

school board couldn't get a bond passed to build a new gym for the high school, Jack got to work and found local solutions to the problem. He is a man who doesn't ask what his community can do for him, but instead asks what he can do for the community.

Jack's passion for service without recognition does not go unnoticed. I am proud to honor this man so many call friend, and recognize him for living his daily life in a way that has earned the title of citizen of the year.●

INTERNATIONAL WOMEN'S DAY

Mrs. FEINSTEIN. Mr. President, yesterday, Sunday, March 8th, was commemorated by women around the globe as International Women's Day. I rise today to recognize the importance of this day, and to discuss five issues—the use of rape as an instrument of war; the human rights of women in Afghanistan; international trafficking in women and girls; international family planning; and the Convention on the Elimination of All Forms of Discrimination Against Women—where I believe the United States can and must play a key role in leading the international community's efforts to improve the status of women around the world.

Every day, women around the globe are subject to abuse, violence and discrimination simply because they are women. Whether it is the rape of women in Bosnia and Rwanda as part of a policy of ethnic cleansing, the human rights abuses faced by the women of Afghanistan, or the more subtle forms of discrimination faced daily by women everywhere, the majority of the world's women and girls remain excluded from the prevailing vision of human rights and continue to lack basic legal and fundamental rights.

As we look around the globe, it seems safe to say that U.S. foreign policy does not lack for challenges. Yet, even as we face these other challenges—be it the threat of Saddam Hussein or the threat of an Asian financial crisis—we must also recognize that advancing the status of women is not only the right thing to do, it must be a central part of the foreign policy of the United States.

As I mentioned earlier, as we work to advance this broader agenda there are five areas in particular which I would like to address today: The use of rape as an instrument of war, the situation in Afghanistan, international trafficking in women and girls, international family planning, and the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW).

RAPE AS AN INSTRUMENT OF WAR

The first issue I would like to address today is one which, in recent years, has been of increasing concern to me: The use of rape as an instrument of war.

In all too many places around the world—Bosnia, Rwanda, Afghanistan, to name just three—the last few years have witnessed the regular and system-

atic use of rape and other forms of violent gender discrimination as tactics of war and of "ethnic cleansing." Indeed, in looking at many of the world's ongoing conflicts it sometimes seems as if the use of rape as an instrument of war has become almost commonplace.

While rape by soldiers has long been a brutal reality in time of war, in all too many cases in the past few years it has frequently operated as a weapon of war itself. Soldiers, paramilitaries and militiamen rape and sexually assault women as part of systematic campaigns of ethnic cleansing. In some cases, women have been interned in camps and houses and subjected to repeated rape and sexual assault.

Well, as far as I am concerned rape as a tool of war must never be accepted, and the international community must act—now—to put an end, once and for all, to the use of rape as an instrument of war.

I was pleased when the international war crimes tribunals for both Rwanda and Bosnia issued indictments which, for the first time in history, charged individuals with "grave breaches" of the Geneva Convention and for crimes against humanity for the use of rape as an instrument of war.

I have been sorely disappointed, however, by the repeated failure of the international community—especially in the former Yugoslavia—to see that those who were indicted for perpetrating these crimes are brought to justice.

Estimates are that up to 20,000 women in Yugoslavia were systematically raped as part of a policy of ethnic cleansing and genocide. In Srebrenica, an alleged "safe area," one woman told of Serb soldiers, dressed as UN peacekeepers, who came in a factory where refugees were gathered and dragged away two girls aged 12 and 14 and a 23 year-old woman. After several hours, the three returned. They were crying, naked, and bleeding. One said, "We are not girls anymore."

According to the United Nations Commission of Experts, the victims of rape in Bosnia included girls as young as six and women as old as eighty-one. Many women and girls were subjected to gang rapes while being held in detention camps. And, tragically, for many of the women of ex-Yugoslavia, rape was merely a prelude to further torture and then death.

I am deeply concerned about NATO's failure to arrest all persons indicted for rape and other war crimes in Bosnia and Herzegovina.

By issuing indictments for rape, the international community sent a strong message that there can be no impunity for violence against women in time of war. Yet few of those indicted have so far faced justice. Of the seventy-nine persons indicted for war crimes by the International Criminal Tribunal for the former Yugoslavia (ICTY), 50 remain at large, including twenty-two indicted for rape and sexual assault. Only four indicted suspects charged with rape are in custody.

Successful arrest actions in Prijedor, Vitez and Bijeljina demonstrate that the NATO-led Stabilization Force (SFOR) has both the means and the mandate to apprehend indicted war crimes suspects. While the recent voluntary surrenders by three suspects at the urging of Bosnian Serb Premier Milorad Dodik are encouraging, most indicted suspects in Bosnia reside in areas under the control of Radovan Karadzic and other hardliners, who persist in their refusal to cooperate with the ICTY. Unless NATO arrests those indicted in these areas, it is extremely unlikely that they will ever stand trial.

