

or no attempt to find either the heirs or the owners of these art works. These works have appeared in exhibits numerous times, have been in possession of the most prominent art museums in the world. The process of returning these works of art must be put in the hands of a party that can search for true owners and do so without a worry whether or not they fit neatly into museum collections. After more than 50 years, it is time for justice. And just as we seek that proper accounting from the Swiss bankers, it is time that French museums do the same.

Mr. President, almost 3 weeks ago, I wrote to the French Ambassador, a letter dated April 8, which I will submit for the RECORD and ask unanimous consent that it be printed.

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

U.S. SENATE, COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,

*Washington, DC, April 8, 1997.*

His Excellency FRANCOIS BUJON DE L'ESTANG, Ambassador, The French Embassy, Washington, DC.

DEAR AMBASSADOR BUJON DE L'ESTANG: As you are probably aware the Senate Banking Committee, of which I chair, is currently conducting an investigation into the disposition of heirless assets belonging to victims of the Holocaust. One of the subjects of our investigation is the disposition of artwork looted by the Nazis during the Second World War. It is my understanding that there are currently 1,995 pieces of such artwork in storage in Paris. Could you please provide me with a descriptive list of this artwork. Additionally, could you inform me of the steps your country has taken to identify the rightful owners of these works of art and the numerous dormant French bank accounts belonging to victims of the Holocaust. Thank you for your cooperation in this very important matter.

Sincerely,

ALFONSE D'AMATO,  
Chairman.

Mr. D'AMATO. My office has been in touch with the French Embassy and has been assured of their cooperation repeatedly. I told them I was going to come to the floor today. We called them. We were assured by the Ambassador's secretary, oh, yes, we are going to get you this information.

This is not a great secret. This Justice Ministry report again goes back to 1995. The quotes that I have given you come from this report in terms of the attitude of the museums.

So whether it is "Cliffs at Étretat" or whatever artwork it is that has been stolen and taken illegally, it is time now for a proper accounting. That is what we seek. We will continue to pursue this matter. I hope that the French Ambassador and the French Government would begin to work with us in accommodating justice.

I thank my friends. I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed as if in morning business.

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

#### GROWING INTELLIGENCE BUDGETS

Mr. KERRY. Mr. President, recently our colleague, Senator MOYNIHAN, secured, or maybe not so recently, his FBI file, and it is interesting that in 1961, in a memorandum suggesting a meeting between himself and a then very youthful DANIEL PATRICK MOYNIHAN, J. Edgar Hoover wrote, "I am not going to see this skunk."

Now, the Senator from New York has been called many things, as we all have in the course of our careers, but after considerable amount of reflection I concluded that the only way in which this moniker could stick would clearly be in a way that J. Edgar Hoover did not intend, and that is that the distinguished Senator from New York has long and often been a skunk at the garden party of the intellectually comfortable, challenging our thinking about the status quo.

Most recently, he has brought this very considerable skunk-like presence to the matter of America's intelligence bureaucracy in the post-cold-war era. He has asked why it is that our vast intelligence apparatus, built to sustain America in the long twilight struggle of the cold war continues to grow at an exponential rate? Now that that struggle is over, why is it that our vast intelligence apparatus continues to grow even as Government resources for new and essential priorities fall far short of what is necessary? Why is it that our vast intelligence apparatus continues to roll on even as every other Government bureaucracy is subject to increasing scrutiny and, indeed, to reinvention?

Our colleague's answer is an important one for all of us to reflect on. The answer is secrecy and bureaucracy. It is secrecy that conceals structure, budgets, functions, and critical evaluation from the public, the executive branch and most Members of Congress, including those on appropriate oversight committees. It is bureaucracy, the nature of the self-perpetuating institution like any of our intelligence agencies, that leads to an ongoing redefinition of purpose and ongoing creation of redundant systems and ongoing expansion of scope.

