

## SENATE JOINT RESOLUTION NO. 63

Whereas, Article V of the United States Constitution provides two methods by which the Constitution may be amended: by presentation of an amendment by Congress to the states for ratification and by Constitutional Convention, convened at the request of the state legislatures; and

Whereas, to date, the Constitution has been amended only by means of the first method, with many experts suggesting that a Constitutional Convention contains the inherent danger of altering the Constitution more extensively than the proponents of the Convention might have intended; and

Whereas, by providing both methods of amending the Constitution, the Framers clearly intended to provide a mechanism by which the several states could initiate the Constitutional amendment process but did not anticipate the later reluctance to convene a Constitutional Convention; and

Whereas, House Joint Resolution No. 84, introduced in the 105th Congress by Virginia Congressman Tom Bliley and cosponsored by Virginia Congressman Virgil Goode, proposes a process by which the states could initiate the amending process without the perils of a Constitutional Convention; and

Whereas, under the proposal, "two thirds of the legislatures of the several states may propose an amendment to the Constitution by enacting identical legislation in each such legislature proposing the amendment"; and

Whereas, if two-thirds of the House and Senate did not vote to disapprove of the proposed amendment, it would be submitted to the states for ratification, and upon ratification by three-fourths of the state legislatures, the amendment would become part of the Constitution; and

Whereas, Congressman Bliley's Constitutional Amendment is a reasonable and prudent proposal to provide the states with a means of modifying the Constitution of the United States, thus providing the states an option that the Framers clearly intended; now, therefore, be it

*Resolved* By the Senate, the House of Delegates concurring, That the General Assembly hereby urge the Congress to approve House Joint Resolution No. 84, which proposes an amendment to the United States Constitution to provide a means by which the states can initiate the amendment process without the necessity of a Constitutional Convention; and, be it further

*Resolved*, That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Congressional delegation of Virginia so that they may be apprised of the sense of the General Assembly of Virginia.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, with amendments:

S. 1415: A bill to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

By Mr. STEVENS, from the Committee on Appropriations: Special Report entitled "Allocation to Subcommittees on Budget Totals From the Concurrent Resolution for Fiscal Year 1999" (Rept. 105-191).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources:

Douglas S. Eakeley, of New Jersey, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1999. (Reappointment)

Jeanne Hurley Simon, of Illinois, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2002. (Reappointment)

Cyril Kent McGuire, of New Jersey, to be Assistant Secretary for Educational Research and Improvement, Department of Education.

William James Ivey, of Tennessee, to be Chairperson of the National Endowment for the Arts for a term of four years.

Raymond L. Bramucci, of New Jersey, to be an Assistant Secretary of Labor.

Seth D. Harris, of New York, to be Administrator of the Wage and Hour Division, Department of Labor.

Robert H. Beatty, Jr., of West Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for a term expiring August 30, 2004. (Reappointment)

Thomas Ehrlich, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of five years. (Reappointment)

Dorothy A. Johnson, of Michigan, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of five years.

Rita R. Colwell, of Maryland, to be Director of the National Science Foundation for a term of six years.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SMITH of Oregon (for himself, Mr. HATCH, Mr. GRAMS, Mr. ABRAHAM, Mr. WYDEN, and Mr. HUTCHINSON):

S. 2079. A bill to amend the Internal Revenue Code of 1986 to replace the dependent care credit for children age 5 and under with an increase in the amount of the child tax credit for such children; to the Committee on Finance.

By Mr. HELMS (for himself, Mr. LOTT, Mr. MACK, Mr. GRAHAM, Mr. TORRICELLI, Mr. COVERDELL, Mr. D'AMATO, Mr. REID, Mr. LIEBERMAN, Mr. HATCH, Mr. ROTH, Mr. THURMOND, Mr. NICKLES, Mr. GRASSLEY, Mr. HUTCHISON, Mr. ASHCROFT, Mr. FAIRCLOTH, Mr. INHOFE, Mr. SMITH of New Hampshire, Mr. HOLLINGS, Mr. DEWINE, and Mr. THOMPSON):

S. 2080. A bill to provide for the President to increase support to the democratic opposition in Cuba, to authorize support under the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 for the provision and transport of increased humanitarian assistance directly to the oppressed people of Cuba to help them regain their freedom, and

for other purposes; to the Committee on Foreign Relations.

By Mr. BINGAMAN (for himself, Mr. SANTORUM, and Mr. LIEBERMAN):

S. 2081. A bill to guarantee the long-term national security of the United States by investing in a robust Defense Science and Technology Program; to the Committee on Armed Services.

By Mr. COCHRAN:

S. 2082. A bill to amend chapter 36 of title 39, United States Code, to provide authority to fix rates and fees for domestic and international postal services, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GRASSLEY (for himself and Mr. KOHL):

S. 2083. A bill to provide for Federal class action reform, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. SARBANES, Mr. ROBB, Mr. LAUTENBERG, Mrs. MURRAY, and Mr. GRAHAM):

S. 2084. A bill to amend the Outer Continental Shelf Lands Act to direct the Secretary of the Interior to cease mineral leasing activity on submerged land of the Outer Continental Shelf that is adjacent to a coastal State that has declared a moratorium on mineral exploration, development, or production activity in adjacent State waters; to the Committee on Energy and Natural Resources.

By Mr. HUTCHINSON:

S. 2085. A bill to assist small businesses and labor organizations in defending themselves against Government bureaucracy; to protect the right of employers to have a hearing to present their case in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers; to the Committee on Labor and Human Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself and Mr. SPECTER):

S. Con. Res. 96. A concurrent resolution expressing the sense of Congress that a postage stamp should be issued honoring Oskar Schindler; to the Committee on Governmental Affairs.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH of Oregon (for himself, Mr. HATCH, Mr. GRAMS, Mr. ABRAHAM, Mr. WYDEN, and Mr. HUTCHINSON):

S. 2079. A bill to amend the Internal Revenue Code of 1986 to replace the dependent care credit for children age 5 and under with an increase in the amount of the child tax credit for such children; to the Committee on Finance.

## CHILD TAX CREDIT LEGISLATION

Mr. SMITH of Oregon. Mr. President, colleagues, and ladies and gentlemen, I rise today to introduce legislation to change the Tax Code to put stay-at-home moms and dads on an equal footing with two-income families. My legislation is cosponsored by Senators HATCH, GRAMS, WYDEN, and ABRAHAM. This legislation that we introduce will

increase the current \$500-per-child credit to \$1,500 per child for children up to 6 years of age. This credit would replace the current dependent care tax credit with real money that directly benefits families and restores equality and fairness in child care.

Mr. President, there are many proposals to reduce tax burdens, many of which I wholeheartedly support, such as the elimination of the marriage penalty. But I must confess some frustration that I felt on the night our President gave his State of the Union Address when he spoke at great length about child care. He made a proposal, about \$20 billion worth, that contained many laudable provisions and parts of which I could support. But it contained a very glaring omission, in my view. The Clinton administration policy is both a direct and indirect subsidy to the marketplace day care industry. The administration seeks to help only a small portion of working parents, ruling out those who wish to stay at home to take care of their child and those who do not want to use marketplace day care. Government policy ought not to discriminate in this manner against the best form of child care where the child is taken care of by his or her own parents or family member.

A few months ago Renée Anderson of Medford, OR, sent me an e-mail commenting that government spending will not give tax relief to parents of preschoolers who take care of their own children.

Here is her letter, Mr. President. I ask unanimous consent it be printed in the RECORD.

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

MEDFORD, OR,

March 7, 1998.

Re the President's National Day Care Plan.

DEAR SENATOR GORDON SMITH: Please do all you can to squelch Bill and Hillary Clinton's \$21.7 billion National Day Care Plan.

It is loaded with a number of government-controlled programs.

New spending will not give tax relief to parents of preschoolers who take care of their own children.

Not one penny of relief will help increase the amount of time parents will have available to spend with their children.

This is "day care," not "child care." Child care is something that every family does. Day care is the activity, undertaken out of preference or necessity, that some families choose.

There is a rampant prejudice against stay-at-home parents.

Here's what's at stake: the continued importance of parental care of children and through that care, passing on the values that families hold dear.

Commercial day care is often avoided if at all possible because there is a lack of personalized attention and affection. Plus there is a greater exposure to childhood diseases and many other sicknesses.

Surely this new public policy is very characteristic of today's government arrogance.

I strongly oppose this \$21.7 billion national day care plan. It is an alarming example of government encroachment.

Sincerely,

RENÉE ANDERSON.

Mr. SMITH of Oregon. Renée, like many mothers and fathers, sees most government spending as "day care" and not "child care." Child care, she says, is something that every family does. Day care is the activity undertaken out of either preference or necessity that some families are able to choose or forced to choose.

A recent Wirthlin poll shows that care by a child's own parent or immediate family member is rated as the most desirable form of child care, with child care by a family's mother ranking the highest.

