

availability and make recommendations on the adequacy of our existing water supply. The study will form the basis of future water supply programs. The State of Florida is already taking the water supply issue seriously, and in 1998 alone has budgeted \$75 million in regional and State funds for development of alternative water supplies. I am looking forward to working with my colleagues on the Environment and Public Works Committee during the next Congress to address the water quality and water supply needs of the State of Florida.

Together, these initiatives will protect the future of the State of Florida by protecting our water resources that are so critical to our environment and our economy.●

COPYRIGHT LEGISLATION

● Mr. THOMPSON. Mr. President, in the closing days of the 105th Congress, the Senate passed two pieces of copyright legislation that will have enormous impact. As Charles Dickens might say, it is the best of times and the worst of times for those who create the property that is protected by copyright.

First, the Senate passed S. 505, which extended the terms of copyrights by 20 years, to life plus 70 years from life plus fifty years. For a number of years, our trading partners and competitors have protected their copyrights for the life of the author plus 70 years. Under the rule of the shorter term, these nations protected American copyrights for only the life of the author plus 50 years. The United States is the world leader in copyright, and should afford the greatest protection for copyrighted works of any nation, both to encourage creativity that benefits all, and for our own national interest with respect to the balance of trade.

The extension of copyright terms will be of enormous benefit to songwriters and others who create copyrighted works. It will benefit the public through enhanced creative activity, and the further public performance of already existing works to be enjoyed by future generations.

But S. 505 contained a bitter pill to swallow, the so-called Fairness in Music Licensing Legislation. These provisions are terribly unfair to those who create music. When a person profits from a public performance of music, he or she should fairly compensate the creator of that music through royalty payments. This is an elemental necessity for the creation of music. To paraphrase Justice Holmes, if music did not pay, no one would write it. The average songwriter receives less than \$5,000 per year in royalties, and the average restaurateur pays only a few hundred dollars a year to play music in his establishment, about 1% of revenues. At the same time, the restaurateur uses music to create an ambience that will cause people to come to his establishment, and to spend more time and money

there than they would without the music.

But the restaurateurs, retailers, and others wanted something for nothing. The songwriters were even willing to help out the mom and pop restaurants by exempting broadcast performances of their music in about two-thirds of the Nation's restaurants. But that was not good enough for the music users, who had the House pass outrageous legislation that amounted almost to stealing from the songwriters. A House that purports to defend property rights passed the most anti-property rights legislation in many years.

We worked in the Senate to improve that House-passed bill. We preserved vicarious liability, a necessity to ensure that royalties are paid. We prevented retailers and restaurants from challenging their rates in any city they chose, which would have been an unacceptable burden on the ability of songwriters to protect their rights. We eliminated provisions that would have enabled department stores to use music for free. In addition, we increased enforcement of payments because a judge can award double the licensing fees for up to three years instead of current law's limits of statutory damages.

But I still have major concerns about S. 505, even with these changes. Songwriters' property taken from them and used by others without payment. The exemptions are too generous, as they go well beyond the interest of small establishments. In fact, the vast majority of songwriters are smaller business people than many of the establishments that will be exempted from paying royalties by this bill.

At the same time, this bill runs counter to our international treaty obligations under the Berne Convention and the TRIPS Agreement. Those treaties benefit Americans more than any other country. We have the greatest interest in ensuring compliance by all signatory countries with these treaties. Yet we have passed a bill that is inconsistent with these treaty obligations. What will happen when foreign countries do not live up to their promises to protect intellectual property, citing our own example of this legislation back to us? Songwriters may not be the only losers; copyright protects computer software and other non-performing arts creative material. Some of the companies who may be hurt by international retaliation may be member companies of organizations that insisted on the music licensing provisions.

Only time will tell if the World Trade Organization will find that this bill violates international treaties that are binding on this country. But there is a good chance that these unfair music licensing provisions will not be able to stand.

It became clear in the final days of this Congressional session that in order to obtain copyright term extension and the WIPO implementing legislation, unfair music licensing legislation

would have to be included. Although the music licensing provisions are considerably better than those contained in the House-passed bill, they are still unfair. However, the 20-year extension in copyright terms is a significant benefit to songwriters, and the WIPO Treaty implementing legislation will assist creative artists in the digital age, as well as enhance worldwide protection of copyrighted materials. In implementing this treaty, it is unfortunate that my colleagues have passed legislation that violates our existing treaty obligations.