Ultimately, it is a hollow and cynical gesture to claim outrage over rape as a war crime, issue indictments, but then to act as if the indictments do not merit the commitment or resources to see that those who committed these crimes are, in fact, apprehended and prosecuted.

What kind of nation are we if we can not see to it that the people who practiced rape as an instrument of war are not brought to justice?

I believe the use of rape as an instrument of genocide and ethnic cleansing is a war crime of the highest order. And the failure to assure that those who have been indicted for rape as a war crime are apprehended, extradited, and made to stand trial, does a grave injustice to women around the world.

Indeed, if war criminals indicted for rape are not brought to justice, the international community will have betrayed the legacy of Nuremberg, the victims of the wars that tore Rwanda and Yugoslavia apart, and women world-wide. And we will have set a dangerous precedent that will give encouragement to others elsewhere in the world who may consider the use of rape and genocide as tools of war.

I have repeatedly written the President and Secretary of State calling for stronger international action to see to it that those indicted of war crimes are brought to justice. And last year, along with Senator LAUTENBERG and several of my colleagues, I was proud to co-sponsor the War Crimes Prosecution Facilitation Act of 1997. Today, in commemoration of international women's day, I once again call on the administration and the international community to take strong, forceful, and unmistakable action on this issue.

AFGHANISTAN

Perhaps nowhere in the world today is there a clearer test of our commitment to the cause of women's rights than Afghanistan.

For close to twenty years, Afghanistan has been torn apart by war and bloodshed. More than a million people have died, and much of the capital of Kabul lies in ruins. For women and their families, these events have been a disaster, made worse in recent years by the ascendancy of the Taliban, an extremist militia group which captured Kabul in September 1996 and declared an end to many of the basic human rights of Afghan women.

What some call true Islam, others, including the United Nations General Assembly, say is an abuse of human rights. In Afghanistan today it appears that another tragic chapter in the story of the suppression of women's rights is being written.

The U.S. State Department's 1997 human rights report states:

Women were beaten for violating increasingly restrictive Taliban dress codes, which require women to be covered from head to toe. Women were strictly prohibited from working outside the home, and women and girls were denied the right to an education. Women were forbidden from appearing outside the home unless accompanied by a male family member. Beatings and death resulted from a failure to observe these restrictions.

The women of Afghanistan, who have seen their families destroyed by war, are now having their economic life and their fundamental human rights stripped away, and the violations of Afghan women's basic human rights have pushed an already war-torn and war-weary Afghanistan to the brink of disaster.

When I look at the situation in Afghanistan I am forced to ask: Where is the world's outrage? Fully half of Afghanistan's population cannot work for a living or be educated. Fully half the population of Afghanistan are being systematically denied their basic human rights.

Yet, all too often, the world has responded by issuing mild denunciations and turning away. This is unacceptable. We must act to stop these injustices and to bring peace to Afghanistan.

First, I intend to introduce legislation calling on the administration to create an Afghan Women's Initiative along the lines of the successful Bosnian and Rwandan Women's Initiatives which the administration has created in the past two years. These initiatives have assisted the victims of those wars by promoting the reintegration of women into the economy with an emphasis on capacity-building, training programs, legal assistance, and support for microenterprise projects, as well as refugee reintegration and protection.

The women of Afghanistan could greatly benefit from such an initiative, and I believe that the success of the Bosnian and Rwandan programs can serve as a model for a similar program for the women of Afghanistan, as well as the numerous Afghan women in refugee camps in Pakistan.

Second, I also believe that the international community should investigate the need for a war crimes tribunal to investigate charges of rape and abuse as instruments of the now almost decade-long civil war which has torn Afghanistan apart. Credible charges have been made about the systematic use of rape by several of the factions and parties involved in this struggle, and I believe that these charges must be investigated and, if true, must lead to indictments and trials. I intend to address this issue in forthcoming legislation as well.

Finally, I believe that the United States must be clear and unequivocal in stating that we will not recognize any government in Afghanistan unless it is broad-based, respectful of all Afghans, and respects international norms of behavior in human rights, including the rights of women and girls.

The United States, with our history of commitment to women's rights and equality, must redouble its efforts to place respect for women's rights at the top of the international community's agenda in Afghanistan.

TRAFFICKING OF WOMEN

The third area I would like to address today is a growing problem for women the world over: The forced or coerced trafficking of girls and women for the purpose of sexual exploitation.

The United Nations estimates that every year millions of women become the victims of the fast growing international business of trafficking in women and girls. By capitalizing on poverty, rising unemployment, and the disintegration of social networks, criminal organizations annually make up to \$7 billion on the trafficking and prostitution of approximately 4 million women and girls.