Census Bureau statistics show that many families—nearly half of those with children under 6 years of age—pass up a second income and care for their children themselves, and yet where is the tax relief to help ease the burden of child care expenses for families that choose to take care of their children in their homes? It simply is not there. This legislation will eliminate the current discriminatory tax policy and replace it with one that is fair to all families regardless of the child care choices they make.

I hope many of my colleagues can join in supporting this legislation. I know it competes with many other proposals, but I, frankly, can think of no greater priority that we ought to have than helping mothers and fathers take care of their children, for truly the hand that rocks the cradle is the hand that controls the future. There is no more important responsibility that any of us as mortals undertake than to rear a child. So the Federal Government ought to not get in the way of that but ought to reduce its take and leave more resources to mothers and fathers to leave them at home where they can serve real human and child needs.

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. 2079

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

**SECTION 1. REPLACEMENT OF DEPENDENT CARE CREDIT FOR CHILDREN UNDER AGE 6 WITH INCREASE IN CHILD TAX CREDIT.**

(a) INCREASE IN CHILD TAX CREDIT.—Subsection (a) of section 24 of the Internal Revenue Code of 1986 (relating to child tax credit) is amended by striking "an amount equal to \$500" and all that follows through the period and inserting the following: "an amount equal to—

"(1) \$1,500 in the case of a qualifying child who is 5 years of age or less, and  
 "(2) \$500 in the case of all other qualifying children."

(b) COORDINATION OF DEPENDENT CARE CREDIT.—Section 21 of the Internal Revenue Code of 1986 (relating to expenses for household and dependent care services necessary for gainful employment) is amended by inserting "over the age of 5 and" before "under the age of 13" each place it appears in subsections (b)(1)(A) and (e)(5)(B).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

By Mr. HELMS (for himself, Mr. LOTT, Mr. MACK, Mr. GRAHAM, Mr. TORRICELLI, Mr. COVERDELL, Mr. D'AMATO, Mr. REID, Mr. LIEBERMAN, Mr. HATCH, Mr. ROTH, Mr. THURMOND, Mr. NICKLES, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. ASHCROFT, Mr. FAIRCLOTH, Mr. INHOFE, Mr. SMITH of New Hampshire, Mr. HOLLINGS, Mr. DEWINE, and Mr. THOMPSON):

S. 2080. A bill to provide for the President to increase support to the democratic opposition in Cuba, to authorize support under the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 for the provision and transport of increased humanitarian assistance directly to the oppressed people of Cuba to help them regain their freedom, and for other purposes; to the Committee on Foreign Relations.

THE CUBAN SOLIDARITY ACT OF 1998  
 (SOLIDARIDAD)

Mr. HELMS. Mr. President, immediately upon his return from Cuba, Pope John Paul II gave an audience at the Vatican where he discussed his historic Cuban pilgrimage. While Fidel Castro and others were working hard to distort the purpose of his visit, the Pope was unambiguous about the aims and purposes of his visit in Cuba.

His Holiness said: "I wish for our brothers and sisters on that beautiful island that the fruits of this pilgrimage will be similar to the fruits of that pilgrimage in Poland," referring to his June 1979 visit to his native Poland—a visit which is widely credited with inspiring the Polish people to throw off the shackles of their oppression, and embrace their God-given spiritual and political freedom.

That visit marked the beginning of the end for Poland's communist dictatorship—just as, I believe, the Pope's historic visit to Cuba has marked the beginning of the end of Fidel Castro's despotic rule.

With his Cuban pilgrimage, John Paul II has sown the seeds of spiritual and political liberation in the Cuban mind. The United States must now help the Cuban people to cultivate those seeds of liberation which His Holiness had planted in Cuba—just as the United States worked with him in helping the Polish people in their struggle against communist oppression nearly two decades ago.

That is why today—along with more than 20 of my Senate colleagues—I am introducing legislation that will bring new energy and focus to the U.S. Cuba policy—"The Cuban Solidarity Act of 1998" or "SOLIDARIDAD" Act.

The buttons we are all wearing may look familiar to many watching today. Our buttons bear the logo of the Polish Solidarity movement—but with a Cuban twist. You see, we are calling this legislation the "Cuban Solidarity Act" for a reason. Our goal is to do today for the people of Cuba, what the United States did for the Solidarity

movement in Poland during the 1980s: Give the Cuban people the resources they need to build a free, functioning civil society within the empty shell of Castro's bankrupt communist "revolution."

The Cuban Solidarity Act proposes to authorize \$100 million over four years in U.S. government humanitarian assistance to the Cuban people—donations of food and medicine, to be delivered through the Catholic Church and truly independent relief organizations in Cuba like Caritas.

The legislation we are introducing today will authorize direct humanitarian flights to deliver both private and U.S. government donations to Cuba. And it will mandate a proactive U.S. policy to support the internal opposition in Cuba, just as the U.S. supported the Solidarity movement in Poland during the 1980s.

This legislation is not about the Cuban embargo. It does not tighten the embargo; it does not loosen the embargo. What it does is add a new dimension to the U.S. policy regarding Cuba: With the enactment of this legislation, U.S. policy will no longer be simply to isolate the Castro regime, but to actively support those working to bring about change inside Cuba.

As Secretary of State Madeline Albright recently put it, there are two embargoes in Cuba today: The U.S. embargo on the Castro regime, and Castro's embargo on his own people. We must, Secretary Albright said, maintain the first, while breaking the second.

This legislation is designed to break Fidel Castro's brutal embargo on the Cuban people. The Cuban Solidarity Act has four central objectives:

First, this bill will provide free food and medicine to Cubans most in need—those who cannot possibly afford to buy the necessities of life because they have no access to U.S. dollars.

Second, it will strengthen those institutions delivering this aid by giving them the resources they need to expand their space in Cuba and nurture a nascent civil society on the island.

Third, this bill will undermine the Castro regime's ability to stifle dissent through the denial of work and basic necessities. In Cuba today, anyone who dares to speak out against Castro's despotic rule can lose his or her job (or be thrown in jail) and thus lose their ability to feed their families. This bill will help undermine Castro's ability to maintain social control through deprivation, by helping build alternative sources of food and medicine in Cuba.

And finally, this bill will take away Fidel Castro's excuses, by neutralizing Castro's propaganda which falsely blames the U.S. embargo for the hardships suffered by the Cuban people.

This legislation puts Castro in a no-win situation. There is no way for him to be on the right side of denying the Cuban people access to free food and medicine from the United States.

If Castro allows this food and medicine into Cuba, it will bring relief to

millions of Cubans who cannot afford to buy basic necessities; it will remove his ability to use deprivation as a tool of oppression; and it will help independent institutions create space for themselves in Cuba society.

But if he does not allow the food and medicine in, then 11 million Cubans will know exactly who is responsible for their daily suffering. They will know that the American people wanted to send them \$100 million in food and medicine, but that Castro said "No".

In addition to this humanitarian relief, the Cuban Solidarity Act also instructs the President to take a series of steps intended to hasten the liberation of the Cuban people. Among other provisions:

The bill instructs the President to increase all forms of U.S. government support for "democratic opposition groups in Cuba," who risk life and limb each day to challenge the regime.

The bill also urges the President to seek a U.N. Security Council resolution calling on Fidel Castro to "immediately respect all human rights, free all political prisoners, legalize independent political parties, allow independent trade unions, and conduct freely contested elections."

The Cuban Solidarity Act also calls for creative measures to overcome Castro's blockade on information coming into Cuba instructing the President to commence "freedom broadcasting" through Radio and TV Marti from the U.S. naval base at Guantanamo, and other suitable sites around Cuba.

The bill also requires the Administration to produce a series of reports on the plight of average Cubans, including conditions of human rights, workers' rights, and the apparent policy of coercing abortions among poor, less-educated Cuban women.

And the bill will authorize increased personnel in the Treasury and Commerce Departments to facilitate licenses for American medical sales to Cuba—which have been fully legal since 1992—taking away Castro's excuses for his failure to provide American medicine and medical equipment for his people.

The Cuban Solidarity Act is a bill that could and should be supported by all U.S. Senators, those for the Cuban embargo, and those opposed.

All of us should unite behind a policy of providing free food and medicine to those trapped in Castro's Orwellian economy. I cannot imagine that anyone would disagree with the notion that the United States should bring the same intense commitment to its Cuba policy that made the difference in Poland's struggle with communist tyranny.

Now some have suggested that we should not give the Cuban people free food and medicine—rather, we should sell it to them. My question is this: What exactly will they use to buy this American food and medicine? Soviet rubles?

The Cuban people can't afford to buy American food and medicine! Today, in

Cuba, food and medicine is available everywhere. In Havana, there are bakeries overflowing with fresh bread, pharmacies stocked with Western medicines, grocery stores brimming with foods. But these products are completely out of reach to most Cubans.