Mr. President, there are times when the bad has to be taken with the good. The music licensing provisions are indefensible, but a necessary cost of obtaining very important legislation for the benefit of creative artists. It should not have been this way. I am confident that the music licensing issue is not yet over, and I regret the likely embarrassment that will ultimately fall upon this body when the language it has passed is ruled to violate our treaty obligations.●

ORDER FOR RECESS

Mr. JEFFORDS. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess, under the previous order, following the remarks of the Democratic leader, Senator DASCHLE.

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

Mr. JEFFORDS. I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

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

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

FAREWELL TO OUR DEPARTING COLLEAGUES

Mr. DASCHLE. Mr. President, on Saturday, I had a chance to talk about our good friend, DALE BUMPERS. I'd like to take a few minutes to talk about four other friends who will be leaving us at the end of this Congress.

Shortly after he left the White House, Calvin Coolidge was called on to fill out a standard form. After filling in his name and address, he came to a line marked "occupation." He wrote "retired." When he came to the next line, labeled "remarks," he wrote "Glad of it." I suspect that our colleagues who are retiring at the end of this Congress are also "glad of it"—at least in some small measure. But, in addition to relief, I hope they also feel a sense of pride—both for what they have accomplished here, and the dignity with which they have served.

In a short time here, DIRK KEMPTHORNE has made all of our lives a little better. Thanks in large part to him, the Safe Drinking Water Act is now the law. Senator KEMPTHORNE has also reminded us of the importance of state

and local involvement in our decisions. We will all miss him.

I had the good fortune to travel with Senator KEMPTHORNE to the Far East. As most of our colleagues know, as we travel we get to know one another even better. I know him and I admire him and I wish him well in his life after the Senate. I also applaud him for the nature with which he has continued to work with all of us. He has a very conciliatory, very thoughtful, a very civil way with which to deal with colleagues on issues. If we would all follow DIRK KEMPTHORNE's example, in my view, we would be a lot better off in this body. His manner, his leadership, his character, his personality is one that we are going to miss greatly here in the U.S. Senate.

We will also miss DAN COATS. With his thoughtful approach and uncompromising principles, Senator COATS has followed his heart above all else. And, as a result of his support of the Family and Medical Leave Act, millions of Americans are able to follow their hearts, too, and spend more time with their families when they need them most.

When Senator COATS announced his retirement in 1996, he said, "I want to leave (politics) when I am young enough to contribute somewhere else * * * I want to leave when there is still a chance to follow God's leading to something new." Wherever Senator COATS and Senator KEMPTHORNE are led, we wish them both the best. I am confident that they will continue to contribute much to their country and to their fellow citizens.

And we will surely miss our own 3 departing Senators.

DALE BUMPERS, WENDELL FORD and JOHN GLENN are 3 of the sturdiest pillars in this institution. They have much in common. They came here—all 3 of them—in 1974. For nearly a quarter-century, they have worked to restore Americans' faith in their government.

Their names have been called with the roll of every important question of our time. And they have answered that call with integrity and dignity.

They are sons of small town America who still believe in the values they learned back in Charlestown, Arkansas; Owensboro, Kentucky; and New Concord, Ohio. They are also modest men.

Perhaps because they had already accomplished so much before they came to the Senate, they have never worried about grabbing headlines here. Instead, they have been content to work quietly, but diligently—often with colleagues from across the aisle—to solve problems as comprehensively as they can. They have been willing to take on the "nuts and bolts" work of the Senate—what JOHN GLENN once called "the grunt work" of making the government run more efficiently.

They were all elected to the Senate by wide margins, and re-elected by even wider margins. And they all would

have been re-elected this year, I have no doubt, had they chosen to run again.

What I will remember most about each of them, though, is not how much they are like each other they are, but how unlike anyone else they are. Each of them is an American original.

As I said, I've already shared my thoughts about DALE BUMPERS. No Senator has ever had more courage than DALE BUMPERS.

And no Senate Leader has ever had the benefit of a better teacher than WENDELL FORD.

No Leader has ever enjoyed such a loyal partnership as I have. No Leader has ever had a better friend and counselor.

For the past 4 years, Senator FORD has been my right hand and much more. He is as skilled a political mind, and as warm a human being, as this Senate has ever known.

Carved inside the drawer of the desk in which WENDELL sits is the name of another Kentucky Senator, "the Great Compromiser," Henry Clay. It is a fitting match.

Like Henry Clay, WENDELL FORD believes that compromise is honorable and necessary in a democracy. But he also understands that compromise is, as Clay said, "negotiated hurt."

I suspect that is why he has always preferred to try to work out disagreements behind the scenes. It allows both sides to bend, and still keep their dignity.

