international treaties are ratified they simply become domestic U.S. law. As such, they carry no greater or less weight than any other domestic U.S. law. Treaty obligations can be superceded by a simple act of Congress. This was the intentional design of our founding fathers, who cautioned against entering into ''entangling alliances.''

Thus, when the United States joins a treaty organization, it holds no legal authority over us. We abide by our treaty obligations because they are the domestic law of our land, and because our elected leaders have judged that the agreement serves our national interest. But no treaty or law can ever supercede the one document that all Americans hold sacred: The U.S. Constitution.

The American people do not want the United Nations to become a ''entangling alliance.'' That is why Americans look with alarm at U.N. claims to a monopoly on international moral legitimacy. They see this as a threat to the God-given freedoms of the American people, a claim of political authority over America and its elected leaders without their consent.

The effort to establish a United Nations International Criminal Court is a case-in-point. Consider: the Rome Treaty purports to hold American citizens under its jurisdiction—even when the United States has neither signed nor ratified the treaty. In other words, it claims sovereign authority over American citizens without their consent. How can the nations of the world imagine for one instant that Americans will stand by and allow such a power-grab to take place?

The Court's supporters argue that Americans should be willing to sacrifice some of their sovereignty for the noble cause of international justice. International law did not defeat Hitler, nor did it win the Cold War. What stopped the Nazi march across Europe, and the Communist march across the world, was the principled projection of power by the world's great democracies. And that principled projection of force is the only thing that will ensure the peace and security of the world in the future.

More often than not, ''international law'' has been used as a make-believe justification for hindering the march of freedom. When Ronald Reagan sent American servicemen into harm's way to liberate Grenada from the hands of communist dictatorship, the U.N. General Assembly responded by voting to condemn the action of the elected President of the United States as a violation of international law—and, I am obliged to add, they did so by a larger majority than when Soviet invasion of Afghanistan was condemned by the same General Assembly!

Similarly, the U.S. effort to overthrow Nicaragua's Communist dictatorship (by supporting Nicaragua's freedom fighters and mining Nicaragua's harbors) was declared by the World Court as a violation of international law.

Most recently, we learn that the chief prosecutor of the Yugoslav War Crimes Tribunal has compiled a report on possible NATO war crimes during the Kosovo campaign. At first, the prosecutor declared that it is fully within the scope of her authority to indict NATO pilots and commanders. When news of her report leaked, she backpedaled.

She realized, I am sure, that any attempt to indict NATO commanders would be the death knell for the International Criminal Court. But the very fact that she explored this possibility at all brings to light all that is wrong with this brave new world of global justice, which proposes a system in which independent prosecutors and judges, answerable to no state or institution, have unfettered power to sit in judgment of the foreign policy decisions of Western democracies.

No U.N. institution—not the Security Council, not the Yugoslav tribunal, not a future ICC—is competent to judge the foreign policy and national security decisions of the United States. American courts routinely refuse cases where they are asked to sit in judgment of our government's national security decisions, stating that they are not competent to judge such decisions. If we do not submit our national security decisions to the judgment of a Court of the United States, why would Americans submit them to the judgment of an International Criminal Court, a continent away, comprised of mostly foreign judges elected by an international body made up the membership of the U.N. General Assembly?

Americans distrust concepts like the International Criminal Court, and claims by the U.N. to be the sole source of legitimacy'' for the use of force, because Americans have a profound distrust of accumulated power. Our founding fathers created a government founded on a system of checks and balances, and dispersal of power.

In his 1962 classic, Capitalism and Freedom, the Nobel-prize winning economist Milton Friedman rightly declared: ''[G]overnment power must be dispersed. If government is to exercise power, better in the county than in the state, better in the state than in Washington. [Because] if I do not like what my local community does, I can move to another local community . . . [and] if I do not like what my state does, I can move to another. [But] if I do not like what Washington imposes, I have few alternatives in this world of jealous nations.''

Forty years later, as the U.N. seeks to impose its utopian vision of ''international law'' on Americans, we can add this question: Where do we go when we don't like the ''laws'' of the world? Today, while our friends in Europe concede more and more power upwards to supra-national institutions like the European Union, Americans are heading in precisely the opposite direction. America is in a process of reducing centralized power by taking more and more authority that had been amassed by the Federal government in Washington and referring it to the individual states where it rightly belongs.