Why? Castro allows them to be sold only for dollars, which the vast majority of Cubans don't have. Castro pays them in worthless Cuban pesos. The only Cubans who can afford to shop in these exclusive stores are cronies of the Castro regime, and those few lucky Cubans who get dollars from abroad—or those poor Cuban women and girls who are forced to prostitute themselves to foreign tourists from Canada and Europe in order to survive.

Instead of trading with the Castro regime (and thus subsidizing the brutal state security apparatus which keeps him in power), our call today is: Let us unite to circumvent this monstrous system Castro has built; Let's give food and medicine directly to the Cuban people.

The Cuban Solidarity Act will also encourage and facilitate increased private donations to Cuba. There are many in the private sector who have been enormously generous in their humanitarian efforts for the Cuban people, and we will be encouraging them to redouble their efforts.

But we will also be issuing a challenge to all of our big-hearted friends in the corporate community who have been lobbying to lift the Cuban embargo. Since they claim to have so much concern for the Cuban people, we will be asking them: What are you willing to donate to help suffering Cubans who cannot afford to buy food and medicine for themselves? We'll see if the floodgates of generosity open up, showing corporate America's concern for Cuba's suffering people.

Fidel Castro will never change his stripes. The Cuban Solidarity Act is based on the belief that we must do more than wait for Fidel Castro to die or "get religion." We must do what was done for Lech Walesa and his courageous Polish brothers; that is, we must undertake a proactive policy under which the United States will lend decisive support to the cause of freedom in Cuba.

The Pope's visit planted the seeds of liberation in Cuba. The Cuban Solidarity Act is the American people's way of cultivating those seeds for the benefit of Cubans and freedom-loving people everywhere.

Let's get about it.

Mr. GRAHAM. Mr. President, I am proud to join Senators HELMS, LOTT, MACK, and nearly twenty other Senators in introducing the Cuban Solidarity Act. This bill will capitalize on the historic opportunity provided by Pope John Paul II's visit to Cuba this past January. It provides for \$100 million in humanitarian assistance directly to the Cuban people over four years, and does so in a way that will strengthen

the Catholic Church and other independent organizations in Cuba. We must seize this opportunity to help our Cuban brothers and sisters who have suffered under Castro's brutal rule for far too long.

Communism has collapsed around the world, and the only countries that maintain this economic system—Cuba and North Korea—are crumbling under their own weight. This failed system has created shortages of food and medicine, and Castro has denied the basic freedoms that we take for granted to millions of ordinary Cubans.

In addition to providing humanitarian assistance to Cuba, this bill also directs the administration to expedite the licensing of sales of medicine and medical supplies to Cuba. Since 1992, the embargo has been lifted on the sale of medicines, medical equipment, and medical supplies to Cuba. While Castro continues to claim that the United States is responsible for Cubans' lack of access to much needed medicines, the truth is that we are doing everything we can to ensure that the Cuban people can get the medical supplies denied them by the Castro government.

Pope John Paul II called the world's attention to the suffering of the Cuban people during his visit to Cuba in January. I feel the time is right to make assistance to oppressed Cubans more easily available through organizations such as the Catholic Church and other independent groups. Targeting additional aid in this matter will have three important effects. First, it will provide humanitarian assistance directly to the Cuban people who have suffered under communism. Second, it will strengthen the position of the Catholic Church as a more independent, viable institution in Cuba. Finally, it will help to undermine Castro's policy of denying food and medicine as a means of political control.

Pope John Paul II asked the world to open up to Cuba, and asked Cuba to open itself to the world. This bill will begin that process by providing humanitarian assistance to the Cuban people. We hope that Castro will respond by opening Cuba to the world.

Just yesterday, Cuban Cardinal Ortega expressed concern that the Castro regime was not making an effort to open Cuba to the world—specifically regarding the political prisoners that continue to fill Cuban jails. Four of these political prisoners are in particularly desperate condition—Marta Beatriz Roque, Vladimiro Roca, Felix Bonne, and Rene Gomez Manzano—and Castro has refused appeals by the Pope and Canadian Prime Minister Jean Chretien to release them on humanitarian grounds. In fact, Marta Beatriz Roque is very ill with breast cancer and is being denied medical attention in jail. I hope that these political prisoners, as well as thousands of others, live to see a time when expressing one's political ideas does not mean a death sentence.

This legislation will provide an upwelling of support for the advocates

of freedom and human rights in Cuba. A number of periodic reports on exploitative labor conditions and the plight of political prisoners in Cuba will help bring the world's attention to the reality of Castro's oppression. Democracy efforts in Cuba will be bolstered through pro-active U.S. support for the Cuban opposition. Direct mail delivery from the U.S. to Cuba and additional Radio and TV Marti broadcasts will allow the Cuban people to receive uncensored news from the outside world, breaking Castro's monopoly on the dissemination of information.

Let us not forget that U.S. support for the democracy movements of Eastern Europe helped millions of people there win the freedom to express their ideas, live without fear, and create better lives for their children. We should not turn our backs on the Cuban people now, when they need our help more than ever. The Castro government does not need food and medicine: the Cuban people do. We must ensure that our aid does not go to those who torture and kill. The Cuban Solidarity Act works to give food and medicine to those who are forgotten by Castro's regime—the poor mothers who need prenatal care, the children who need bread and milk, the elderly who die of easily curable diseases.

Mr. President, the 11 million Cubans imprisoned by Castro's reign of terror are counting on us to enact this vital and historic piece of legislation. I hope that all of my colleagues will join Senators HELMS, LOTT, MACK, myself, and nearly twenty others in supporting this effort to provide a lifeline to the Cuban people.

Mr. THURMOND. Mr. President, I rise as an original cosponsor of the Cuban Assistance and Solidarity (SOLIDARIDAD) Act that my distinguished friend and Chairman of the Foreign Relations Committee, Senator HELMS, is introducing today. I commend the Chairman for his leadership on this issue and strongly support him in this endeavor.

The intent of this legislation is very simple \* \* \* to actively assist the repressed Cuban people and those dedicated to ending the regime of Fidel Castro.

This Act will authorize \$100 million in humanitarian assistance over four years for food, medicine, and medical supplies, donated by the U.S. government. In addition, direct flights to deliver this humanitarian aid will be authorized and monitored to ensure that all aid is directly delivered to the Cubans who need it most, those who are unable to afford to make purchases in the Castro controlled dollar-only stores.

Mr. President, this is an important piece of legislation. This bill will eliminate Castro's claims that the U.S. embargo is the cause of the hardships suffered by the Cuban people. It effectively creates a Catch-22 for him. If he allows the aid, he loses his control by deprivation. If he prohibits the aid, he

will no longer be able to prevent the people from receiving food and medicine without the knowledge that he is responsible for their pain and suffering, not the United States.

Further, this bill requires the President to take several timely and appropriate pro-democracy steps regarding Cuba, such as strengthening support for democratic opposition within Cuba; seeking a U.N. Security Council resolution on free elections; beginning "freedom broadcasting" through Radio and TV Marti; producing a series of reports on the plight of average Cubans; authorizing increased personnel to expedite American medical sales licenses; and obtaining the International Court of Justice indictment in the downing of two unarmed planes and the murder of four people in 1996.

Mr. President, I urge all of my colleagues to take a proactive stand for the people of Cuba and support the SOLIDARIDAD Act.

By Mr. BINGAMAN (for himself, Mr. SANTORUM, and Mr. LIEBERMAN):

S. 2081. A bill to guarantee the long-term national security of the United States by investing in a robust Defense Science and Technology Program; to the Committee on Armed Services.

THE NATIONAL DEFENSE SCIENCE AND TECHNOLOGY ACT OF 1998

Mr. BINGAMAN. Mr. President, I am pleased to introduce today the National Defense Science and Technology Investment Act of 1998. In line with the clear bipartisan support for Defense research I am very pleased to be joined by Senator SANTORUM and LIEBERMAN in introducing this important bill.

The National Defense Science and Technology Investment Act of 1998 will lay the fiscal framework for the Defense research needed to achieve, early in the next century, what the Department of Defense call "Full Spectrum Dominance"—the ability of our armed forces to dominate potential adversaries in any conceivable military operation, from humanitarian operations through the highest intensity conflict. The bill creates a plan that would achieve the equivalent of at least a \$9 billion Defense Science and Technology Program budget in today's dollars within the next 10 years—an increase of 16% over today. The bill also sets similar increases for the non-proliferation research of the Department of Energy.

Much of the technology that gave the United States a quick victory with so few casualties in Desert Storm came from DoD's research of the 1960s and 1970s. More Defense research is needed today to prepare for the next century for a number of reasons.

First, as the DoD has noted, the two key enablers of "Full Spectrum Dominance" will be information superiority and technological innovation. The DoD has been the preeminent federal agency funding the disciplines undergirding these enablers, for example, supporting

roughly 80% of the federally sponsored research in electrical engineering, and 50% of that in computer science and mathematics. No other organizations, public or private, can be expected to substitute for the unique role of the DoD in these research areas. Second, the global spread of advanced technology and a nascent revolution in military affairs are creating new threats to the United States which will challenge our ability to achieve Full Spectrum Dominance. These include: information warfare; cheap precise cruise missiles; and the spread of weapons of mass destruction. Finally, we are now in a relatively secure interlude in our international relations, a time when we can afford to work on transforming our military forces. While the world is still a dangerous place, it will be even more dangerous in the future. So now is the time to undertake the Defense research needed to secure our future.