In 1991, WENDELL's quiet, bipartisan style convinced a Senator from across the aisle, Mark Hatfield, to join him in sponsoring the "Motor Voter" bill. Working together, they convinced the Senate to pass that legislation. To this day, it remains the most ambitious effort Congress has made since the Voting Rights Act to open up the voting booth to more Americans.

WENDELL FORD has served the Bluegrass State as a state senator, lieutenant governor, governor and United States Senator. His love for his fellow Kentuckians is obvious, and it is reciprocated.

In his 1980 Senate race, WENDELL FORD became the first opposed candidate in Kentucky history to carry all 120 counties. In 1992, he received the highest number of votes ever cast for any candidate in his state.

Throughout his years in the Senate, Senator FORD has also been a tenacious fighter for the people of Kentucky. He has also been a leader on aviation issues, a determined foe of government waste and duplication, a champion of campaign finance reform, and—something we are especially grateful for on this side of the aisle—a tireless leader for the Democratic Party.

He chaired the Democratic Senate Campaign Committee for three Congresses, from 1976 through 1982. And, in 1990, Democratic Senators elected him unanimously to be our party whip, our second-in-command, in the Senate—a position he still holds today.

We will miss his raspy and unmistakable voice, his good humor and wise counsel.

Finally, there is JOHN GLENN. What can one say about JOHN GLENN that has not already been said?

In all these 24 years, as hard as he tried to blend in with the rest of us, as hard as he tried to be just a colleague among colleagues, it never quite worked, did it?

I used to think that maybe I was the only one here who still felt awed in his presence. Two years ago, on a flight from China with JOHN and a handful of other Senators and our spouses, I learned that wasn't so.

During the flight, we were able to persuade JOHN to recollect that incredible mission aboard *Friendship 7*, when he became the first American to orbit the Earth. He told us about losing all radio communication during re-entry, about having to guide his spacecraft manually during the most critical point in re-entry, about seeing pieces of his fiberglass heat panel bursting into flames and flying off his space capsule, knowing that at any moment, he could be incinerated.

We all huddled around him with our eyes wide open. No one moved. No one said a word.

Listening to him, I felt the same awe I had felt when I was 14 years old, sitting in a classroom in Aberdeen, South Dakota, watching TV accounts of that flight. Then I looked around me, and realized everyone else there was feeling the same thing.

I saw that same sense of awe in other Senators' faces in June, when we had a dinner for JOHN at the National Air and Space Museum. Before dinner, we were invited to have our photographs taken with John in front of the *Friendship 7* capsule. I don't think I've ever seen so many Senators waiting so patiently for anything as we did for that one picture.

A lot of people tend to think of two JOHN GLENNs: Colonel JOHN GLENN, the astronaut-hero; and Senator JOHN GLENN. The truth is, there is only John GLENN—the patriot.

Love for his country is what sent JOHN into space. It's what brought him to Washington, and compelled him to work so diligently all these years in the Senate.

People who have been there say you see the world differently from space. You see the "big picture." You see how small and interconnected our planet is.

Perhaps it's because he came to the Senate with that perspective that JOHN has fought so hard against nuclear proliferation and other weapons of mass destruction.

Maybe because he'd had enough glamour and tickertape parades by the time he came here, JOHN chose to immerse himself in some decidedly unglamorous causes.

He immersed himself in the scientific and the technical. He looked at government with the eyes of an engineer, and tried to imagine ways it could work better and more efficiently.

As early as 1978, he called for Congress to live by the same workplace

rules it sets for everyone else. More recently, he spearheaded the overhaul of the federal government procurement system, enabling the government to buy products faster, and save money at the same time.

In 1974, the year he was elected to the Senate, JOHN GLENN carried all 88 counties in Ohio. In 1980, he was re-elected with the largest margin in his state's history. The last time he ran, in 1992, he became the first Ohio Senator ever to win 4 terms.

As I said, I'm sure he would have been re-elected had he chosen to run again. But, as we all know, he has other plans.

For 36 years, JOHN GLENN has wanted to go back into space. On October 29, he will finally get his chance. At 77 years old, he will become the oldest human being ever to orbit the earth—by 16 years.

Many of us will be in Houston to see JOHN and his *Discovery* crew mates blast off. If history is any indication, I suspect we will be wide-eyed once again.

In closing, let me say, Godspeed, JOHN GLENN and DALE BUMPERS, WENDELL FORD, DIRK KEMPTHORNE and DAN COATS. You have served this Senate well. You are all "Senators' Senators," and we will miss you dearly.

KOSOVO

Mr. DASCHLE. Mr. President, the closing hours of the 105th Congress are fast approaching. I could not let this Congress end without coming to the Senate floor to address the tragedy in Kosovo. It is a human crisis of immense proportion, and it poses an increasing threat to the United States and the global community.