This is why Americans reject the idea of a sovereign United Nations that presumes to be the source of legitimacy for the United States Government's policies, foreign or domestic. There is only one source of legitimacy of the American government's policies—and that is the consent of the American people.

If the United Nations is to survive into the 21st century, it must recognize its limitations. The demands of the United States have not changed much since Henry Cabot Lodge laid out his conditions for joining the League of Nations 80 years ago: Americans want to ensure that the United States of America remains the sole judge of its own internal affairs, that the United Nations is not allowed to restrict the individual rights of U.S. citizens, and that the United States retains sole authority over the deployment of United States forces around the world.

This is what Americans ask of the United Nations; it is what Americans expect of the United Nations. A United Nations that focuses on helping sovereign states work together is worth keeping; a United Nations that insists on trying to impose a utopian vision on America and the world will collapse under its own weight.

If the United Nations respects the sovereign rights of the American people, and serves them as an effective tool of diplomacy, it will earn and deserve their respect and support. But a United Nations that seeks to impose its presumed authority on the American people without their consent begs for confrontation and, I want to be candid, eventual U.S. withdrawal.

Thank you very much.

FOREIGN RELATIONS COMMITTEE EVENTS AT THE UNITED NATIONS

Senator Helms scheduled two days of events at the United Nations in New York. On Thursday, January 20, 2000, Senator Helms met with Ambassador Richard Holbrooke, the United States' Permanent Representative to the United Nations. This meeting was followed by a private discussion with United Nations Secretary General Kofi Annan. At the conclusion of the Kofi Annan meeting Senator Helms proceeded to the chamber of the United Nations Security Council where he delivered a speech to the members of the Security Council. In addition to the fifteen members of the Security Council, the speech was attended by representatives of most countries in the United Nations. Senator Helms was later the guest of honor at a luncheon hosted by Ambassador Holbrooke at which Senator Helms and several U.N. ambassadors continued the discussion on United Nations reform and the future of U.S.-U.N. relations.

On Friday, January 21, Senator Helms was joined by four other Senate Foreign Relations Committee members (Senators Biden, Hagel, Grams, and Feingold) and Chairman of the Armed Services Committee, Senator John Warner, for another full day of meetings on U.S.-U.N. relations. The schedule started with a meeting between the Senators and Ambassador Holbrooke. This was followed by a meeting with the Secretary General of the United Nations. The Secretary General was joined by his top deputies responsible for U.N. management and peacekeeping. At the conclusion of the meeting, the Senators attended a luncheon at the United Nations hosted by Ambassador Holbrooke. Representatives of nearly every one of the 188 nations represented at the United Nations were invited, and it appeared that most showed up. The day concluded with an afternoon hearing at which three panels of witnesses spoke on a wide range of issues related to the United Nations including the state of reforms, peacekeeping in the Balkans and Africa, efforts to inspect WMD programs in Iraq, and the U.S.-U.N. relationship.

On Friday evening, a dinner hosted by Mr. Erwin Belk, a U.S. Public Delegate to the United Nations, was held in honor of the U.S. Presidency of the U.N. Security Council during the month of January. The dinner was attended by Senators and many United Nations representatives.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Iowa.

BANKRUPTCY REFORM ACT OF 1999—Continued

Mr. GRASSLEY. As everyone knows, we have started with the new Congress what we hope will be the final 2 days of the bankruptcy bill that we started sometime during the last 2 weeks of the session last year. We hope to finish by next Tuesday or Wednesday. We have the number of amendments down to about nine, with limits on debate on most of those amendments. It looks as if we can see the end of the debate and what I hope will be final passage. I think I can predict final passage because we did pass this legislation with only one or two dissenting votes during

the year of 1998. At that particular time, it was too late in the session to get the bill back to the House before final adjournment, so obviously in 1999 we had to start over again. That is concluding now with the House passing the bill in the middle of last year by a veto-proof margin.

At this point, I will say a few words about how we have thought of the proper role of bankruptcy over the course of our Nation's history. Congress' authority to create bankruptcy legislation derives from the body of the Constitution. Article I, section 8, clause 4, authorizes Congress to establish ''uniform laws on the subject of bankruptcy throughout the United States.''