The first component, secrecy, means that the normal active tools of democracy, that is, press scrutiny, public debate, and appropriate oversight from executive and the congressional branches, are absent. And the second component, bureaucracy, means that reform, downsizing, reorganization, and elimination of redundancies cannot come from within because, as the Senator from New York demonstrates, our intelligence apparatus is merely following the norms of all agencies.

This suggests that the intelligence bureaucracy will not, indeed cannot, change until we act on the cultural barriers to reform.

I ask unanimous consent that excerpts of the remarks of our colleague, the senior Senator from New York, at Georgetown University's Marvin H. Bernstein Lecture be printed in the RECORD. I commend this important commentary on the problems of bureaucracy and secrecy to all of my colleagues.

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

#### SECRECY AS GOVERNMENT REGULATION

(By Senator Daniel Patrick Moynihan)

Marver Bernstein was a scholar of great range and authority, but his primary work concerned government regulation, notably his celebrated editorship of Volume 400 of *The Annals: The Government as Regulator*. In that tradition, I would like to consider secrecy as a form of government regulation.

If at times my account appears more anecdotal than analytic, I plead that data is the plural of anecdote.

And so we begin of a morning early in January, 1993, when I paid a farewell call at the White House on George Bush, a fine friend and a fine President. As I was leaving the Oval Office, his redoubtable Chief of Staff James A. Baker, III ran into me, and asked if I might wait for him in his office until he had finished some business with the President. I went down the hall, was served coffee, and awaited his pleasure.

In time he returned to his office, went out, and came back with a small stack of what seemed like magazines. Baker wanted to show me what had become of the morning intelligence summary. That is to say, the National Intelligence Daily, or "NID", which the Central Intelligence Agency had begun back in 1951. It used to be ten or twelve pages long, plain cover, Top Secret. Some three hundred copies were printed. The real stuff, Baker now showed me half a dozen national intelligence dailies from half a dozen national intelligence agencies. Some had photographs on the cover, just like the Washington Post. Some were in color, just like the Washington Times. The Chief of Staff explained it was necessary for him to arrive at dawn to read them all, try to keep in mind what he had already read in the press or seen on television, and prepare a summary for POTUS. As Paul C. Light would have it, government had thickened and heightened; someone now had to summarize the summations.

I left musing about this. I had a passing acquaintance with public administration theory, having been patiently instructed by James Q. Wilson and Stephen Hess. I knew Anthony Downs. Had even spoken to Luther C. Gulick as he approached his 100th birthday in a hamlet on the banks of the St. Lawrence River. I was beginning to be familiar with the new "institutional sociologists" such as Paul DiMaggio, Walter Powell, Howard Aldrich. I had read with great profit the works of Suzanne Weaver and Robert A. Katzmann in the M.I.T. series on Regulatory Bureaucracy. And a common theme was emerging. To cite DiMaggio and Powell, "Organizations are still becoming more homogeneous and bureaucracy remains the common organizational form."

Light calls this "isomorphism." In a 1978 lecture drawing on Wilson, and through him on to the 19th century German sociologist Simmel, I had propounded "The Iron Law of Emulation." Organizations in conflict become like one another. (Simmel had noted that the Persians finally figured out it was best to have Greeks fight Greeks.) The United States Constitution assumed conflict

among the three branches of government; I traced conflict techniques among them ranging from office buildings to personal staffs to foreign travel. Now, however, one's attention was directed to conflict techniques employed by agencies within one branch, the Executive.

The intelligence community called out for attention. Perhaps it was the room I had just left, this southwest corner room in the White House. I was there on the early afternoon of November 22, 1963, awaiting news from Dallas. The door burst open; in rushed Hubert H. Humphrey. "What have they done to us?" he gasped. By "they" we all knew; the Texans, the reactionaries. Later in the day one learned a suspect had been arrested; associated with Fair Play for Cuba. At midnight I met the cabinet plane that had been halfway to Japan. I sought out the Treasury official in charge of the Secret Service. We must get custody of Oswald, I pleaded. Else he will never get out of that jail alive.