Yet, the DoD's current Science and Technology budget plans do not reflect these realities. The outyear budgets are basically flat in real terms out to 2003, at a level \$200 million lower than 1998's level. This money pays for the research and concept experimentation needed to invent and experiment with new military capabilities. Worse yet, the Department of Energy's budget for non-proliferation research will decline by around 20% in real terms by 2003. Simply put, Mr. President, these budget plans are just not consistent with the vision of Full Spectrum Dominance, the threats on the horizon, and the opportunity we have today.

National Defense Science and Technology Investment Act creates budget plans that are consistent with the vision, threats, and opportunity. Starting with fiscal year 2000, the Act calls on the Secretary of Defense to increase the Defense Science and Technology budget request by at least 2% a year over inflation until fiscal year 2008. The end result will be a Defense Science and Technology budget that reaches at least \$9 billion in today's dollars by 2008, an increase of \$1.2 billion or 16% over today's level. The Department of Energy's non-proliferation research would also increase the same 2% over inflation yearly.

These budget increases are significant for research, yet modest and achievable; they will be an excellent investment. While they may require some shifting of funds within DoD's budget, the total amount shifted will be around half a percent of that total budget over ten years. I am extremely confident that the Secretary of Defense will be able to make this gradual shift in the budget without damaging other priorities. I am also quite sure its something we need to do.

Imagine, if you will, a large company in the most ferociously competitive high tech business in the world—a company that has done very well over the years, but faces downstream a series of new, highly aggressive, innovative and

unpredictable competitors. Would we, as shareholders, say that shifting half a percent of its revenue into research over ten years would be something it couldn't afford to do? No. It would be clear that is something it couldn't afford not to do. I suggest the DoD is in a similar position.

Technological supremacy has been a keystone of America's security strategy since World War II. Supporting that supremacy has been Defense research, one of the highest return investments this nation makes. This coming decade is the time to start increasing this investment in our national security. The National Defense Science and Technology Investment Act of 1998 is a modest approach to making this investment, but one, I am sure, which will yield immodest returns to our military.

Mr. President, I urge my colleagues to join Senators SANTORUM, LIEBERMAN, and myself in support of this important bill.

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

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

S. 2081

*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 "National Defense Science and Technology Investment Act of 1998."

#### SEC. 2. FINDINGS.

The Congress of the United States finds the following:

(1) To provide for the national security of the United States in the 21st century, the U.S. military must be able to dominate the full range of military operations, from humanitarian assistance to full-scale conflict. The keys to achieving this "Full Spectrum Dominance," as described in the Department of Defense's "Joint Vision 2010," are technological innovation and information superiority.

(2) The global spread of advanced technology is transforming the military threats faced by the United States and will challenge our ability to achieve Full Spectrum Dominance. Some of the major technological challenges our military face include information warfare; proliferating weapons of mass destruction; inexpensive, precise, cruise missiles; and increasingly difficult operations in urban environments.

(3) The United States is now in a relatively secure interlude in its international relations, but the future security environment is very uncertain. Thus, now is the time to focus our Defense investments on the research and experimentation needs to meet new and undefined threats and achieve Full Spectrum Dominance.

(4) The Department of Defense has been the preeminent federal agency supporting research in engineering, mathematics, and computer science, and a key supporter of research in the physical and environmental sciences. These disciplines remain critical to achieving information superiority and maintaining technological innovation in our military. The Department of Energy has played a critical role in supporting the research needed to limit the spread of weapons of mass destruction. No other organizations,

public or private, can be expected to substitute for the role of the Department of Defense and Department of Energy in these research areas.

(5) However, the current budget plan for the Defense Science and Technology Program is essentially flat in real terms through fiscal year 2003. The planned budget for nonproliferation science and technology activities at the Department of Energy will decline.

(6) These budget plans are not consistent with the vision of Full Spectrum Dominance, the threats or uncertainties on the horizon, or the opportunity presented by the current state of international relations. The planned level of investment could pose a serious threat to our national security in the next 15 years, given the usual time it takes from the start of Defense research to achieving new military capabilities.

(7) Consequently, the Congress must act to establish a long-term vision for the Defense Science and Technology Program's funding if the United States is to encourage the research and experimentation needed to seize the current opportunity and begin transforming our military to meet the new threats and achieve Full Spectrum Dominance early in the next century.

(8) The Congress must also act to establish a robust long-term vision and funding plan in support of nonproliferation science and technology activities at the Department of Energy.

#### SEC. 3. PURPOSE AND FUNDING REQUIREMENTS.

(a) PURPOSE.—The purpose of this Act is to create a ten-year budget plan to support the disciplines, research, and concept of operations experimentation that will transform our military and reduce the threat from weapons of mass destruction early in the next century.

##### (b) FUNDING REQUIREMENTS.—

(1) DEFENSE SCIENCE AND TECHNOLOGY PROGRAM BUDGET.—For each year from fiscal year 2000 until fiscal year 2008, it shall be an objective of the Secretary of Defense to increase the Defense Science and Technology Program budget by no less than 2.0 percent over inflation greater than the previous fiscal year's budget requests.

(2) NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES BUDGET.—For each year from fiscal year 2000 until fiscal year 2008, it shall be an objective of the Secretary of Energy to increase the budget for nonproliferation science and technology activities by no less than 2.0 percent a year over inflation greater than the previous fiscal year's budget request.

#### SEC. 4. GUIDELINES FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

(a) SYNERGISTIC MANAGEMENT OF RESEARCH AND DEVELOPMENT.—The Secretary of Defense may allocate a combination of funds from Department of Defense 6.1, 6.2, or 6.3 accounts in supporting any individual project or program of the Defense Science and Technology Program.

(b) RELATIONSHIP OF THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM TO COMMERCIAL RESEARCH AND TECHNOLOGY.—

(1) In supporting projects within the Defense Science and Technology Program, the Secretary of Defense shall attempt to leverage commercial research, technology, products, and processes for the benefit of the Department of Defense to the maximum extent practicable.

(2) Funds made available to the Defense Science and Technology Program must only be used to benefit the Department of Defense, which includes—

(A) the development of defense unique technology;

(B) the development of military useful, commercially viable technology; or

(C) the adaption of commercial technology, products, or processes for military purposes.

(C) RELATIONSHIP OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAM TO UNIVERSITY RESEARCH.—The following shall be key objectives of the Defense Science and Technology Program—

(1) the sustainment of research capabilities in scientific and engineering disciplines critical to the Department of Defense;

(2) the education and training of the next generation of scientists and engineers in disciplines relevant to future Defense systems, particularly through the conduct of basic research; and

(3) the continued support of the Defense Experimental Program to Stimulate Competitive Research and research programs at Historically Black Colleges and Universities and Minority Institutions.

#### SEC. 5. DEFINITIONS.

As used in this Act—

(1) DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.—The term “Defense Science and Technology Program” means work funded in Department of Defense accounts 6.1, 6.2, or 6.3; and

(2) NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES.—The term “nonproliferation science and technology activities” means work related to preventing and countering the proliferation of weapons of mass destruction that is funded by the Department of Energy under the following programs and projects of the Department’s Office of Nonproliferation and National Security and Office of Defense Programs:

(A) the Verification and Control Technology program within the Office of Nonproliferation and National Security;

(B) projects under the “Technology and Systems Development” element of the Nuclear Safeguards and Security program within the Office of Nonproliferation and National Security;

(C) projects relating to a national capability to assess the credibility of radiological and extortion threats, or to combat nuclear materials trafficking or terrorism, under the Emergency Management program within the Office of Nonproliferation and National Security;

(D) projects relating to developing or integrating new technology to respond to emergencies and threats involving the presence, or possible presence, of weapons of mass destruction; radiological emergencies; and related terrorist threats, under the Office of Defense Programs; and

(E) program direction costs for the programs and projects funded under subparagraphs (A) through (D).

Mr. LIEBERMAN. Mr. President, I am pleased to introduce, along with Senators BINGAMAN and SANTORUM, the National Defense Science and Technology Investment Act of 1998. I have been concerned for some time now that our investments in defense R&D are not commensurate with the opportunity that new technology developments afford. I recognize, Mr. President, that relative to the procurement budget, defense R&D has fared well in recent years. While the ratio of R&D funding relative to procurement was an appropriate benchmark during the Cold War, I would argue that it is a misleading indicator in the current environment.