Until the year 1898, we did not have permanent bankruptcy laws; they were temporary. They were temporary reactions to particular economic problems. With each successive bankruptcy act and each major reform of our Nation's bankruptcy laws, we have refined our concept of how bankruptcy should promote the important social goal of giving honest but unfortunate Americans a fresh start while at the same time we guard against the moral hazard of making bankruptcy too lax. Quite frankly, since 1978 that is exactly what has happened. In the last 6 or 7 years, we have seen an explosion of the number of bankruptcies, from about 700,000 to about 1.4 million.

We do not have solid statistics on this, but hopefully that 100-percent rise in bankruptcies over the last 6 years has leveled off now. We think it has. If it has leveled off, hopefully it will start to decline. Some of that is attributable to our working on this legislation and sending a signal not only to people who are unfortunate and are considering bankruptcy, but to our entire society that Congress is taking a look at this 1978 legislation. The point of that legislation may not have been to make it easier to go into bankruptcy, but that has been the final product of that 1978 legislation. Hence, our reconsideration of that 1978 legislation with the amendments that are in this bill will send a signal to the people of this country that those who have the ability to pay should not be in bankruptcy in the first place. But if they decide to go into bankruptcy, they are not going to get off scot-free. That still retains our social practice, which has been that if they deserve a fresh start, they will still get it.

The bill before us proposes fundamental reforms which are a logical outgrowth and an extension of our prior bankruptcy reform efforts. I am talking about certain reforms that have taken place over the last 102 years. From 1898, which is the start of our permanent bankruptcy legislation, until 1938, consumers had only one way to declare bankruptcy. It was called straight bankruptcy, or chapter 7 bankruptcy. Under chapter 7, which is still in existence, bankrupts surrender some of their assets to the bankruptcy court. The court sells these assets and uses the proceeds to pay creditors. Any deficiency, then, is wiped out, hence the term ''a fresh start.''

In 1932, the President recommended changes to the bankruptcy laws which would push wage earners into repayment plans. Later in the 1930s—and the exact date is 1938—Congress created, then, as a result of this suggestion 8 years before, chapter 13, which permits but does not require a debtor to repay a portion of his or her debts in exchange for limited debt cancellation and protection from debt collection efforts. Chapter 13 is still on the books to this very day, although it has been modified several times, most notably that modification in 1978.

Under current law, the choice between chapter 7 and chapter 13 is entirely voluntary. Since it is entirely voluntary, that is the cause of part of the problems we have now. People who have the ability to repay, who might use chapter 13 of the bankruptcy code as part of their financial planning, try to get into 7 and do not have to go into 13. As a result of not going into 13, they can get off scot-free.

Senators, decades before this Senator, saw a weakness in this. In the late 1960s, there was a distinguished Senator from Tennessee by the name of Albert Gore, Sr. He introduced legislation to push people into repayment plans. This proposal was reported to the Senate as part of a bankruptcy tax bill passed by the Finance Committee, but the Gore amendment ultimately died in the Senate.

Later, in the mid-1980s, Senator Dole and a Congressman from Oklahoma by the name of Mike Synar tried to steer higher income bankrupts—those who could repay some of their debt, those who were going into bankruptcy chapter 7 to get off scot-free—to steer those people to chapter 13. That was a good idea by Senator Dole and Congressman Mike Synar. The efforts of Senator Dole and the Congressman, though, ultimately resulted in the creation of section 707(b). This section gives bankruptcy judges the power to dismiss the bankruptcy case of someone who has filed for chapter 7 bankruptcy if that case is—and these are the words from the law—if that case is a ''substantial abuse'' of the bankruptcy code.

This idea sounds very good and probably was quite a step forward by Senator Dole and Congressman Synar, but it has not worked so well in the real world. First, the term ''substantial abuse'' has not been clearly defined, and its actual meaning is very unclear. Why? Not because of the intent of the authors, but because we have had so many conflicting court cases. The decisions have brought conflicts in this area of the law from different parts of the country, so people are not sure what the rules are.

There is a second reason. Creditors and private trustees are actually forbidden from bringing evidence of abuse to the attention of the bankruptcy judge. I want to think that this was an oversight by Senator Dole and Congressman Synar. Or it may have been part of a necessary compromise at the time to take a small step forward. But it is unreasonable, if you believe there has been a substantial abuse of the bankruptcy code, and going into chapter 7 and, according to the language of the statute, there has been ''substantial abuse,'' that somehow knowledge of that cannot be brought to the attention of a bankruptcy judge by creditors and private trustees.