After Oswald was shot, I went round in the company of John Macy, head of the Civil Service Commission, pleading that an investigation had to look into the jaws of hell, else we would be living with a conspiracy theory the rest of our lives. I carried with me a recently reprinted book of the post-Civil War era which "proved" that the Jesuits assassinated Lincoln:

"Booth was nothing but the tool of the Jesuits. It was Rome who directed his arm, after corrupting his heart and damning his soul."

And, of course, today something like half of all Americans think the CIA was involved in the assassination of President Kennedy. There is even a Hollywood movie to prove it.

Nor can the historians disprove it. The records are sealed. We have an Assassination Records Review Board that lets some things out; not much. Recently, an eminent author wrote to tell me of a meeting with some CIA officials a few years ago in an effort to get some information on how the agency handled the aftermath of the assassination:

"Surely, I said, the agency has an interest in countering such a widely shared conspiracy theory with the truth. I got . . . blank stares."

In his classic study, *The Torment of Secrecy*, which appeared in 1956, Edward A. Shils defined secrecy as "the compulsory withholding of information, reinforced by the prospect of sanctions for disclosure." But secrets are disclosed all the time, and sanctions for disclosure are rare to the point of being nonexistent. (In the eighty years since the Espionage Act of 1917, only one person has been sent to prison simply for revealing a secret, as against passing material to a foreign power.) In 1995, I was asked to write an introduction to a paperback edition of Shils' work, and came up with the thought that secrecy is a form of government regulation. If this were so, we could look for the patterns those institutional sociologists keep coming up with.

Begin with Max Weber and his chapter, "Bureaucracy" in *Wirtschaft und Gesellschaft* (Economy and Society), published after his death in 1920, but most likely written in part prior to World War I. He writes:

"Every bureaucracy seeks to increase the superiority of the professionally informed by keeping their knowledge and inventions secret. Bureaucratic administration always tends to be an administration of 'secret sessions' in so far as it can, it hides its knowledge and action from criticism.

"The pure interest of the bureaucracy in power, however, is efficacious far beyond those areas where purely functional interests make for secrecy. The concept of the 'official secret' is the specific invention of bureaucracy, and nothing is so fanatically defended

by the bureaucracy as this attitude, which cannot be substantially justified beyond these specifically qualified areas. In facing a parliament, the bureaucracy, out of a sure power instinct, fights every attempt of the parliament to gain knowledge by means of its own experts or from interest groups. The so-called right of parliamentary investigation is one of the means by which parliament seeks such knowledge. Bureaucracy naturally welcomes a poorly informed and hence a powerless parliament—at least in so far as ignorance somehow agrees with the bureaucracy's interests."

The Federal Bureau of Investigation is nearest the "ideal type" of such a bureaucracy, and has the longest experience of the secrecy system that developed in the United States from the moment of our entry into the First World War and the enactment of the Espionage Act of 1917. The system began as a mode of defense against foreign subversion, frequently exploiting the divided loyalties of recent immigrants, and not infrequently stigmatizing an entire class of perfectly loyal citizens. This pattern persisted through the inter-war period, the Second World War, and onto the Cold War. From eminences such as Theodore Roosevelt who in 1917 sounded the warning against "the Hun within," on to the obscenities of the McCarthy era, down to the present when, if I do not mistake, Islamic Americans are going to find themselves under surveillance, as it were.

I offer this proposition. The attempts at subversion were real, but never of truly serious consequence. The one exception was the atomic espionage at Los Alamos. But even that was temporary. Soviet scientists would have developed an atom bomb on their own; as they did a hydrogen bomb. Espionage is intriguing, but data analysis is more rewarding. One thinks of the poster in the headquarters of the Internal Revenue Service. "It Took an Accountant to nail Al Capone." The problem is that in this, as in much else, the American public, and the Congress at time, were led to believe that it took the more secretive FBI.

