurred here. Along the banks of the Rappahannock, site of the formative years of our distinguished First President, also became the site of carnage, as our country was torn asunder by the ravages of the Civil War. In late April of 1862, the Union Army established Ferry Farm as its strategic crossing point in order to advance against Confederate forces west of Fredericksburg. The soldiers stationed at Ferry Farm were not unaware of the irony of their position. As one soldier wrote from his post,

> Could George Washington have beheld * * * with prophetic eye, the havoc that was to be wrought by those mighty hosts of his countrymen in fratricidal strife on the very ground * * * which must have been familiar to him in his youthful days * * * his patriotic soul would have been overwhelmed with grief.

It is our duty to recognize the history of this site—a reliquary for the memories of a man of great character and courage, as well as a melancholy field upon which our country struggled to preserve democracy. In saving this parcel of land, we venerate a leader whose principled life remains as model for us all, while consecrating land upon which our Union, for which Washington battled so courageously, fought for existence.

We cannot forfeit such a landmark to the forces of development. Ferry Farm is where Washington learned the values that made him the Father of Our Country—values as important to our nation today as they were to its establishment more than two hundred and fifty years ago. I look forward to the swift passage of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION TO NATIONAL MONUMENT.

(a) IN GENERAL.—The boundaries of the George Washington Birthplace National Monument are modified to include the area comprising approximately 85 acres, generally known as "George Washington's Ferry Farm", in Stafford County, Virginia, and located across the Rappahannock River from Fredericksburg, Virginia, as generally depicted on the map entitled "George Washington Birthplace National Monument Boundary Map", numbered 322/80020 and dated May 1998.

(b) MAP.—The map described in subsection (a) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) ADMINISTRATION.—The area described in subsection (a) shall be managed—

(1) in accordance with the provisions of law generally applicable to the units of the National Park System, including the Act of August 25, 1916 (39 Stat. 565, chapter 408; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461 et seq.);

(2) to preserve the cultural and natural resources of the area that are associated with the boyhood home of George Washington; and

(3) to interpret those resources to enhance public understanding.

ADDITIONAL COSPONSORS

S. 358

At the request of Mr. DEWINE, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 1868

At the request of Mr. NICKLES, the name of the Senator from Oklahoma (Mr. INHOFE) 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. 1890

At the request of Mr. DASCHLE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1890, a bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

S. 1891

At the request of Mr. DASCHLE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1891, a bill to amend the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

AMENDMENT NO. 1334

At the request of Mr. BOND the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1334 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

ADDITIONAL STATEMENTS

TRIBUTE TO FRANCIS ALBERT SINATRA

• Mr. MOYNIHAN. Mr. President, I rise to recognize Francis Albert Sinatra, a man whose voice brought wonder and joy to the lives of millions. Natural, original, the ultimate. These are just a few words to describe Mr. Sinatra's voice. A talent such as Mr. Sinatra's is rare, once in a lifetime. We are all very fortunate to have had the opportunity to experience Mr. Sinatra's voice and charisma.

Francis Albert Sinatra was born December 12, 1915, in a tough, working-class neighborhood of Hoboken, N.J. The son of Italian immigrants, Mr. Sinatra's determination, perseverance, and belief in himself led him to stardom. A dramatic American success story.

Mr. Sinatra's signature songs included "Night and Day," "Mack the Knife," "Old Man River," "New York, New York," "Come Fly With Me," "Strangers in the Night"—and, of course, "My Way." Indeed, he did do it his way and for that we all must be grateful.

Pete Hamill astutely described the world's love and attachment to Sinatra in New York magazine in 1980. He wrote,

> Sinatra's endurance has become a rallying point for many people who feel that their sacrifices and hard work are no longer honored, their values demeaned, their musical tastes ignored and sneered at. . . . They had overcome poverty and survived two world wars; they had educated their children and given them better lives; and sometimes their children didn't even care. But it should never be forgotten that Frank Sinatra was the

original working class hero. Mick Jagger's fans bought records with their allowances; Sinatra's people bought them out of wages.

Mr. Sinatra received the Kennedy Center honor in 1983 and was awarded the Medal of Freedom by President Reagan in 1985. And on May 14, 1997, the Congress awarded him the Congressional Gold Medal in "recognition of his outstanding and enduring contributions through his entertainment career and humanitarian activities, and for other purposes." I was pleased to be an original cosponsor of this resolution.

Mr. Sinatra recorded more than 200 albums, from Big Band to vocal American music. He won nine Grammy Awards. In 1954, he won the Oscar for his role in "From Here to Eternity."