We find ourselves in a comparatively peaceful historical interlude in which we face no peer military competitors. How likely is it that this set of cir-

cumstances will last? We don’t know the answer to that question. The future is uncertain and, if history is our guide, will be considerably more dangerous than today. At the same time, the ongoing technology revolution is creating revolutionary new capabilities that will change the nature of warfare itself. These new capabilities would enable our forces to engage an enemy in a coordinated fashion across an entire theater of operations and thereby rapidly and totally dominate the battlespace. By aggressively exploiting the new capabilities that technology has to offer, the U.S. can assure its decisive military superiority over any potential adversary, even with numerically smaller forces than are fielded today. Our ability to realize this vision of the future, however, depends on the research and development we conduct today.

All of the assessments, both internal and external, of our nation’s defense posture concur that we must transform our force structure through greatly accelerated rates of technology insertion. The transformed military force envisioned in, for example, General Shalikashvili’s Joint Vision 2010 requires a much higher level of research, development, prototyping, and testing than we are engaged in today. Our current defense R&D budgets simply don’t support the accelerated rates of technology insertion and integration that these assessments imply.

Mr. President, I realize that our military has many needs today that compete for scarce defense dollars. But we cannot mortgage our future security to short-term demands. Increased funding for our nation’s defense R&D enterprise is essential if we are to realize the vision of a transformed force structure that takes advantage of the new opportunities that the high-tech revolution has to offer. The National Defense Science and Technology Investment Act of 1998 would put us on the path of higher defense R&D budgets by outlining a plan for real increases of 16% over ten years. This is a modest proposal, Mr. President, and one that holds the promise of very significant future returns. I urge my colleagues to join Senator BINGAMAN, SANTORUM, and me and support this important piece of legislation.

By Mr. COCHRAN:

S. 2082. A bill to amend chapter 36 of title 39, United States Code, to provide authority to fix rates and fees for domestic and international postal services, and for other purposes; to the Committee on Governmental Affairs.

THE INTERNATIONAL POSTAL SERVICES ACT OF 1998

Mr. COCHRAN. Mr. President, today I am introducing the International Postal Services Act of 1998. This bill would amend section 3621 of title 39 of the U.S. Code, dealing with the authority of the Board of Governors of the U.S. Postal Service to establish rates and classes of postal services, by sub-

jecting international postal services to review by the Postal Rate Commission.

At present, the Board of Governors’ and Postal Rate Commission’s authority to collect and review Postal Service data on costs, volumes, and revenues extends only to domestic mail. Therefore, the regulators and Congress, and the public, cannot require data to support statements by the Postal Service that international mail is covering its attributable costs.

Allegations have been made that the Postal Service uses its revenues from first class mail to subsidize its international postal services. The Postal Service denies this, and reminds its competitors that the Postal Reorganization Act prohibits the Postal Service from using the revenues from one service to reduce the price of another.

When Congress drafted, and later passed, the postal Reorganization Act of 1970, no specific language was included that would grant the Postal Rate Commission jurisdiction over international postal services—as it was granted for all domestic postal services. I believe this was an oversight by Congress, and I believe it would be best if, for the purposes of establishing classes and rates for mail, international postal services were to be treated the same as domestic postal services are treated.

I invite Senators to consider this proposal and support this effort to bring harmony to the treatment of international and domestic postal services.

By Mr. GRASSLEY (for himself and Mr. KOHL):

S. 2083. A bill to provide for Federal class action reform, and for other purposes; to the Committee on the Judiciary.

THE CLASS ACTION FAIRNESS ACT

Mr. GRASSLEY. Mr. President, I rise today to introduce a bill that will help fight class action lawsuit abuses. This bill, which Senator KOHL and I are introducing today, will go a long way toward ending class action lawsuit abuses where the plaintiffs receive very little and their lawyers receive a whole lot. It will also preserve class action lawsuits as an important toll that bring representation to the unrepresented and result in important discrimination and consumer decisions.

My Judiciary Subcommittee held a hearing last Fall that exposed and discussed the problem of certain class action lawsuit settlements. Let me give you an example of a class action lawsuit settlement that I find particularly disturbing. In an antitrust case settled in the Northern District of Illinois in 1993, the plaintiff class alleged that multiple domestic airlines participated in pricefixing beginning at least as early as January 1, 1988. This pricefixing resulted in plaintiffs paying more for airline tickets that they otherwise would have had to pay.

The settlement in this case gave a coupon book to all of the plaintiffs. These coupons varied in amount and



number, according to how many plane tickets the plaintiffs had purchased. These coupons can be used toward the purchase of future airline tickets. The catch is that the plaintiff still has to pay for the majority of any new airline ticket out of his or her own pocket. This means that only \$10 worth of coupons can be used towards the purchase of a \$100 dollar ticket; up to \$25 worth of coupons can be used towards the purchase of a \$250 ticket; up to \$50 worth of coupons can be used towards the purchase of a \$500 ticket, and so on. In addition, these coupons cannot be used on certain blackout dates, which seem to include all holidays and peak travel times.

The attorneys, interestingly enough, did not get paid in coupons. The plaintiffs' attorneys got paid in cash. They got paid \$16 million dollars in cash. If the coupons were good enough for their clients, I wonder why coupons were not good enough for the lawyers.

Another egregious class action lawsuit settlement was discussed by one of the witnesses in my subcommittee hearing. Ms. Martha Preston was a member of the class in Hoffman versus BancBoston, where some of the plaintiffs received under \$10 dollars each in compensation for their injuries, yet were docked around \$75 or \$90 for attorneys' fees. This means that attorneys that they had never met, who were supposed to be representing their best interests, agreed to a settlement that cost some of the plaintiffs more money than they received in compensation for being wronged.

These lawsuit abuses happen for a number of reasons. One reason is that plaintiffs' lawyers negotiate their own fees as part of the settlement. This can result in distracting lawyers from focussing on their clients' needs, and settling or refusing to settle based on the amount of their own compensation.

During our hearing, evidence was presented that at least one group of plaintiffs' lawyers meets regularly to discuss initiating class action lawsuits. They scan the Federal Register and other publications to get ideas for lawsuits, and only after they have identified the wrong, do they find clients for their lawsuits. Rather than having clients complaining of harms, they find harms first, and then recruit clients with the promise of compensation.

The defendants are not always innocent, though. Plaintiffs' lawyers say that they are approached by lawyers from large corporations who urge them to find a class and sue the corporation. The corporations may use this as a tool to limit their liability. Once this suit is initiated and settled, no member of the class may sue based on that claim. In other words, if a corporation settles a class action lawsuit by paying all class members \$10 as compensation for a faulty car door latch, the plaintiffs can no longer sue for any harm caused by the faulty door latch. This is one way of buying immunity for liability.

The Preliminary Results of the Rand Study of Class Action Litigation states

that, "It is generally agreed that fees drive plaintiffs' attorneys' filing behavior; that defendants' risk aversion in the face of large aggregate exposures drives their settlement behavior. . . . In other words, the problems with class actions flow from incentives that are embedded in the process itself."

The Glassley/Kohl Class Action Fairness Act does the following:

#### PLAIN ENGLISH

Notice of proposed settlements (as well as all class notices) in all class actions must be in clear, easily understood English and must include all material settlement terms, including the amount and source of attorney's fees. One thing that I knew before our hearing, but that witness testimony confirm, is that the notice most plaintiffs receive are written in small print and confusing legal jargon. Even one of the lawyers testifying before my subcommittee said that he couldn't understand the notice he received as a plaintiff in a class action lawsuit. Since plaintiffs are giving up their right to sue, it is imperative that they understand what they are doing and the ramifications of their actions.

#### NOTICE TO STATE ATTORNEYS GENERAL

The Class Action Fairness Act requires that State Attorneys General be notified of any proposed class settlement that would affect residents of their states. The notice give a state AG the opportunity to object if the settlement terms are unfair.

#### ATTORNEYS' FEES BASED ON ACTUAL DAMAGES

Our bill requires that attorney's fees in all class actions must be a reasonable percentage of actual damages and actual costs of complying with the terms of a settlement agreement.

#### REMOVAL OF MULTISTATE CLASS ACTIONS TO FEDERAL COURT

This bill provides that class acting lawsuits may be removed to a federal court by a defendant or unnamed class member if the total damages exceed \$75,000 and parties include citizens from multiple states. Currently, only defendants can seek removal, and only if each name plaintiff has at minimum a \$75,000 claim and complete diversity exists between all named plaintiffs and defendants, even if only one class members is from the same state as a defendant. The bill also eliminates the ability of a lone class action defendant to veto removal, and it forecloses class attorneys from avoiding removal by raising a class action claim for the first time only after the suit already has been pending for a year. Removal still must be sought within 30 days from when there is notice of the class claim.

#### MANDATORY SANCTIONS FOR FRIVOLOUS SUITS.

This section of our bill will reduce frivolous lawsuits by requiring that a violation of Rule 11 of the Federal Rules of Civil Procedure, which penalizes frivolous filings, will require the imposition of sanctions. The nature and extent of sanctions will remain discretionary.