It happens this is not true, but heaven help anyone who suggested otherwise at mid-century. Or such was my experience. As an aide to Governor Averell Harriman of New York in the 1950s. I became interested in the subject of organized crime after a State Trooper came upon an extraordinary assembly of mob leaders from around the nation that convened in the hamlet of Apalachin in the Southern Tier of New York. I became peripherally involved as a Senate staffer with Robert F. Kennedy, who was pursuing the subject. In July, 1961, I published an article in the *Reporter* magazine entitled, "The Private Government of Crime," in which I argued that from its roots in prohibition, which was a large scale manufacturing and marketing activity, that there was something that could reasonably be termed organized crime, that it was serious, and that we had not found a way of dealing with it. Why, I asked, did American government have so little success in dealing with this phenomenon? My general thesis was that there was insufficient organizational reward. Almost in passing, I noted that the FBI, which had "not hesitated to take on the toughest problems of national security . . . has successfully stayed away from organized crime." It got you nothing but institutional trouble.

By now I had joined the Kennedy administration as an aide to then-Secretary of Labor Arthur J. Goldberg. In a matter of weeks from the publication of the article, the Department of Labor building on Constitution Avenue was literally raided by G-Men. They hit the Secretary's floor in unison, went door to door, told everyone save the hapless au-

thor but including the Secretary himself, that a dangerous person had infiltrated their ranks with the clear implication that he should go. I can't demonstrate this but offer the judgment that at this time in Washington at any other department the person in question would have gone. Hoover had files on everyone, or so it was said. He and Allen Dulles at the CIA were JFK's first announced appointments, rather reappointments.

The Department of Labor was different only insofar as Arthur J. Goldberg was different. On August 2, C.D. "Deke" DeLoach had informed the Secretary that "it would appear to be impossible to deal with Moynihan on a liaison basis in view of his obvious biased opinion regarding the FBI." The Secretary called me in, said: "Pat, you have a problem. Go and explain your point of view to the Director." The next day, DeLoach agreed to see me, but made plain he could barely stand the sight. There is a three-page, single-space memorandum of the meeting in my FBI file, sent to the Director through John Mohr. It concluded:

"Moynihan is an egghead that talks in circles and constantly contradicts himself. He shifts about constantly in his chair and will not look you in the eye. He would be the first so-called 'liberal' that would scream if the FBI overstepped its jurisdiction. He is obviously a phony intellectual that one minute will back down and the next minute strike while our back is turned. I think we made numerous points in our interview with him, however, this man is so much up on 'cloud nine' it is doubtful that his ego will allow logical interpretation of remarks made by other people."

The Director appended a handwritten notation, "I am not going to see this skunk."

I survived: in part, I think, because the agency had no fall-back position. One raid had always done the trick; no Secretary ever asked that a 34-year-old get in to see the Director.

Organizational maintenance is nowhere more manifest, and at times ruinous, than in matters of national security. Hoover was present at this creation during the war hysteria of 1917 and 1918 and the anti-radical rumpus that followed, including Attorney General A. Mitchell Palmer's celebrated raids. The FBI was on to Communist activities fairly early on, and not about to cede territory. Richard Gid Powers has related the struggle with the Office of Strategic Services during World War II—Hoover wanted to go overseas. There were social tensions, as Powers records. "Oh So Social," for the Office of Strategic Services; "Foreign Born Irish," for the FBI.

However, there is another perspective, perhaps best evoked by the tale of British Foreign Secretary Ernest Bevin, sometime head of the Transport and General Workers Union, on his return from the 1945 Potsdam conference. What, he was asked, were the Soviets like? "Why," he replied, "they're just like the bloody Communists!" By contrast, it is quite possible that Harry S. Truman had never met a Communist until he sat down with Stalin at the same conference. Similarly, Hoover may never have met a Communist in his own circles. It was a matter of regionalism, in what was then a much more regional nation. The clandestine activities of the Communist Party of the United States of America were common knowledge within political and intellectual circumstances of Manhattan in the 1930s. They were a given. Such urbanity, if that is not an offensive phrase, was unknown to the ward politics of Kansas City, and equally to the Protestant churches in young Hoover's Seward Square on Capitol Hill.