These women come primarily from Eastern Europe and East Asia, accepting offers of lucrative jobs as waitresses, models or dancers in the industrialized world to escape the vice of poverty. Once they arrive, their passports are seized, they are beaten, held captive and forced into prostitution. Traffickers and pimps hold these women in debt bondage, forcing them to work uncompensated as repayment for exaggerated room, board, and travel expenses.

Often times, these victims are given falsified documents or travel on tourist visas, so they have little legal protection. When and if these women are discovered by the police, they are usually treated as illegal aliens and simply deported. Laws against traffickers who engage in forced prostitution, rape, kidnapping, and assault and battery are often not enforced. The women will not testify against traffickers out of fear of retribution, the threat of deportation, and humiliation for their actions.

Without effective enforcement of current laws and the implementation of new laws to protect victims and to prosecute traffickers this trend will continue to grow. Senator WELLSTONE and I will be introducing legislation to provide both more information on trafficking and tougher laws dealing with the illegal trade of women.

INTERNATIONAL FAMILY PLANNING

The fourth issue I would like to touch on today is one which has seen much congressional attention in recent years: U.S. support for international family planning and reproductive health.

The world's population is now nearly 6 billion, and the United Nations projects that the figure could grow to as high as 12 billion by the year 2050. Most of this growth will occur in devel-

oping countries, where there are few resources to provide basic health or education services. If women are to be able to better themselves and their families it is crucial that they be provided the resources to control their reproductive destinies and health.

Under the leadership of both Democratic and Republican Presidents, and under Congresses controlled by Democrats and Republicans alike, the United States has established a long and distinguished record of world leadership on international family planning and reproductive health issues.

Unfortunately, in recent years these programs have come under increasing partisan attack by the anti-choice wing of the Republican party—this despite the fact that no U.S. international family planning funds are spent on international abortion.

Non-governmental organizations which currently receive U.S. government assistance for family planning and reproductive health programs, such as the International Planned Parenthood Federation, spend only a small portion of their own private funds on activities which can be construed as supporting abortion. And U.S. support for the United Nations Fund for Population Activities is likewise segregated to assure that no U.S. funds go to any activities which may support abortion.

Moreover, international family planning programs have experienced significant cuts in funding in recent years. The Senate Foreign Operations bill for Fiscal Year 1998 would reestablish a separate account for population assistance, at a level of \$435 million, and continue the longstanding prohibition against the use of any funds for abortion.

Today, as we mark International Women's Day, I urge my colleagues to recommit themselves to U.S. leadership in international family planning.

CEDAW

Lastly, I would like to turn my attention today to the Convention to Eliminate All Forms of Discrimination Against Women.

The United Nations' adoption of the Universal Declaration of Human Rights in 1948 dramatically focused and increased public awareness of the international human rights agenda. The rights of women—more than half the world's population—however, were not fully recognized as a legitimate problem.

To address this legacy of neglect, the Convention to Eliminate all Forms of Discrimination Against Women (CEDAW) was drafted to organize all existing international standards regarding discrimination on the basis of gender, and to establish rights for women in areas not previously subject to international standards. The United States was an active participant in the drafting of the Convention, and President Carter signed it on July 17, 1980.

After fourteen years of intense scrutiny—scrutiny, in my view, more befitting the technical aspects of an arms

control treaty than a document asserting the fundamental rights of over half the world's population—the State Department sent the treaty to the Senate for ratification in September 1994.

In 1994, by a bipartisan vote, the Foreign Relations Committee recommended with qualifications approval of CEDAW, but acted too late in the session for the treaty to be considered by the full Senate.

Unfortunately, now almost four years later, the Convention continues to languish in the Senate, locked up in the Committee on Foreign Relations. I, along with some of my Senate colleagues, sent a letter last year to Chairman HELMS emphasizing the strong support this Convention has and urging him to report it favorably out of Committee, so that it could be placed before the entire Senate for a vote and ratification. Even though CEDAW contains no provisions in conflict with American laws, no such action has been taken on CEDAW to date.

Currently, 161 countries have ratified the Convention. The United States remains the last of the world's democracies to ratify this fundamental document. Indeed, our failure to ratify CEDAW places us amongst a very small group of countries—including Iran, North Korea, Sudan, and Afghanistan—none of whom are normally put in the same category as the United States on questions of human rights.

As a leader on human rights and women's rights, U.S. ratification of CEDAW will demonstrate U.S. commitment to promoting equality and to protecting women's rights throughout the world. Ratification of CEDAW will send a strong message to the international community that the U.S. understands the challenges faced by discrimination against women, and we will not abide by it.

Today, as we commemorate International Women's Day, I call on my colleagues in the Senate to move forward and ratify CEDAW.

These issues that I have discussed today are not just women's issues. As First Lady Hillary Clinton has said, "Women's rights are human rights and human rights are women's rights." And they merit attention throughout the year, not just on one day.