Francis Albert Sinatra is an American phenomenon. He entertained the world for more than half a century. His songs have become classics, and belong to him alone. He was a man who chose not to hide his ethnic identity, but to flaunt it in an era when such things were not done. In so doing, he opened a path that allowed other ethnic entertainers to retain their own heritage and pride. In this, the American century, Frank Sinatra in many ways embodied the American spirit, and as our century comes to a close, we must acknowledge the loss of a unique American character, of his endurance, and his talent, and for this we mourn his passing, and praise his legacy.•

AMTRAK REFORM BOARD NOMINATIONS

• Mr. WYDEN. Mr. President, for the last three years, this Congress struggled with many of the difficult issues in the Amtrak reauthorization bill. We finally reached an agreement late last year and sent legislation to the President for his signature, which he signed on December 2, 1997.

In the process, my state, and its neighbors, lost a valuable service on the route of the Pioneer. I fought hard to keep that service running but citizens of eastern Oregon continue to feel frustrated over the loss of this service.

I want Amtrak to succeed and I want to make sure that the legislation we enacted last year is properly implemented. The Administration is late in submitting its nominations for the Amtrak Reform Board which was created in last year's bill. Although I hear that the Administration has begun the process of picking candidates for the seven positions that are required by law, I am concerned that the names under consideration will not represent the various regions of the country that make up the Amtrak system. If the restoration of the Pioneer is to receive fair consideration, it must be by a Board of Directors that reflects the regional needs of all sections of the country. My friend, the Majority Leader, who also sits on the Commerce Committee has made clear on more than one occasion that if Amtrak is only a series of regional corridors and not a national system, it will not continue to receive the support of Congress.

While I believe the new Amtrak Board should meet the qualifications spelled out in the Act, they should also have a sense of geographical balance. I fear the loss of support for a national system if we wind up with a Board that represents only one region of the country. In particular, the west and midwestern states again appear to be left out of consideration as sources of Amtrak director candidates.

As a member of the Senate Commerce Committee, I will be looking for regional balance when these nominations are submitted and encourage my colleagues to do so as well.•

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, in consultation with the Democratic leader, pursuant to Public Law 102-246, appoints Bernard Rapoport, of Texas, to the Library of Congress Trust Fund Board for a term of 5 years.

The Senator from New Mexico is recognized.

INDIA'S NUCLEAR BLAST

Mr. DOMENICI. Mr. President, I regret that I have to take a few moments and keep the distinguished Senator here, but I don't know whether I will get a chance to talk about the India nuclear blast if I don't do it today. I will be as brief as I can.

Yesterday, two committees of the Senate held hearings on India's recent underground nuclear tests. It is my understanding that those committees, particularly the Select Committee on Intelligence, which heard testimony from CIA Director Tenet, are most interested in why the United States had no advance warning of India's plan. I think the Senate needs to be very careful as it reviews the India situation not to kill the messenger.

The simple fact is that covert nuclear operations are extremely difficult and sometimes impossible to detect. Even before its tests, we knew a great deal about India's nuclear weapons program. We were cognizant of the readiness of their weapons, that because their test site had been prepared for tests in 1995, they could test on very short notice, and that the newly elected party had campaigned on a platform that included the development of nuclear weapons—all signs that should have made this week's tests less surprising. Yet, we were caught off guard. But I do not think that it is entirely the responsibility of our intelligence agencies.

Since the fall of the Soviet Union, U.S. policymakers have been subject to two sets of pressures, both of which have led us to consider reducing our nuclear stockpile to the lowest possible levels and have reduced our vigilance.

One of those pressures comes from an anti-nuclear movement which feels a moral imperative to abolish nuclear weapons. Everyone knows that we would like to abolish nuclear weapons, but what is going on in the world indicates that that will not occur just because the United States decides to do so.

The second pressure comes from our military, and it is felt largely in the authorization and appropriations process in the Congress.

Today, the emphasis in the Pentagon is on readiness, warfighting capability and nuclear weapons, and the strategic command which is responsible for their use has taken a second-class status to those branches of the service interested in tanks, planes, ships and troop readiness. As a result, we are seeing a diminution of the strategic command within the Pentagon and across policymakers in the Congress, as well as the administration, and a failure to recognize how attractive and important nuclear weapons are.

It takes the actions of an India to remind us that for a nation that perceives itself as threatened, wants to threaten, demonstrate its technical prowess or simply wants to join the elite nuclear club, nuclear weapons are extremely attractive. That is a deplorable situation, but it is a fact.