In this sense, it was as easy for Harry S. Truman to believe that there were no Communists in government as for J. Edgar Hoover to believe they were everywhere. Neither had any experience with a political community in which some persons were Communists, some had been, some had nuanced differences, some implacable hostility. The world, you might say, of Whittaker Chambers. Or, for that matter, the late Albert Shanker, President of the American Federation of Teachers. His February 1997 obituary records his struggle with Communists in the teachers' unions of New York City in the 1950's. Thus: "The anti-Communist Teachers Guild was a weak group of 2,400 members."

In the tumult and torment that followed World War II, it would appear that at first Hoover tried to "warn" Truman of suspected Communists in or about the American government. We have in the Truman Library a four-page letter of May 29, 1946, from the Director to George E. Allen, then head of the Reconstruction Finance Corporation, and a friend of the President, concerning "high Government officials operating an alleged espionage network in Washington, D.C., on behalf of the Soviet Government." Almost everyone of consequence was implicated. First of all, "Under Secretary of State Dean Acheson," "Former Assistant Secretary of War John J. McCloy," "Bureau of the Budget—Paul H. Appleby." It happens I had a slight acquaintance with McCloy, rather more with Acheson, and was close to Appleby. Anyone with the least sense of the Marxist mindset would instantly understand that such men lived in a wholly different world.

There now commenced a tragedy of large consequence and continued portent. On December 20, 1946, Meredith Gardner of the Army Signal Agency across the Potomac "broke" the first of the coded VENONA dispatches sent mainly by the KGB from New York to Moscow. It was dated December 2, 1944. There were names of the principal nuclear physicists working at Los Alamos. Treason most vile had indeed taken place, was still going on, was indeed occurring, even as Acheson and Newman and Marks and others worked at establishing some kind of international post-war regime to control the bomb. They knew well enough that the bomb would not remain a secret long. Science does not keep secrets. But they did not know that the Soviets had got hold of our plans, and in consequence, would get their own bomb two to three years sooner than otherwise, and hence would want no part of an international regime.

They did not know because J. Edgar Hoover did not tell them.

Army Signals decrypted the cables, leaving it to the FBI to identify the individuals designated by code words. Julius Rosenberg was LIBERAL. Another atomic spy, the 19-year-old Harvard graduate Theodore A. Hall, was MLAD (Russian for "youngster").

The National Security Agency has now made public the VENONA decrypts.<sup>8</sup> We never broke more than perhaps 10 percent of the traffic, such is the impenetrability of one-time pads. But all of a sudden, in 1995, the American public learned what we had known.

The awful truth, however, is that when the President of the United States needed to know this, which is to say Harry S. Truman, he was not told.

As best we know, and we never will know until the FBI opens its own files, President Truman was never told of VENONA. Nor it would appear, was Attorney General Tom Clark.

The consequences for American foreign policy were almost wholly negative. The realism about the Soviet Union exemplified by

George Kennan, and embodied in the policies of such as Acheson and McCloy, gave way to an agitated anxiety, rhetorically on the part of Republicans, but as a matter of practice and policy on the part of Democrats. A realist view would have seen the Soviet Union as an absurdly overextended colonial colossus which would collapse one day, essentially along ethnic lines. (What, after all, had happened to the other European empires in the second half of the 20th century!) Instead, Democrats, launched an invasion of Cuba, bringing the world close to a nuclear exchange, and leaving an absurd problem with us to this day. Off we went to Vietnam, quite oblivious to the Russian-Chinese hostilities that broke out at the same time. And so on. In 1974, Donald L. Robinson described this as "The Routinization of Crisis Government." After all, regulatory regimes seek routine!