It is my hope that in the remainder of this session we will prove this commitment to ourselves and the rest of the world. We must ratify CEDAW. We must put a stop to the use of rape as an instrument of war. We must not ignore the gross violations of the human rights of Afghan women. And we must take swift action to curb the trafficking of women and girls. And most importantly, we must lead the world in making it clear that oppression, rape, forced prostitution, and gender discrimination will not be tolerated anywhere.

For too long, and in too many tragic circumstances, we have remained silent, placing women's rights on a second tier of concern in our conduct of

U.S. foreign policy. As we commemorate International Women's Day the U.S., and the international community, must take a strong stand and issue a clear warning to those who attempt to rob women of basic rights that the world's governments will no longer ignore these abuses, or allow them to continue with impunity or without repercussion.

HEALTH INSURANCE STANDARDS: NEW FEDERAL LAW CREATES CHALLENGES FOR CONSUMERS, INSURERS, REGULATORS (GAO/ HEHS 98-67)

• Mr. JEFFORDS. Mr. President, as Chairman of the Labor and Human Resources Committee, I have closely monitored the implementation of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) over the past year to ensure its successful implementation and consistency with legislative intent.

On February 11, 1997, the Committee held its first oversight hearing on proposed HIPAA regulations relating to minimum standards for the access, portability, and renewability of health coverage for both fully insured and self-funded plans. Today, I am releasing a new GAO Report, entitled "Health Insurance Standards: New Federal Law Creates Challenges for Consumers, Insurers, Regulators (GAO/HEHS 98-67)," that examines the HIPAA first year implementation issues and challenges that consumers, issuers of health coverage, state insurance regulators, and federal regulators have faced since HIPAA's passage. The findings of this report will be the focus of a second Labor Committee HIPAA oversight hearing that is scheduled for March 19, 1998.

One of HIPAA's most important features is that it provides people who lose their group insurance coverage with guaranteed access to coverage in the individual market—regardless of their health status. However, the GAO found that the complex nature of the law, as well as, insurance carrier practices, and insurance product pricing have hindered many consumers from benefiting from this provision. Some insurance carriers have charged rates that are 140 to 600 percent of the standard premium to people who lose group coverage, and, thus, effectively discouraging them from obtaining the needed individual health insurance coverage. In addition, HIPAA guarantees access to coverage only if certain eligibility criteria have been met. These criteria include having a minimum of 18 months of prior coverage, the exhaustion of all residual employer coverage, and the application for individual coverage within 63 days of the termination of group coverage. Many consumers are not aware of these requirements and are at risk of forfeiting their right to coverage in the individual market.

Another GAO finding relates to HIPAA's certificate of coverage re-

quirement. Health coverage providers, including employers and insurance carriers, believe that certain HIPAA regulatory provisions create an administrative burden, unanticipated consequences, and the potential for consumer abuse.

Although most insurance issuers comply with the Act by providing the mandated certificate of coverage to individuals terminating their insurance, most believe that the process is costly and unnecessary. They feel it would be more efficient to issue the certificates of coverage only to those who request them. The GAO also examined the guaranteed renewal provision and its relationship to other programs such as Medicare. Once eligible for Medicare, HIPAA does not permit issuers to cancel individual coverage. As a consequence, consumers could be left with more expensive, redundant coverage. In addition, the GAO found that the special enrollment periods for group plan enrollees may create opportunities for consumer abuse. Individuals could switch from plans with large deductibles to those with "first dollar" low deductibles in anticipation of medical expenses. Insurance issuers fear such practices will raise overall costs.

The GAO found that implementing and enforcing HIPAA has been challenging for state insurance regulators due to certain unclear provisions. The provisions cited by the GAO that may need further clarification include those relating to risk-spreading, preexisting conditions, nondiscrimination, and the late enrollee requirements in the group market. The process of clarifying these regulations by the three federal agencies involved in implementing HIPAA (DHHS, DOL and IRS) is ongoing.

The report also confirms that federal regulators have faced an overwhelming, new role under HIPAA. In the five states that have failed to pass the legislation required by HIPAA (CA, MA, MI, RI and MO), the Department of Health and Human Services is now required to act as insurance regulator for certain provisions. The department may also have to play a regulatory role in the District of Columbia and some U.S. territories. Meeting these new state regulatory duties has put a financial burden on the agency. As a result, DHHS has requested an additional \$15.5 million to fund 65 new full time equivalent staff and contractor support for HIPAA related enforcement activities in fiscal year 1999.

Mr. President, this new GAO report updates the progress in implementing the Health Insurance Portability and Accountability Act of 1996 and highlights important areas for additional oversight. Consumers leaving their group coverage are facing barriers to individual coverage. Some issuers of health coverage are concerned about the additional administrative burden of HIPAA and its possible unintended consequences. And there are areas of the law that need further clarification for state regulators. The Department