

MARRIAGE PENALTY TAX

Mr. BROWNBACK. Thank you, Mr. President. I appreciate the Senator from Utah taking the time to explain what we are hoping to go to next, the legislative branch appropriations bill. I hope we can discuss as a part of that legislative branch appropriations bill something that affects 21 million American families and it increases their taxes an average of \$1,400 per family. It was done to them in 1969, the last year that we balanced the budget, until this year, and we have the ability to deal with it now. That is a thing called the marriage penalty, the marriage penalty tax.

I don't know how much of the American public is aware of this tax, but in 1969, there was placed a tax, actually a change in the Tax Code to a point that married couples were taxed more for being married than if they were single. It amounts, on average, to \$1,400 per family. It affects around 21 million American families, and it is wrong.

It is the wrong kind of tax. It is the wrong kind of notion. It is telling people, in the Tax Code, that we are going to penalize you for being married. This is a wrong idea when we are struggling so much in America today with the maintenance of families, with trying to keep families together, when we are trying to say that the foundational units of a civil society is the American family, and then we are saying, "Well, yeah, but we're going to tax you." We send by that signal that we think less of married families.

It is time that we go back and do what we did prior to 1969, and that is not tax married couples more than if they were just single people living together. We were, up until 1969, operating that way, and then in that year, in an attempt to get more revenues into the Federal Government, we put this tax in place, taxing married couples. It is wrong. It is the wrong idea. It is the wrong signal.

It is something that we have the ability to deal with now. The Congressional Budget Office this week stated that over the next 5 years, we will have \$520 billion in surpluses over the next 5 years—\$520 billion in surpluses over the next 5 years, a half a trillion dollars. I just say to my colleagues, my goodness, if we have that resource there, we have families struggling so much, if the foundational unit of a civil society is the family and we are taxing that family more, let's give them a little break.

This is the right vehicle on which to do it. We are talking about funding the legislative shop here, let's help fund the families a little bit. We have the ability to do it, and it will send the right signal. It will send a good signal. It is the time we can send a signal, and we ought to do it, and we ought to do it now.

That is what we were hoping to propose on the legislative branch appropriations bill, to deal with the elimination of the marriage tax penalty for

the working families. This hits mostly families between a combined income of \$20,000 per year to \$75,000 per year. That is the category of families that is hit by this marriage tax penalty.

The amendment that I was going to propose and was sponsored by Senator ASHCROFT and a number of others—Senator INHOFE, Senator SMITH, and I think a lot of my colleagues would join on this amendment—the amendment I was going to put forward does a very simple thing: It just makes the standard deduction the same for married couples as it is for singles.

I don't know how many people recognize this, but currently, if you file single, under the Tax Code, the standard deduction is \$4,150, while the marriage standard deduction is only \$6,900. Our amendment would simply raise the standard deduction for all married couples to \$8,300, precisely double what it currently is for single people, so you don't have this penalty built into the system, so you don't have this signal to the American public that we devalue this institution of marriage. In 1969, and prior to that period of time, we said you get the same if you are married, and then after 1969, we said you don't.

I guess there were a number of reasons this was put into effect in 1969. People were saying, "Well, if you are single versus if you are a couple, you have living expenses that are a little less." If there are two singles versus two people living together in the same place—there are a number, I suppose, of different reasons, but I guess actually at the end of the day, the reason was to get more tax money out of people's pockets. It was done then, and now we are saying let's correct this wrong.

When you ask the American public about this issue—and I raise it quite a bit with people—they think this is a ridiculous tax. We shouldn't be taxing couples more than we tax singles who live together. It just sends a signal that this is not the sort of thing we want to take place today, particularly when you look at what happens to our families across America.

I don't think I need to remind many people about the problems we are having with marriage and with families in this country today. We are having at any one time nearly 50 percent of our children living in a single-headed household, and many of these families struggling heroically to raise a family, but yet we are sending a signal against the family at the same time we do that.

We are also sending it to some of the hardest hit families who struggle the most in the economy today. This tax applies heaviest to families with incomes of between \$20,000 a year and \$75,000 a year. This is a good bracket of folks we are taxing more heavily, and we shouldn't be taxing them more heavily at this point in time.