The bill before our body corrects these two shortcomings. Under this bill, 707(b) now permits creditors and private trustees to file motions and actually bring evidence of chapter 7 abuses to the attention of the bankruptcy judge. This change is very important since creditors have the most to lose from bankruptcy abuse, and, of course, the private trustees are often in the best position to know which cases are abusive in nature. In certain types of cases where the probability of abuse is high, the Department of Justice is also required to bring evidence of abuse to the attention of bankruptcy judges.

Additionally, the bill requires judges to dismiss or convert chapter 7 cases where the debtor has a clear ability to repay his or her debts. Under this bill, if someone who has filed for chapter 7 bankruptcy can repay 25 percent or more of his or her general unsecured debts, or a total of $15,000 over a 5-year period, then a legal presumption arises that this case should be dismissed or converted to a repayment plan under another chapter.

Taken together, these changes will bring the bankruptcy system back into balance. I am sure it is a balance that Senator Dole and Congressman Synar sought in the first instance. Importantly, these changes preserve an element of flexibility so each and every debtor can have his or her special circumstances considered. That is important, as well, as we give some leeway, some flexibility, to the bankruptcy judge when this sort of evidence is brought. This will not put any group of bankrupts in a straitjacket. All of this means then that their unique situation will be taken into account.

As we proceed to consider this bill, I hope my colleagues will keep in mind the balance of this legislation, the fair nature of this legislation, as well as its deep historical roots, not going back, I suppose, to the beginning of our country but, as far as a uniform permanent bankruptcy code, to 1898.

I also think this is a tribute—as the Senator from Vermont spoke about earlier—that we have been working very closely between Republicans and Democrats on crafting a bipartisan measure.

That reminds me again that, as with last fall when we first started consideration of this bill—we are continuing it now because we did not finish it last year—a great deal of credit goes to the Senator from New Jersey, Mr.

TORRICELLI, for his outstanding cooperation with me on this legislation, in addition to Senator LEAHY because as chairman of the subcommittee that handles this legislation, I had to work very closely, and enjoyed working very closely, with Senator TORRICELLI. We introduced the bill together. We got it out of subcommittee together. We got it out of the full committee together. This enjoyed a great deal of bipartisan support in the Senate Judiciary Committee.

Lastly, I just ask my colleagues to come to the floor. We were told that a couple of the authors of these amendments would be prepared to come to the floor this afternoon to debate these amendments and, except for votes, to take care of some of these amendments. I hope my colleagues will come.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I would like to point out a concern I have with a seemingly innocuous, seemingly beneficial, provision contained in the Domenici amendment to S. 625, the Bankruptcy Reform Act of 1999—''Section __68. MODIFICATION OF EXCLUSION FOR EMPLOYER PROVIDED TRANSIT PASSES.'' The goal of the provision—to expand the use of the Federal transit benefit, a ''qualified transportation fringe'' in the vernacular—is admirable, but I fear that the way in which the provision pursues that goal may, in fact, unintentionally undermine the transit benefit.

The employer-provided Federal transit benefit has evolved since its creation within the Deficit Reduction Act of 1984 as a $15 per month ''de minimis'' benefit. After fourteen years of gradual change, 1998's Transportation Equity Act for the 21st Century (TEA–21) codified the benefit as a ''pre-tax'' benefit of up to $65 per month. The cap will increase to $100 in 2002. The ''pre-tax'' aspect was a major reform because it provided an economic incentive—payroll tax savings—for employers to offer the program. Companies would save money by offering a benefit of great utility to their workers while simultaneously removing automobiles from our choked and congested urban streets and highways. It is effective public policy. (As an aside, I should note that a similar pre-tax benefit of $175 per month exists for parking, and so despite all we know about air pollution and the intractable problems of automobile congestion, Congress continues to encourage people to drive. Discouraging perhaps, but we're closing the gap. If one doesn't have thirty years to devote to social policy, one should not get involved!)