The last several years have been marked by Yugoslavian President Milosevic's steady escalation of political repression and violence against the people of Kosovo. Acting at Milosevic's behest, Yugoslav forces have driven nearly 400,000 Kosovar Albanians from their homes. Fourteen thousand homes and 400 villages have been razed. Over 700 Kosovar Albanian men, women, and children have been killed.

Within the last several weeks our newspapers have been filled with accounts of atrocities committed by Milosevic's units against scores of unarmed civilians. Among the list of crimes documented by international observers are politically motivated killings; massacres of women, children and elderly persons; torture; arbitrary arrest; detention without cause; denial of fair, public trial; and destruction of private homes.

Further exacerbating this man-made crisis is the fact that winter is fast ap-

proaching, placing at peril the health and well being of tens of thousands of displaced persons who have managed to survive Milosevic's cruelties.

After watching this recent string of atrocities, the international community was compelled to respond. On September 23, the United Nations Security Council adopted a resolution condemning the excessive use of force by Milosevic's thugs and demanding that he cease military actions against civilians, withdraw his security units, facilitate the safe return of refugees and displaced persons to their homes, permit unimpeded access of humanitarian organizations to the people of Kosovo, and engage in meaningful negotiations on Kosovo's final status.

Diplomacy has been and should continue to be a major component of our response to this situation. But we must also acknowledge reality. The reality is that meaningful negotiations toward a settlement of Kosovo's status cannot take place in the current environment. Furthermore, words alone have never been enough to slow Milosevic and his henchmen. This was demonstrated to the world all too painfully in Bosnia. Despite numerous appeals from the international community to end his support for the war in Bosnia, Milosevic repeatedly turned a deaf ear, and the hostilities continued unabated.

It was only after NATO carried out a series of airstrikes against military forces supported by Milosevic that a cease-fire became possible.

The circumstances appear to be similar in Kosovo. And, if Milosevic fails to fully and immediately comply with the terms of the U.N. resolution, I believe the time has come for NATO to respond similarly.

The United States and our NATO allies must be prepared to carry out airstrikes against the Federal Republic of Yugoslavia if such action is determined to be the only means of enforcing the U.N. resolution.

I say this for three reasons. First and foremost, continued repression, violence, and instability in Kosovo directly threaten the national security interests of the United States. Kosovo is a tinderbox in the heart of one of the most unstable and critical regions of the world. Balkan history has clearly demonstrated that a spark in this region can rapidly spread into a blaze that engulfs the world. We have already seen refugee outflows into Albania and Macedonia. Two NATO allies, Greece and Turkey, with their competing regional interests, could easily and quickly get enmeshed in this crisis if it continues and widens.

Second, the credibility of NATO, still our most important alliance, hangs in

the balance. For nearly 50 years, NATO has been the organization most responsible for keeping the peace in Europe. NATO had great success in the years after World War II and the Cold War. Its post-Cold War utility was proven earlier this decade in Bosnia. What NATO does in Kosovo will go a long way toward determining this crucial alliance's role in the 21st century. A strong, unified NATO is still the best insurance policy we have against large-scale conflict in Europe.

Third, as the west's history with Milosevic in Bosnia proves, if words are to have the desired effect on his behavior, they must be backed up with a credible threat to use force. Indeed, our recent experience in Kosovo itself bears this out. In the past week or two, Milosevic has launched an effort to convince the world that he is fully complying with the requirements of the September 23 U.N. resolution. Not surprisingly, this behavior occurred precisely as the specter of NATO military action began to loom over him. In fact, there may only be one way to achieve peace in Kosovo without the use of force. NATO must demonstrate to Milosevic that it is prepared to use force to compel his compliance. This is precisely the policy toward which this Administration and our NATO allies appear to be moving.

Mr. President, in offering my endorsement for this approach, let me be clear. If air operations and missile strikes against the Federal Republic of Yugoslavia are necessary to force Milosevic to the negotiating table, the United States and our NATO allies should demonstrate that we are prepared to pursue that option. Certainly we should not give the Administration a blank check, but we must accept our responsibility as a world leader and acknowledge that stronger measures may be required. The Administration should continue to consult closely with Congress every step of the way as events unfold.

Milosevic's atrocities have gone on too long. It's time for the United States to defend its national interests and help restore peace to this troubled region. It's time for the world to say no to the torture and slaughter of innocent civilians in Kosovo.

RECESS UNTIL 11 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 11 a.m., October 13, 1998.

Thereupon, the Senate, at 6:15 p.m., recessed until Tuesday, October 13, 1998, at 11 a.m.