We need this bill. We need this reform. Both plaintiffs and defendants

are calling for reform in his area. This bill is not just procedural reform; this is substantive reform of our courts system. This bill will remove the conflict of interest that lawyers face in class action lawsuits, and ensue the fair settlement of these cases.

Mr. KOHL. Mr. President, Senator GRASSLEY and I today introduce the Class Action Fairness Act of 1998. This legislation addresses a growing problem in class action litigation—too many class lawyers put their self-interest above the best interests of their clients, often resulting in unfair and abusive settlements that shortchange class members while the class lawyers line their pockets with high fees.

Let me share with you just a few disturbing examples.

One of my constituents, Martha Preston of Baraboo, Wisconsin, was an unnamed member of a class action lawsuit against her mortgage company that ended in a settlement. While at first she got four dollars and change in compensation, a few months later her lawyers surreptitiously took \$80—twenty times her compensation—from her escrow account to pay their fees. In total, her lawyers managed to pocket over \$8 million in fees, but never explained that the class—not the defendant—would pay the attorneys' fees. Naturally outraged, she and others sued the class lawyers. Her lawyers turned around and sued her in Alabama—a state she had never visited—and demanded an unbelievable \$25 million. So not only did she lose \$75, she was forced to defend herself from a \$25 million lawsuit.

Class lawyers and defendants often engineer settlements that leave plaintiffs with small discounts or coupons unlikely ever to be used. Meanwhile class lawyers reap big fees based on unduly optimistic valuations. For example, in a settlement of a class action against major airlines, most plaintiffs received less than \$80 in coupons while class attorneys received \$14 million in fees based on a projection that the discounts were worth hundreds of millions. In a suit over faulty computer monitors, class members got \$13 coupons, while class lawyers pocketed \$6 million. And in a class action against Nintendo, plaintiffs received \$5 coupons, while attorneys took almost \$2 million in fees.

Competing federal and state class actions engage in a race to settlement, where the best interests of the class lose out. For example, in one state class action the class lawyers negotiated a small settlement precluding all other suits, and even agreed to settle federal claims that were not at issue in state court. Meanwhile, a federal court found that the federal claims could be worth more than \$1 billion, while accusing the state class lawyers of "hostile representation" that "surpassed inadequacy and sank to the level of subversion;" "vigorous disparagement" of the value of the federal claim in order to sell the settlement to

the state court; and pursuit of self-interest in "getting a fee" that was "more in line with the interests of [defendants] than those of their clients."

Class actions are often filed in state courts that are more likely to certify them without adequately considering whether a class action would be fair to all class members. On several occasions, a state court has certified a class action although federal courts rejected certification of the same case. And in several Alabama state courts, 38 out of 43 classes certified in a three-year period were certified on an ex parte basis, without notice and hearing. One Alabama judge acting ex parte certified 11 class actions last year alone. Comparably, only an estimated 38 class actions were certified in federal court last year (excluding suits against the U.S. and suits brought under federal law). This lack of close scrutiny appears to create a big incentive to file in state court, especially given the recent findings of a Rand study that class actions are increasingly concentrated in state courts.

Class lawyers often manipulate the pleadings in order to avoid removal of state class actions to federal court, even by minimizing the potential claims of class members. For example, state class actions often seek just over \$74,000 in damages per plaintiff and forsake punitive damage claims, in order to avoid the \$75,000 floor that qualifies for federal diversity jurisdiction. Or they defeat the federal requirement of complete diversity by making sure at least one named class member is from the same state as a defendant, even if every other class member is from a different state.

Out-of-state defendants are often hauled into state court to address nationwide class claims, although federal courts are a more appropriate and more efficient forum. For example, an Alabama court is now considering a class action—and could establish a national policy—in a suit brought against the big three automakers on behalf of every American who bought a dual-equipped air bags in the past eight years. The defendants failed in their attempt to remove to federal court based on an application of current diversity law. And, unlike federal courts, states are unable to consolidate multiple class actions that involve the same underlying facts.

These examples show that abuse of the class action system is not only possible, but real. And part of the problem are the incentives and realities created by the current system.

A class action is a lawsuit in which an attorney not only represents an individual plaintiff, but, in addition, seeks relief for all those individuals who suffered a similar injury. For example, a suit brought against a pharmaceutical company by a person suffering from the side effects of a drug can be expanded to cover all individuals who used the drug. A class action claim may proceed only if a court cer-

tifies the class, and certification is permitted only if the class procedure will be fair to all class members. Prospective class members are usually sent notice about the class action, and are presumed to join it, unless they specifically ask to be left out.

Often, these suits are settled. The settlement agreements provide money and/or other forms of compensation. The attorneys who brought the class action also get paid for their work. All class members are notified of the terms of the settlement, and given the chance to object if they don't think the settlement is fair. A court must ultimately approve a settlement agreement.

The vast majority of these suits are brought and settled fairly and in good faith. Unfortunately, the class action system does not adequately protect class members from the few unscrupulous lawyers who are more interested in big attorneys' fees than compensation for their clients, the victims. The primary problem is that the client in a class action is a diffuse group of thousands of individuals scattered across the country, which is incapable of exercising meaningful control over the litigation. As a result, while in theory the class lawyers must be responsive to their clients, the lawyers control all aspects of the litigation.

Moreover, during a class action settlement, the amount of the attorney fee is negotiated between plaintiffs' lawyers and the defendants, just like other terms of the settlement. But in most cases the fees come at the expense of class members—the only party that does not have a seat at the bargaining table.

In addition, defendants may use class action settlements to advance their own interests. A settlement will generally preclude all future claims by class members. So defendants have ample motivation to give class lawyers the fees they want as the price for settling all future liabilities.

In light of the incentives that are driving the parties, it is easy to see how class members are left out in the cold. Class attorneys and corporate defendants sometimes reach agreements that satisfy their respective interests—and even the interests of the named class plaintiffs—but that sell short the interests of any class members who are not vigilantly monitoring the litigation. And although the judge is supposed to determine whether the settlement is fair before approving it, class lawyers and defendants "may even put one over on the court, a staged performance. The lawyers support the settlement to get fees; the defendants support it to evade liability; the court can't vindicate the class's rights because the friendly presentation means that it lacks essential information." *Kamilewicz v. Bank of Boston Corp.*, 100 F.3d 1348, 1352 (Easterbrook, J., dissenting) (7th Cir. 1996).

Although class members get settlement notices and have the opportunity to object, they rarely do so, especially

if they have little at stake. Not only is it expensive to get representation, but also it can be extremely difficult to actually understand what the settlement really does. Settlements are often written in long, finely printed letters with incomprehensible legalese, which even well trained attorneys are hard pressed to understand. And settlements often omit basic information like how much money will go towards attorney's fees, and where that money will come from. In Martha Preston's case, one prominent federal judge found that "the notice not only didn't alert the absent class members to the pending loss but also pulled the wool over the state judge's eyes."

We all know that class actions can result in significant and important benefits for class members and society, and that most class lawyers and most state courts are acting responsibly. Class actions have been used to desegregate racially divided schools, to obtain redress for victims of employment discrimination, and to compensate individuals exposed to toxic chemicals or defective products. Class actions increase access to our civil justice system because they enable people to pursue claims that collectively would otherwise be too expensive to litigate.

The difficulty in any effort to improve a basically good system is weeding out the abuses without causing undue damage. The legislation we propose attempts to do this. It does not limit anyone's ability to file a class action or to settle a class action. It seeks to address the problem in several ways. First, it requires that State attorneys general be notified about proposed class action settlements that would affect residents of their states. With notice, the attorneys general can intervene in cases where they think the settlements are unfair.

Second, the legislation requires that class members be notified of a potential settlement in clear, easily understood English—not legal jargon.

Third, it limits class attorneys' fees to a reasonable percentage of the actual damages received by plaintiffs and the actual costs of complying with settlement agreements. This will deter class lawyers from using inflated values of coupon settlements to reap big fees, even if the settlement doesn't offer much practical value to victims. Some courts have already embraced this standard, which parallels the recent securities reform law.

Fourth, it permits removal to federal court of class actions involving citizens of multiple states, at the request of unnamed class members or defendants. This provision eliminates gaming by class lawyers to keep cases in state court. It reinforces the legitimate role for diversity jurisdiction—to establish the federal courts as the proper forum for lawsuits directly affecting residents from diverse states. Diversity jurisdiction makes little sense if a \$76,000 claim by one out-of-state plaintiff qualifies for federal jurisdiction but a



multimillion dollar class action bundling thousands of \$74,000 claims by out-of-state citizens cannot be brought in federal court, and if remote state courts can make decisions affecting nationwide classes of citizens.

Finally, it amends Rule 11 of the Federal Rules of Civil Procedures to require the imposition of sanctions for filing frivolous lawsuits, although the nature and extent of sanctions remains discretionary. This provision will deter the filing of frivolous class actions.