Part of this disorder may be ascribed to the development of a vast culture of secrecy within the American government which hugely interfered with the free flow of information. The Central Intelligence Agency came into being, rather to the annoyance of the FBI which was slow to cooperate with it. (For that matter, it was not until 1952 that the Pentagon felt comfortable enough with the CIA to share the VENONA decrypts.) Scientists such as Frederick Seitz protested secrecy, but with small success. The problem was that the secrecy was secret. No one knew what was in the NID. And so matters of large import were never really debated.

The most important area was that of the Soviet economy. From the mid-1960s on, the intelligence community perceived the Soviets growing at a considerably greater rate than the United States. Inevitably, a "crossover" point would come when the GDP of the USSR would exceed that of the United States. In fairness, in the early years there were outside economists who seemed to agree, notably Samuelson. But this fell off. In the summer of 1990, Michael J. Boskin, then-chairman of the Council of Economic Advisers, testified before the Senate Foreign Relations Committee on this matter. He estimated that Soviet GNP came to "only about one-third of the GNP of the U.S." He volunteered that "as recently as a few years ago, the CIA estimates were at 51 percent." In a question, I noted that the highest published figure was 59%, but that the secret estimates were even higher. It is hard not to conclude that the Agency had simply acquired an institutional interest in the view that the Soviets were gaining on us. We will debate for some time—say a century—whether the arms build-up, begun by President Carter in the Cold War mode, but continued for some time by President Reagan, somehow "bankrupted" the Soviet Union. But the Cold War did end, and the West did prevail. There cannot be too much fault to be found with this outcome. But surely there are lessons.

The first lesson is that a culture of secrecy kept the nation from learning the extent of Communist subversion in the 1930s and 1940s. (Subversion was present from the first. John Reed was a paid Soviet agent. But it didn't much matter until World War II came in sight.) Unlike the anti-German hysteria of the First World War, and the anti-Japanese hysteria of the Second, concern with Communist subversion from the 1930s into the Cold War was entirely appropriate. Even so, the Soviet success was limited, and was waning by the time we began to be aware of it. (The Soviet threat was another matter; an adversary with nuclear weapons, something wholly new to the human condition.) "The American visage began to cloud over," Shils wrote:

"Secrets were to become our chief reliance just when it was becoming more and more

evident that the Soviet Union had long maintained an active apparatus for espionage in the United States. For a country which had never previously thought of itself as an object of systematic espionage by foreign powers, it was unsettling."

The larger society, Shils continued, was "facing an unprecedented threat to its continuance." In these circumstances, "The phantasies of apocalyptic visionaries now claimed the respectability of being a reasonable interpretation of the real situation." A culture of secrecy took hold within American government which abetted a form of threat analysis which led to all manner of misadventure.

The permanent crisis perceived in Washington was surely overdone.

I offer what follows somewhat as conjecture, but with a measure of conviction. The Soviet Union never intended to invade Western Europe, or generally speaking, engage in a third World War with the West. The leaders in Moscow were, for a while there at least, Marxist-Leninists. That doctrine decreed that class revolution would come regardless. It had been hoped for in 1919-20, again in 1945-48. It hadn't occurred, but it surely would. In the meantime, build socialists at home. Early in the Cold War the United States developed surveillance techniques, beginning with the U-2 "spy plane" and leading on to satellite imagery of today's National Reconnaissance Office.

I conjecture that this technology, and associated underwater devices, gave us first of all the security of knowing we would get a heads up on any serious Soviet preparations for an attack. Not, perhaps, a spasmodic nuclear strike by a crazed commander but anything approaching mobilization of the sort that said to have triggered World War I. (Once one side starts, the other must start, else a five-day advantage prove decisive, etc., etc.)

Similarly, in time, the Soviets had their own satellites: could track NATO forces, the various U.S. Fleets, our bombers and so forth. We never planned to invade the Soviet Union. We were obsessive about the Western Hemisphere: nothing new since Monroe's time. And seemingly incapable of understanding that when an idea dies in Madrid, it takes two generations for word to reach Managua. But never warlike as regards the Soviet Union itself.