Unfortunately, in taking the actions it has of the last 2 days, India has destabilized an already precariously balanced region of the world. Although Pakistan and China were previously aware of India's nuclear capability, India's demonstrated willingness to further develop and demonstrate those capabilities is, by its nature, threatening to Pakistan and China. In turn, China and Pakistan, but Pakistan in particular, may also take steps to demonstrate their nuclear willingness.

The United States is correct to impose sanctions on India and to prepare to do so on Pakistan if they test. I hope that Pakistan will recognize by evaluating the situation in Russia that superpower status built on economic prowess is significantly more desirable than superpower status achieved through nuclear weapons at the expense of economic prowess.

Regardless of the achievements of the high-level U.S. delegation dispatched to Pakistan yesterday, it is obvious that there could be under consideration by both Pakistan and China the effect of nuclear weapons in the hands of India, which might force both countries to proceed with nuclear weapons.

We learned about India's tests first through a press announcement and then through our seismic monitors. India could just as well have tested

their devices thousands of miles offshore on ships or drone planes. We would certainly have registered the tests, but we might never have known who tested. That was the situation in 1978 when a device exploded in the Indian Ocean and it took us many years to determine whose it was.

Incidentally, although today our satellites can detect atmospheric nuclear explosions, there has been some consideration of not replacing that capability when our current systems reach the end of their true lifetimes. This is just one symptom of our lax policy and declining attention to the threat of nuclear weapons.

Until it is disproved, and by that I mean something more than reassurances from the Indian Government which has already demonstrated a willingness to be misleading about these issues, we need to consider the possibility that India cooperated with other countries in conducting these tests.

We currently assume that all the devices that were detonated were Indian, that all the technicians on the site were Indian, and that the data has not been shared with other nations, but we cannot base our final analysis on assumptions.

India's tests cast a long shadow over the ratification of the Comprehensive Test Ban Treaty. To date, Chairman HELMS, chairman of the Senate Committee on Foreign Relations which has jurisdiction over all treaties, has indicated he is not in a hurry to report the Comprehensive Test Ban Treaty. I know some in arms control may have been frustrated by his position. Today, I think they are fortunate that the treaty will not be considered in the near future.

In light of the event which occurred in India, we need some time and, obviously, we need to think through the application of resources to the information necessary to make sure the test ban treaty can be carried out. India's willingness to test reminds us that global nuclear capabilities will not remain static if the United States agrees to lock in its nuclear capabilities pursuant to a test ban.

In the coming decades, other countries, whether they are signatories to the treaty or not, may develop nuclear capabilities and, given time, may even develop significant threatening nuclear capabilities, which is not the case at this point.

The United States nuclear posture is not established in response to the threat posed by a single country, but also considers threats that may be posed by strategic alliances. We need to recognize that the nuclear buildup we now expect to occur on the Pakistan-India border and that may spread to China could one day not be directed against one another, but there could be alliances which put America's future in jeopardy.

More so, we need to recognize that the nuclear arsenal of the United States, one that we maintain today and will maintain into the indefinite future, has to be able to respond to all potential scenarios that might unfold in an uncertain and changing world.

That means at a minimum, our weapons must be safe and reliable, not just theoretically so. We must have confidence in them as our tools of foreign policy and military policy. That requires our potential adversaries, whether they are our current adversaries or our current allies, be aware of our formidable scientific skills and our willingness to direct them toward the maintenance of our stockpile.

While there is some uncertainty, and my skepticism can be expected to continue to demand improvements, I am reasonably confident that the United States has the scientific ability to maintain our stockpile if we make that a priority. That requires that we make it a priority today, even though current focus is more on conventional warfighting capabilities, and we make it a priority into the future.

Everyone should understand that the United States has made a commitment that we will not test nuclear weapons. So we are not going to have any underground tests or any other kinds of tests. That means our scientists have to be capable of telling us that our stockpile is secure, safe and trustworthy.

That requires that we pay attention to what is needed to do that. The reason for the explosions in India is to make sure they can say, "We now know how to build a bona fide weapon, and that it will work." If they did not do the testing, they would be acting theoretically, they would be basing it on science, on modeling, on previous data about other weapons and weapons they might try to duplicate. But the only way to be sure and to have it right is to do tests.

We have done those. We are not doing them anymore. But everybody in this body and in the House and in the White House have to be concerned that if we have them, they have to be trustworthy. And to do that, we may have to spend a little bit of money on science and technology to make sure that without testing that they are valid.