Let me emphasize the limited scope of this legislation. We do not close the courthouse door to any class action. We do not require that State attorneys general do anything with the notice they receive. We do not deny reasonable fees for class lawyers. And we do not mandate that every class action be brought in federal court. Instead, we simply promote closer and fairer scrutiny of class actions and class settlements.

We are aware that some are critical of provisions in this bill. For example, there is concern that attorneys' fee provision does not adequately address settlements which offer primarily injunctive relief. For this reason, this bill should be viewed as a point of departure, not a final product.

But Mr. President, right now, people across the country can be dragged into lawsuits unaware of their rights and unarmed on the legal battlefield. What our bill does is give regular people back their rights and representation. This measure may not stop all abuses, but it moves us forward. It will help ensure that good people like Martha Preston don't get ripped off.

Mr. President, Senator GRASSLEY and I believe this is a moderate approach to correct the worst abuses, while preserving the benefits of class actions. It is both pro-consumer and pro-defendant. We believe it will make a difference.

By Mrs. BOXER (for herself, Mr. SARBANES, Mr. ROBB, Mr. LAUTENBERG, Mrs. MURRAY, and Mr. GRAHAM):

S. 2084. A bill to amend the Outer Continental Shelf Lands Act to direct the Secretary of the Interior to cease mineral leasing activity on submerged land of the Outer Continental Shelf that is adjacent to a coastal State that has declared a moratorium on mineral exploration, development, or production activity in adjacent State waters; to the Committee on Energy and Natural Resources.

#### THE COASTAL STATES PROTECTION ACT

Mrs. BOXER. Mr. President, today, I am introducing the Coastal States Protection Act—legislation which I also introduced in the 104th Congress. This act will provide necessary protection for the nation's Outer Continental Shelf (OCS) from the adverse effects of offshore oil and gas development by making management of the federal OCS consistent with state-mandated protection of state waters. I am pleased

that Representatives CAPPS and MILLER are introducing the House version of this legislation.

After many years of hard work to prevent further oil drilling in the Outer Continental Shelf (OCS), I am very pleased to see the broad bi-partisan support that now exists for this issue. I began fighting for ocean protection on the Marin County Board of Supervisors, continued during my 10 years in the House of Representatives, and as a United States Senator representing California.

Simply put, my bill says that when a state establishes a drilling moratorium on part or all of its coastal water, that protection would be extended to adjacent federal waters.

It does a state little good to protect its own waters which extend three miles from the coast only to have drilling from four miles to 200 miles in federal waters jeopardizing the entire state's coastline—including the state's protected waters.

An oil spill in federal waters will rapidly foul state beaches, contaminate the nutrient rich ocean floor upon which local fisheries depend, and endanger habitat on state tidelands.

My legislation simply directs the Secretary of Interior to cease leasing activities in federal waters where the state has declared a moratorium on such activities thus coordinating federal protection with state protection.

The bill has a very fundamental philosophy—do no harm to the magnificent coastlines of America and respect state and local laws.

I also want to express my strong support for the current protection of our precious marine resources.

The major portions of fragile California coastline is currently protected from the dangers of oil and gas drilling in offshore waters by several provisions of law. The State has a permanent moratorium on oil and gas leasing, which covers state waters up to three miles out. U.S. waters, up to 200 miles out, have been protected by a succession of one-year leasing and drilling moratoria enacted by Congress each year since 1982.

In addition, in 1990, President George Bush issued a statement directing his Secretary of the Interior to cancel several existing leases and withhold any further leases in California waters for 10 years. With this directive, President Bush showed his commitment to prohibiting offshore drilling in areas where environmental risks outweigh the potential energy benefits to the Nation.

The strongest protection would be a permanent ban on further offshore oil and gas leases in California waters, and I have asked the President to consider this.

California, and the rest of the nation, need a clear statement of coastal policy to provide industries, small businesses, homeowners and fishermen more certainty than can be provided by yearly moratoria. Annual battles over

the moratoria make long-range business planning difficult, divert resources and attention from the real need for national energy security planning, and send confusing signals to both industry and those concerned about the impacts of offshore development.

I understand that some feel that we are losing revenue because of these moratoria. I have two things to say about that. First, the public strongly supports the moratorium. And second, if the oil companies paid the royalties that they currently owe the federal government we could make up for the so-called "lost revenue" caused by the moratorium. Oil companies currently owe the federal government millions upon millions of dollars. It does not make sense to give oil companies access to more federal oil when they are already cheating the American taxpayer out of millions of dollars.

As we celebrate the United Nations Year of the Ocean, we have a prime opportunity to strengthen our commitment to environmental protection by giving Americans a long lasting legacy of coastal protection.

We must recognize that the resources of the lands offshore California, and the rest of the country, are priceless. We must recognize that renewable uses of the ocean and OCS lands are irreplaceable elements of a healthy, growing economy. These moratoria recognize that the real costs of offshore fossil fuel development far outweigh any benefits that might accrue from those activities.

I am very pleased that Senators MURRAY, SARBANES, ROBB, LAUTENBERG, and GRAHAM are original co-sponsors of this legislation.

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. 2084

*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 "Coastal States Protection Act".

#### SEC. 2. STATE MORATORIA ON OFFSHORE MINERAL LEASING.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

(p) STATE MORATORIA.—When there is in effect with respect to lands beneath navigable waters of a coastal State a moratorium on oil, gas, or other mineral exploration, development, or production activities established by statute or by order of the Governor, the Secretary shall not issue a lease for the exploration, development, or production of minerals on submerged lands of the outer Continental Shelf that are seaward of or adjacent to those lands."

Mr. GRAHAM. Mr. President, I am very pleased to join my colleague Senator BOXER in introducing the "Outer Continental Shelf Lands Act." It is a key step forward in Florida's long battle to preserve our beautiful coastal and marine ecosystems.

Floridians oppose offshore oil drilling because it poses a tremendous threat to one of our state's greatest natural and economic resources—our coastal environment. Florida's beaches, fisheries, and wildlife draw millions of tourists each year from around the globe. Tourism directly or indirectly supports millions of jobs all across Florida, and the travel industry generates billions of dollars in economic activity every year.

The Florida coastline boasts some of the richest estuarine areas in the world. These brackish waters, with their mangrove forests and seagrass beds, are an irreplaceable link in the life cycle of many species, both marine and terrestrial. Florida's commercial fishing industry relies on these estuaries because they support the nurseries for the most commercially harvested fish. Perhaps the most environmentally delicate regions in the Gulf, estuaries could be damaged beyond repair by even a relatively small oil spill.

Over the years, we have met with some success in our effort to protect Florida's OCS. In 1995, the lawsuit surrounding the cancellation of the leases around the Florida Keys was settled, removing the immediate threat of oil and gas drilling from what is an extremely sensitive area.

In June of 1997, Senator MACK and I introduced the Florida Coast Protection Act to cancel six leases in an area 17 miles off the coast of Pensacola. This bill would have provided leaseholders with the absolute right to just compensation from the federal government in order to recover their investment in these leases, while simultaneously protecting the Florida coastline that is so critical to our economy.

Luckily, it was never necessary. Less than a week after we introduced our legislation, Mobil Oil announced that it was ending its drilling operation off the Northwest Florida coast and cancelling its exploratory leases. While Mobil's action did not completely eliminate the threats posed by oil and gas drilling, it did mean that the residents of Florida's Gulf Coast faced one fewer environmental catastrophe-in-the-making.

The Florida delegation has also been successful in blocking other attempts to search for energy resources off our state's precious coastline. We've worked—and will continue to work—in a united, bipartisan fashion to maintain the federal moratorium on drilling in sensitive coastal areas.

Mr. President, the bill that Senator BOXER has introduced today will provide further protection to all coastal states that have taken action to prevent offshore oil drilling by issuing a state moratorium on oil, gas, or mineral exploration, development, or production within state waters. Florida will benefit greatly from this bill, and I urge its speedy passage.

By Mr. HUTCHINSON:

S. 2085. A bill to assist small businesses and labor organizations in de-

fending themselves against Government bureaucracy; to protect the right of employers to have a hearing to present their cases in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers; to the Committee on Labor and Human Resources.

THE FAIRNESS FOR SMALL BUSINESS AND  
EMPLOYEES ACT OF 1998

Mr. HUTCHINSON. Mr. President, I am pleased to introduce today an important piece of legislation which would restore fairness to small businesses and their employees in the nation's labor laws, and ensure freedom of choice in the marketplace. "The Fairness for Small Business and Employees Act of 1998" will achieve these goals, and improve fairness in the National Labor Relations Board (NLRB) process.

Small businesses are facing a serious and devastating problem. They are the targets of unethical attempts to manipulate the law in order to injure or destroy the competition. We cannot allow any group with an ulterior and destructive motive to use coercive governmental power just to harass small businesses and their workers.

Frivolous charges cost companies significant time, money, and resources to defend themselves against complaints that have no merit. Small businesses, in particular, need these resources to secure more work opportunities, invest in better equipment, and create more jobs.