A second lesson is less sanguine. The Cold War has bequeathed us a vast secrecy system, which shows no sign of receding. It has become our characteristic mode of governance in the Executive Branch. Intelligence agencies have proliferated; budgets continue to grow, even as the military subsidies. Every day we learn of some new anomaly. As, for example, the Commerce Department employee who took his Top Secret clearance with him to the Democratic National Committee. (Look for the day when it is a mark of institutional prestige to have an honest-to-goodness spy discovered within one's ranks!) In 1995, there were 21,871 "original" Top Secret designations and 374,244 "derivative" designations. Madness.

In the meantime, as old missions fade, the various intelligence agencies seek new ones.

This has been painful to observe. I cannot say I could wish for the return of J. Edgar Hoover, as he thought I was a skunk. But someone needs to learn from Hoover's caution about taking on problematic missions. For example, keep the CIA out of drug trafficking. Stick to terrorism and weapons technology, including, of course, biological weapons. Same for most of the other agencies that now fill up our embassies, turning our ambassadors into room clerks.

And so to sum up. The twentieth century saw the rise of the administrative state.

Government regulation has become the norm. However, we have developed not one, but two regulatory regimes. The first is public regulation for which we developed all manner of disclosure, discovery, and due process. This regime is under constant scrutiny. Thus, the 104th Congress enacted the Congressional Review Act which establishes a sweeping procedure whereby Congress, with Presidential approval, can nullify regulations.

There is, however, a second regulatory regime concealed within a vast bureaucratic complex. There is some Congressional oversight: some Presidential control. Do not overestimate either. Not that the public is excluded altogether, save as bureaucracies or bureaucrats think it to their advantage to make some things public. As, for example, it being budget time, we find on the front pages the report that:

"The Central Intelligence Agency has severed its ties to about 100 foreign agents because they committed murder, torture and other crimes. . . ."

This is surely a welcome development. Although it could be asked why in the first instance public monies were disbursed to murderers, torturers and sundry criminals.

This second regime is in need of radical change. We have sensed this for some time. But I now submit that change will only come if we recognize it as a bureaucratic regime with recognizable and predictable patterns of self-perpetuation which will never respond to mere episodic indignation.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I yield such time as he may need to the sponsor of the bill, the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

#### VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. ASHCROFT. Mr. President, I thank you for this opportunity to spend a few more minutes helping those watching understand exactly what significant opportunities we are talking about with the Family Friendly Workplace Act. It is our effort to try to give to people who are on hourly working arrangements the ability to develop flexible working schedules—to do it in the same way as has been possible for Federal workers so situated for the last—well, during the 1970's, 1980's and into this decade of the 1990's.

The attempt to offer the ability to work flexible schedules is a result of people feeling the stress of the job that tugs them away from their families. In order to understand the true nature of workers' stress and the benefit they would gain from flexible work schedules, I would like to read some letters that have been sent to our office. Here is a letter that says:

DEAR SENATOR ASHCROFT. I'm a 29-year-old working mother. I have a 2-year-old daughter and am pregnant and due in November. I recently heard about your Family Friendly Workplace Act. Under current law where I work does not allow me to have a flexible work schedule. They are not allowed by the

law to let us work less than 40 hours one week and then more than 40 hours the next. In my current condition, I need to be able to take off for doctors' appointments. Due to the fact that I have a complication in my pregnancy, I have more appointments than average. If I was able to take off more one week and work more the next, it would be very helpful to me and other mothers in Missouri.

That is perfectly stated. Here is another letter:

My 2-year-old daughter is healthy but there are some days she needs extra attention and some days that she is sick. Some days she is just 2.

Meaning the terrible 2's, I suppose.

If I was able to take time I need for some mornings and to make it up at lunch or the next week, it would make my life much easier.

Here is another letter:

It's been a struggle for me to be able to arrange for doctor appointments, be home when my child is ill and my three children are always sick at different times. Or when my babysitter has been unable to take my children because of illness. Not all of us have spouses or family members who can fill in for us or when we need to be there for our children. My husband works out of town on many occasions and is unable always to be around when needed.