I direct my colleagues' attention to some of the reports that have been put

out on this issue as well. The Congressional Budget Office did a report about a year ago on this particular issue. They state in their report:

Federal income tax laws generally require that a married couple file a joint tax return based on the combined income of the husband and wife. As a result, husbands and wives with similar incomes usually incur a larger combined tax liability than they would if they could file individually.

This is the opening statement of the CBO.

I ask all of my colleagues, How many of you agree with that tax policy? That is something that the Congress put in place. How many people actually agree with that tax policy? I don't know that there would be anybody who would actually agree with that tax policy, yet it is in place and we have the time, we have the wherewithal, we have the vehicle here funding the legislative branch that we can do this and fund this now. I think it is appropriate that we should do that and take care of something that in 1969—relatively recently—was put in place.

I draw my colleagues' attention to some editorials that have been written on this particular subject. The Indianapolis Star talks about the marriage penalty and that this is something from which we should get away. They have even a pretty nice cartoon about a couple and a car who are just married, and they are hooked to this big anchor, a marriage tax penalty, pulling them back the other way.

Is that the sort of signal we want to send from Congress toward the institution of marriage? I don't think it is.

The Christian Science Monitor: "Bid to Make Tax Policy Friendlier to Marriage." They are saying, "Look, this is something we ought to do."

We have a number of editorials where this was raised across the country.

We are just dealing with one aspect of this. In fact, according to the Joint Economic Committee, in a study on the marriage penalty, the Tax Code contains 66 provisions that can affect a married couple's tax liability. So it is a number of places. We are just getting at one particular feature of it which is that standard deduction. I think there are places we ought to look at overall in doing more in this area. That is the sort of thing that we want to take up—this ridiculous tax—that we want to put forward.

I am hopeful that, with the manager of the bill who has been agreeable to this, we can get the Democrat ranking member to agree that we could bring up this ridiculous tax, and that he would consent to us having a debate, a vote on this particular issue, so we can say to the American public, this is something that is pretty important, and we can do this now, particularly since the CBO said we have the wherewithal to get this done.

So I plead with my Democrat colleagues, let us bring this up. A marriage tax penalty is something important—

Mr. FORD. Will the Senator yield?

Mr. BROWNBACK. If I can regain the floor, yes.

Mr. FORD. We do have a marriage bonus that is now for the upper income. The marriage bonus, you know, is quite lucrative. I have a bill to eliminate the marriage penalty also. So I am basically agreeing with what you are trying to do. But when I started developing this, I found out we had a marriage bonus. If we eliminate the marriage bonus, eliminate the marriage penalty, we will come out with a surplus of about \$4 billion over the next 5 years.

Is the Senator willing to do something along that line?

Mr. BROWNBACK. I am not interested in raising taxes at the point in time of the American public is—

Mr. FORD. We are not raising taxes.

Mr. BROWNBACK. It would be raising taxes on a certain group of people. If you are saying, let us do away with this particular bonus, I do not have any problem giving bonuses to people who are married. I think this is a good institution that we ought to be supporting. I am not interested in raising taxes on anybody, particularly people who are married.

I think that is not the way we ought to be going, particularly with the kind of money that we have flowing into the Treasury, and particularly with the American public being taxed at roughly 40 percent of their income annually. They are taxed to the max. And then we add on top of that—to working families—the marriage penalty. The tax repeal I am talking about applies to families that make a combined income between \$20,000 a year and \$75,000 a year. And that is the one that I want to pull off. And I hope that—

Mr. FORD. I understand where the Senator is coming from. I also agree because I have a similar bill. It is at the table. But it seems like, to me, that we want to be fair to everyone. If you are going to be fair to everyone, you ought to be paying about the same. The bonus is nice to have, I understand. But some are eligible over the \$75,000 for a bonus. We ought to be trying to help those under \$75,000. I think we could equalize the tax situation, do both of the things that you and I would like to do.

I thank the Senator for yielding.

Mr. BROWNBACK. I would be agreeable to my colleague bringing his bill up on this bill if it will allow us to bring this one up on this bill. I would be agreeable to him putting that forward. That would be fine with me. I will not be voting with you on it because I just am not interested in taxing marriages more. But I would—

Mr. FORD. Mr. President, I understand it is: "My way or nothing." Probably what we get is nothing.