The bill I am introducing today consists of three separate small business bills, which I have previously introduced in the Senate: "The Truth in Employment Act," "The Fair Hearing Act," and "The Fair Access to Indemnity and Reimbursement Act (FAIR) Act."

The first provision, "The Truth in Employment Act," remedies the unscrupulous practice of "salting" by amending the National Labor Relations Act (NLRA) to make clear that an employer is not required to hire any person who seeks a job in order to promote interests unrelated to those of the employer. I would point out that the language in no way infringes upon any rights or protections otherwise accorded employees under the NLRA, including the right to organize. This provision would merely alleviate the legal pressures imposed upon employers to hire individuals whose overriding purpose for seeking the job is to disrupt the employer's workplace, or otherwise inflict economic harm designed to put the employer out of business.

The second section, "The Fair Hearing Act," would create a statutory right to a hearing for the employer when there is a dispute regarding the proper bargaining unit of a company with multiple locations. While the NLRB proposal has been "tabled" for now, there is still nothing in the law to assure fairness for employees.

The last provision, "The Fair Access to Indemnity and Reimbursement Act (FAIR) Act," would amend the NLRA to provide that a small business or labor organization which prevails in an action against the NLRB will automatically be allowed to recoup the attorneys' fees and expenses it spends defending itself. Small employers often cannot afford the qualified legal representation necessary to defend themselves against NLRB charges.

Mr. President, it is time to stop the devastating impact of unfair labor law enforcement on small businesses and their employees. Small businesses are truly the backbone of our nation's economy. We must curtail the anti-competitive attacks, and instead help these companies devote time, money, and resources toward productivity, growth, and providing new jobs.

I would urge my fellow Senators to join me in cosponsoring this legislation, and work to pass "The Fairness for Small Business and Employees Act of 1998." The survival of America's small businesses demand that we act.

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. 2085

*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 "Fairness for Small Business and Employees Act of 1998".

**TITLE I—TRUTH IN EMPLOYMENT**

**SEC. 101. FINDINGS.**

Congress makes the following findings:

(1) An atmosphere of trust and civility in labor-management relationships is essential to a productive workplace and a healthy economy.

(2) The tactic of using professional union organizers and agents to infiltrate a targeted employer's workplace, a practice commonly referred to as "salting" has evolved into an aggressive form of harassment not contemplated when the National Labor Relations Act was enacted and threatens the balance of rights which is fundamental to our system of collective bargaining.

(3) Increasingly, union organizers are seeking employment with nonunion employers not because of a desire to work for such employers but primarily to organize the employees of such employers or to inflict economic harm specifically designed to put non-union competitors out of business, or to do both.

(4) While no employer may discriminate against employees based upon the views of employees concerning collective bargaining, an employer should have the right to expect job applicants to be primarily interested in utilizing the skills of the applicants to further the goals of the business of the employer.

**SEC. 102. PURPOSES.**

The purposes of this title are—

(1) to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining;

(2) to preserve the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act; and

(3) to alleviate pressure on employers to hire individuals who seek or gain employment in order to disrupt the workplace of the employer or otherwise inflict economic harm designed to put the employer out of business.

#### SEC. 103. PROTECTION OF EMPLOYER RIGHTS.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended by adding after paragraph (5) the following flush sentence:

"Nothing in this subsection shall be construed as requiring an employer to employ any person who is not a bona fide employee applicant, in that such person seeks or has sought employment with the employer with the primary purpose of furthering another employment or agency status: *Provided*, That this sentence shall not affect the rights and responsibilities under this Act of any employee who is or was a bona fide employee applicant, including the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection."

### TITLE II—FAIR HEARING

#### SEC. 201. FINDINGS.

Congress makes the following findings:

(1) Bargaining unit determinations by their nature require the type of fact-specific analysis that only case-by-case adjudication allows.

(2) The National Labor Relations Board has for decades held hearings to determine the appropriateness of certifying a single location bargaining unit.

(3) The imprecision of a blanket rule limiting the factors considered material to determining the appropriateness of a single location bargaining unit detracts from the National Labor Relations Act's goal of promoting stability in labor relations.

#### SEC. 202. PURPOSE.

The purpose of this title is to ensure that the National Labor Relations Board conducts a hearing process and specific analysis of whether or not a single location bargaining unit is appropriate, given all of the relevant facts and circumstances of a particular case.

#### SEC. 203. REPRESENTATIVES AND ELECTIONS.

Section 9(c) of the National Labor Relations Act (29 U.S.C. 159(c)) is amended by adding at the end the following:

"(6) If a petition for an election requests the Board to certify a unit which includes the employees employed at one or more facilities of a multi-facility employer, and in the absence of an agreement by the parties (stipulation for certification upon consent election or agreement for consent election) regarding the appropriateness of the bargaining unit at issue for purposes of subsection (b), the Board shall provide for a hearing upon due notice to determine the appropriateness of the bargaining unit. In making its determination, the Board shall consider functional integration, centralized control, common skills, functions and working conditions, permanent and temporary employee interchange, geographical separation, local autonomy, the number of employees, bargaining history, and such other factors as the Board considers appropriate."

### TITLE III—ATTORNEYS FEES

#### SEC. 301. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Certain small businesses and labor organizations are at a great disadvantage in terms of expertise and resources when facing actions brought by the National Labor Relations Board.

(2) The attempt to "level the playing field" for small businesses and labor organizations by means of the Equal Access to Justice Act has proven ineffective and has been underutilized by these small entities in their actions before the National Labor Relations Board.

(3) The greater expertise and resources of the National Labor Relations Board as compared with those of small businesses and labor organizations necessitate a standard that awards fees and costs to certain small entities when they prevail against the National Labor Relations Board.

(b) PURPOSE.—It is the purpose of this title—

(1) to ensure that certain small businesses and labor organizations will not be deterred from seeking review of, or defending against, actions brought against them by the National Labor Relations Board because of the expense involved in securing vindication of their rights;

(2) to reduce the disparity in resources and expertise between certain small businesses and labor organizations and the National Labor Relations Board; and

(3) to make the National Labor Relations Board more accountable for its enforcement actions against certain small businesses and labor organizations by awarding fees and costs to these entities when they prevail against the National Labor Relations Board.

#### SEC. 302. AMENDMENT TO NATIONAL LABOR RELATIONS ACT.

The National Labor Relations Act (29 U.S.C. 151 et seq.) is amended by adding at the end the following new section:

##### "AWARDS OF ATTORNEYS' FEES AND COSTS

"SEC. 20. (a) ADMINISTRATIVE PROCEEDINGS.—An employer who, or a labor organization that—

"(1) is the prevailing party in an adversary adjudication conducted by the Board under this or any other Act, and

"(2) had not more than 100 employees and a net worth of not more than \$1,400,000 at the time the adversary adjudication was initiated,

shall be awarded fees and other expenses as a prevailing party under section 504 of title 5, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the Board was substantially justified or special circumstances make an award unjust. For purposes of this subsection, the term 'adversary adjudication' has the meaning given that term in section 504(b)(1)(C) of title 5, United States Code.

"(b) COURT PROCEEDINGS.—An employer who, or a labor organization that—

"(1) is the prevailing party in a civil action, including proceedings for judicial review of agency action by the Board, brought by or against the Board, and

"(2) had not more than 100 employees and a net worth of not more than \$1,400,000 at the time the civil action was filed,

shall be awarded fees and other expenses as a prevailing party under section 2412(d) of title 28, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust. Any appeal of a determination of fees pursuant to subsection (a) or this subsection shall be determined without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust."

#### SEC. 303. APPLICABILITY.

(a) AGENCY PROCEEDINGS.—Subsection (a) of section 20 of the National Labor Relations Act (as added by section 302) applies to agency proceedings commenced on or after the date of the enactment of this Act.

(b) COURT PROCEEDINGS.—Subsection (b) of section 20 of the National Labor Relations Act (as added by section 302) applies to civil actions commenced on or after the date of the enactment of this Act.

### ADDITIONAL COSPONSORS

S. 831

At the request of Mr. SHELBY, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Michigan [Mr. ABRAHAM] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 831, a bill to amend chapter 8 of title 5, United States Code, to provide for congressional review of any rule promulgated by the Internal Revenue Service that increases Federal revenue, and for other purposes.

S. 882

At the request of Mrs. BOXER, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 882, a bill to improve academic and social outcomes for students by providing productive activities during after school hours.

S. 1252

At the request of Mr. GRAHAM, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Louisiana [Mr. BREAUX], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1334

At the request of Mr. BOND, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1392

At the request of Mr. BROWNBACK, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 1392, a bill to provide for offsetting tax cuts whenever there is an elimination of a discretionary spending program.

S. 1677

At the request of Mr. CHAFEE, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1924

At the request of Mr. MACK, the names of the Senator from Washington [Mr. GORTON], the Senator from Maryland [Mr. SARBANES], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 1924, a bill to restore the standards used for determining whether technical workers