Working parents are not asking for special favors, just a way to be able to meet the demands of both our jobs and families. The Family Friendly Workplace Act would help solve the problem of inflexibility in the workplace. Being able to arrange biweekly work schedules would be very helpful in meeting the needs of our families. I would be able to take the time off for doctors' appointments or to leave a couple hours early one day if the babysitter calls to tell me my child has a fever. Being able to make that time up the next week would certainly take off a lot of the pressure and the stress of taking these last few hours of leave time or potentially being on leave without pay.

Here is an individual working because they need the money. When a little crisis arises, because flextime is not available, they have to leave the office without pay. She goes on to say:

The option of taking compensatory time in lieu of monetary compensation would also be very valuable to working parents who just need the time off.

Here is another.

Presently I enjoy flexible schedules. The extra day off [I have] during the week allows me to spend one-on-one quality time with my 5-year old daughter. She will start kindergarten this fall, which makes these girls-only days especially meaningful for both of us. Additionally, I can schedule many doctors' appointments as well as other appointments for me and my children on this day off. This allows me to save my accrued sick or vacation leave for a time when I really need the sick leave or can take a well planned family vacation.

As a supervisor, I currently have the flexibility in my schedule from week to week. However, my staff are not given the same opportunity, although many of them would be able to utilize and benefit from it.

Kind of interesting to me. Here is the supervisor that has the flex capacity, says that the staff ought to have the same thing. This is really the crux of what we are talking about in this bill.

My staff are not given this same opportunity although many of them would be able to utilize and benefit from it.

She says:

I am reluctant to exercise this advantage, however, of mine because it seems unfair to me that I have something that my employees do not. I understand that this bill would require that this opportunity be afforded to all employees, not just those in management or supervisory positions.

Here is another letter from a constituent:

Time with my children is very important and, unfortunately, working outside the home is important, too. My children will only be young once, and missing parts of their development is a very important part that I can never replace. I would like to better balance my family life and my work life. And I think the Family Friendly Workplace Act is an excellent opportunity for working parents.

Here is a letter from a schoolteacher:

I ask that you support the bill as I think it would be a great benefit to all citizens in this country. As an educator, I feel that this would allow parents time to be in school with their children. Time and time again, parents relate to me that they cannot come to school for conferences or other meetings because they have to work. This bill would allow some flexibility in the workplace.

Another letter. I think this letter is very interesting. This writer used to be a Federal employee and is now working in the private sector. The individual writes:

I have worked in the Federal Government with a flexible schedule based on 80 hours and enjoyed it."

That means you work an average of 80 hours over 2 weeks.

Now that I have left the Federal work force, I have questioned why this same opportunity is not available to me in the private sector. As an American, this disappoints me greatly. The Government does not have enough confidence in me to allow me to make a decision to not take overtime pay if I exceed 40 hours a week. By pretending to protect me, they have hurt me. My company cannot pay me overtime, so I cannot take time off next week. I would like to see the same benefits that Federal workers have, be offered to the private sector.

Another example is the vacation time, the writer goes on to say:

What I receive in industry isn't near that what the Federal Government provides. Three-day weekends were great while they lasted—even 4-day weekends allowed the family to get away for a short trip, which is about all we can ever afford anyhow, and I still have discretionary time for kids, doctor visits, and other needs.

Here is a letter from a schoolteacher:

As an elementary teacher I feel parents need to have time off to help in their child's classroom and attend conferences. The children have the real benefit of this bill, if it passes, because they will know that their parents really do care about them and their progress in school.

We will have an opportunity to debate and discuss this matter fully. I thank the majority leader, TRENT LOTT, for allowing us to have this time this afternoon to bring this bill forward. It is pretty clear that the supplemental appropriations will take precedence over this bill when we reconvene next week and that budget matters will have priority and be the subject of our