We are not building any new nuclear weapons. We have committed to that. We have not for some time; and for the foreseeable future we will not.

Our nuclear posture cannot be based exclusively on our dedication to maintaining our own stockpile so it can respond to any potential threat; we must also work to understand and then reduce that threat. India's ability to conduct five tests without our previous knowledge, even though we should have been on alert for them, demonstrates how easy it is for a nation to develop such a capability.

So while I began my remarks by saying that the focus of our frustration should not be on our intelligence agencies alone, that they were unable to provide us advanced warning of India's plans, I also believe that in the future we must improve by an order of magnitude our ability to understand the nuclear threats we face.

We are considering entering into discussions on a new round of arms control agreements that would, for the first time, limit the number of nuclear warheads in the United States and Russia. We need to approach the notion of counting warheads and of entering into limits with a single country with great skepticism. Our inability to monitor India's nuclear activities should make it clear that we are far from having the ability to monitor a warhead limitation treaty now and for some time to come.

Mr. President, I yield the floor.

THE INDONESIAN CRISIS

Mr. FAIRCLOTH. Mr. President, I take the floor today to discuss the sorry state of affairs that we find in Indonesia. The latest reports are that nearly 400 people have died in the past week of rioting and looting.

Despite the crumbling of this nation, there is a stony silence from the Clinton administration. We have heard nothing. The administration apparently has no policy in place to deal with the instability in Indonesia. Yet, in my opinion, administrative policies were largely responsible for many of today's problems in Indonesia. We created the problem, and we are not doing anything about it.

First, during this administration, investments in Indonesia have soared. Lending to Indonesia during the last 4 years by U.S. banks was larger than to other major nations in Europe. It was too much money chasing too few worthwhile investments. So the money began to chase investments that were not worthwhile. The administration encouraged it and promoted it and had close ties to Indonesian conglomerates, the Lippo Group being a leading candidate.

Of course, this gold rush could not sustain itself. Vast amounts of money and weak investments always come home to you. And the bottom dropped out in Indonesia.

Rather than take responsibility for these problems and take a leadership role in handling the financial crisis in Asia, the answer of this administration has been to delegate the problems to the International Monetary Fund.

The IMF has bungled, from day one, the handling of the Indonesian crisis. From the closing of the banks on, from the day it went in, it has created a greater crisis.

We never should have turned over international economic and foreign

policy to a group of 2,000 silk-suited bureaucrats that have little if any success to show for the billions and billions of American taxpayers' dollars that they have wasted throughout the world.

The panic began when IMF imposed their austerity measures. They have driven the Indonesian currency down to record low levels. Is it any wonder that riots have begun to break out in the streets and that 400 people have been killed when the currency is worth 300 percent less than it was a year ago?

In fact, the riots began to take hold when the government raised the cost of fuel and electricity, as mandated by the IMF.

Now, I repeat, the riots began to take hold when the government raised the cost of fuel and electricity as mandated by the IMF, the people we sent to bring calm and common sense to Indonesia. Another brilliant recommendation from the IMF, for a country finding itself plunged into poverty, was to raise the price of fuel and electricity.

This is, again, another reason why the IMF is the last institution we need to provide funding to in order to solve the world's economic problems. Their record of solving world economic problems could not be worse. In fact, I would like for someone to point out a world economic problem that they solved. The numbers they have made worse are far greater than those they have helped.

The only upturn in the Indonesian currency came when a currency board was suggested to stabilize monetary policy and there was a slight uptick in the value of the currency. But this idea was immediately smothered with pressure from the United States, this administration, and the IMF, that they could not have a currency board. Now we have a full-blown crisis in Indonesia. And the President is in Europe this week, and his aides are saying very little to nothing.

I think it is incumbent on this country to take a leadership role and solve this problem that we had a large hand in creating. It can only get worse. There can only be more bloodshed, and we have no idea what kind of leadership will arise from the streets of Jakarta. We have no idea. It is time for the administration to stop sitting on the sidelines and get engaged in either easing the economic problem or making plans for a transition from the Soeharto regime. The IMF has done enough damage. Now the United States has to take a leadership role in the financial and political affairs of this country.

It cannot—and I repeat, it cannot—be left up to the IMF anymore. It has proven its inability to function.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AUTHORITY FOR RECORD TO REMAIN OPEN UNTIL 1 P.M.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the RECORD remain open until 1 p.m. today for the submission of statements and bills.