Quite consciously, and conscientiously, Congress established a bias in the statute toward the use of vouchers—which employers can distribute to employees—over bona fide cash reimbursement arrangements. We permitted employers to use cash reimbursement arrangements only when a voucher program was not ''readily available.'' We reasoned that because the vouchers could only be used for transit, we would eliminate the need for employees to prove that they were using the tax benefit for the intended purpose. Furthermore, by stipulating that voucher programs are the clear preference of Congress, we are compelling transit authorities to offer better services—monthly farecards, unlimited ride passes, smartcards, et al.—to the multitudes of working Americans who must presently endure all manner of frustrations and indignities during their daily work commute.

While the new law has only been in effect for less than two years, the program is catching on in our large metropolitan areas and should continue to expand. We have been alerted, however, to a legitimate concern of large multistate employers. Several of these companies have noted that establishing voucher programs can be arduous and unwieldy when the companies must craft separate programs in multiple jurisdictions with different transportation authorities. These difficulties, coupled with an expertise in administering cash reimbursement programs, have convinced the companies that bona fide cash reimbursement programs are more practical. Fair enough.

We should, therefore, make it easier for such companies to offer the benefit through cash reimbursement arrangements. While I am committed to that end, I have serious reservations about the repeal of the voucher preference contained in the Domenici amendment.

My main objection is that the U.S. Treasury is currently developing substantiation regulations for the administration of this benefit through cash reimbursement arrangements. These regulations will provide companies with a clear understanding of their obligations in the verification of their employees' transit usage, an understanding which does not exist today. Until these regulations are promulgated, voucher programs offer the only true mechanism of verification—vouchers, unlike cash, are useless unless enjoyed for their intended purpose. The Congress should not take an action that might rapidly increase the use of a tax benefit without the existence of accompanying safeguards to ensue the program's integrity.

I will work with my colleagues on the Finance Committee, with my revered Chairman, and any Senator interested in this issue, to improve the ease with which companies can offer this important benefit to their employees. It is, after all, in our national interest. But I must strongly oppose efforts to repeal the voucher preference until the Treasury establishes a regulatory framework for cash reimbursement. We have been told to expect proposed regulations from the Treasury within the week. We anxiously await their arrival.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business.

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

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METHAMPHETAMINE

Mr. BAUCUS. Mr. President, I rise today to address an issue that is tearing rural communities apart—methamphetamine.

Last week, our Nation's drug czar, Gen. Barry McCaffrey, and his deputy, Dr. Don Vereen, came to Montana to focus on methamphetamine. We met with law enforcement officers, health care professionals, and concerned citizens.

As many of you know, methamphetamine is a powerful and addictive drug. It is considered by many youths to be a casual, soft-core drug with few lasting effects. But, in fact, meth can actually cause more long-term damage to the body than cocaine or crack.

Methamphetamine users are often irritable and aggressive. They have tremors and convulsions, their hearts working overtime to keep up with the frenetic pace set by the drug. Methamphetamine can stop their hearts. It can kill.

The psychological effects of meth use are also severe: Paranoia and hallucinations; memory loss and panic; loss of concentration and depression.

We have all heard these symptoms manifested around the country, particularly in rural America.

Time magazine reported just 2 years ago, in June 1998, on the meth problem faced in Billings, MT. Time found that until 5 years ago, in Billings—Montana's largest city—marijuana and cocaine were the most often used illegal substance of choice. Today, as reported in Time magazine, it is methamphetamine.

In 1998, the number of juveniles charged with drug-related or violent crimes in the Yellowstone County Youth Court rose by 30 percent.

In Lame Deer—that is the community of the Northern Cheyenne Indian Reservation—kids as young as 8 years old have been seen for meth addiction.

Last November in our State, a meth lab blew up in Great Falls, leading to a half dozen arrests.

Sounds like awful stuff, doesn't it? But if it is bad, why is methamphetamine the fastest growing drug in Montana, and particularly over rural America in the last 5 years? Why did meth use among high school seniors more than double from 1990 to 1996?

The short answer is that methamphetamine provides a temporary high, a short-term euphoria; it feels good; in addition, increases alertness. Although the use of the drug later leads to a dulling of the body and mind, its short-term lure is one of enhanced physical and mental prowess.

Workers may use the drug to get through an extra shift, particularly a night shift; it gives them a real high. Young women often use meth to lose weight. It is interesting, but in our State over half of methamphetamine