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

ORDERS FOR MONDAY, MAY 18, 1998

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent when the Senate completes its business today it stand in adjournment until 11 a.m. on Monday, May 18. I further ask that on Monday, immediately following the prayer, the routine requests through the morning business hour be granted and the Senate begin a period of morning business until 12 noon, with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator DORGAN, 15 minutes; Senator CONRAD, 15 minutes; and Senator HUTCHINSON, 30 minutes.

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

Mr. FAIRCLOTH. Mr. President, I further ask that on Monday any votes ordered with respect to S. 1723, the Abraham immigration bill, be postponed to occur beginning at 5:45 p.m. I further ask that the cloture vote on the motion to proceed be vitiated and, following those stacked votes, the Senate proceed to S. 1415, the tobacco legislation. I further ask unanimous consent that no call for the regular order displace the tobacco legislation.

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

PROGRAM

Mr. FAIRCLOTH. Mr. President, for the information of all Senators, when the Senate reconvenes on Monday at 11:00 a.m., there will be a period of morning business until 12 noon. Following morning business, under a previous order, the Senate will begin consideration of S. 1723, the Abraham immigration legislation. Any votes ordered with respect to the Abraham bill will be postponed to occur beginning at 5:45 p.m. Also, following those votes, the Senate will begin consideration of the tobacco bill.

Senators should expect a busy session next week as the Senate considers the tobacco legislation. The cooperation of all Senators will be necessary so that the Senate can complete its work prior to the Memorial Day recess.

ADJOURNMENT UNTIL 11 A.M. MONDAY, MAY 18, 1998

Mr. FAIRCLOTH. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:55 a.m., adjourned until Monday, May 18, 1998, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate May 15, 1998:

THE JUDICIARY

ALVIN K. HELLERSTEIN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK VICE LOUIS L. STANTON, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be colonel

WILLIAM E. DICKERSON, X...
JAMES J. DOUGHERTY, X...
MICHAEL L. FARRELL, X...

To be lieutenant colonel

GEORGE W. ESTES, X...
DAVID P. KISSINGER, X...
WILLIAM E. NELSON, X...

IN THE ARMY

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

HERBERT P. FRITTS, X...
EDDIE L. NEWMAN, X...
WILLIE H. OGLESBY, JR., X...

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY FROM THE TEMPORARY DISABILITY RETIRED LIST UNDER TITLE 10, U.S.C. SECTION 1211:

To be lieutenant

MASAKO HASEBE, X...

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

RICHARD B. ALSOP, X...
DOUGLAS B. BECKER, JR., X...
ROY G. BEJSOVEC, X...
GUNTER I. BRAUN, X...
CHAD D. BROWN, X...
ERIK A. BURIAN, X...
STEPHEN N. BURKE, X...
THOMAS M. CALLENDER, X...
JAMES B. CAWRSE, X...
BLAKE L. CONVERSE, X...
MICHAEL J. COX, X...
JOHN R. CRAIG, X...
FLOYD R. CRISP, II, X...
MICHAEL S. FEYEDELEM, X...
KEVIN S. FORD, X...
RICHARD A. FREY, X...
JAMES P. GOMPPER, X...
FRANCIS R.J. GUTIERREZ, X...
PAUL HARVEY, X...
LYLE E. HOAG, X...
THOMAS P. HOLLINGSHEAD, X...
KEVIN D. JONES, X...
MICHAEL I. KATAHARA, X...
KYLE D. KLIEWER, X...
KENN M. KNITTEL, X...
JOHN J. LAPOINT, X...
BRIAN M. LEPINE, X...
DONALD B. LESH, X...
ALBERT J. MAGNAN, X...
CHARLES H. MCGUIRE, IV, X...
JAMES C. MINISTER, X...

DENNIS W. MITCHELL, X...
DANIEL W. MONTGOMERY, X...
DONALD R. MORDUS, X...
ELMER M. NARRAVO, X...
DOUGLAS B. OGLESBY, X...
DAVID D. PETRI, X...
MARK A. PROKOPIUS, X...
TIMOTHY A. REXRODE, X...
FARLEY K. REYNOLDS, X...
TIMOTHY A. SCHORR, X...
MELVIN J. SIMON, JR., X...
STEVEN F. SMITH, JR., X...
MICHAEL J. STEVENS, X...
NEIL A. SZANYI, X...
MICHAEL W. TEMME, X...
JOHN D. THOMAS, X...
STEVEN D. VINCENT, X...
THEODORE A. ZOBEL, X...