Mr. BROWNBACK. I am just saying, if you want to bring your bill up, I would be happy to see that particular one brought up on this vehicle, as well dealing with the institution of mar-

riage, I think, is an important thing to be able to do.

My colleague from Missouri wanted to address this topic, too. I would be willing to yield to my colleague from Missouri if he desires to talk on this particular topic—or he may want to wait until another time.

I point out, we have support from a number of groups that are interested in this moving on forward.

Mr. ASHCROFT. Will the Senator from Kansas yield for a question?

The PRESIDING OFFICER. The Senator has a right to yield for a question.

Mr. BROWNBACK. Yes.

Mr. ASHCROFT. Would the Senator from Kansas agree that a marriage penalty not only would provide a disincentive for people to get married, but it might, as a matter of fact, provide an incentive for some people who are married to get a divorce?

Mr. BROWNBACK. It is strange, but actually if you look at our tax policy, people would be paid to be able to—if they do get a divorce and live separately, they would actually have more money coming to them and less going to the Federal Treasury, which is an extraordinary, ridiculous notion that is built into the Tax Code.

Mr. ASHCROFT. Is the Senator from Kansas aware of the fact that that has actually happened? There are a number of couples that decided to get a divorce so that in the eyes of the law they are divorced so that they could get this subsidy for divorce from the Federal Government?

Mr. BROWNBACK. I appreciate the question the Senator is asking. I am told also there is a married couple, they are economists at one of the universities in the country, who each year divorce at the end of the year and get married the next day. Then they have kind of a party with the money that they earned and keep by going through this process of divorcing on December 30, or 31 and marrying again on January 1st or 2nd. They have kind of a honeymoon each year off of this signal that they are able to read from the Federal Government. And the thing about it, I do not want to suggest that more people do that. I think that would be a wrong notion. But still it is—

Mr. ASHCROFT. Would the Senator agree our tax laws literally are suggesting that people get divorced and remarried and then fritter away or otherwise use the proceeds of this anomalous provision in the code?

Mr. BROWNBACK. That is actually what happens and takes place, which is—just think about it. That is the signal that we are sending to the American public, that they actually are encouraged to do something like this by the tax policy of the U.S. Congress? That is an incredible thing.

Mr. ASHCROFT. Would the Senator from Kansas agree that when the Senator from Kentucky talks about a bonus, he is talking about a situation where one of the two marriage partners

is not employed outside the home; and really what the tax law does is allow, in some respect, part of the income to be assigned to that partner, some of the cost be assigned to that partner, and for that reason there is a theoretical bonus? But would the Senator agree it is important to understand that in marriage that there are a lot of respects in which it is appropriate that the "nonemployed spouse" be understood as having contributed substantially to the proceeds of the family that result from the employed spouse's earnings?

Mr. BROWNBACK. Absolutely. I could not agree more with the notion that there are things that ought to be taken into consideration here. And the notion of a bonus in marriages is not an accurate notion here. I was willing to let my colleague from Kentucky go ahead and raise his amendment on this particular bill, if he would desire to, if he would let us be able to put this amendment forward and have a discussion, if he wants to try to refute that sort of argument taking place. But I do not think that we should be in the business, even if there is such a thing as a bonus, of removing that on married couples.

Mr. ASHCROFT. Will the Senator yield for a further question?

Mr. BROWNBACK. Yes.

Mr. ASHCROFT. Now, this week the Congressional Budget Office has forecast a surplus over the next 5 years. And that surplus has really been growing dramatically. It started out about 4 or 5 months ago that they said it might be \$140-some billion. Now they have taken the surplus projection to—how much over the next 5 years?

Mr. BROWNBACK. CBO has taken their budget projections now to \$520 billion over the next 5 years, over half a trillion dollars in budget surplus.

Mr. ASHCROFT. So that is money that is supposed to be in excess of what we would otherwise budget?

Mr. BROWNBACK. That money is indexed as to what we would actually already have budgeted. I point out to my colleague from Missouri, not only is that in excess of it, but we found a way to cut the taxes while we were in deficit. Now we are running a surplus, and we are saying, Can't we find a little way here to be able to cut taxes on hard-working married couples in America?

Mr. BRYAN. Will the Senator yield for a question?

Mr. ASHCROFT. I ask you—we have \$520 billion in surplus—how much of the surplus would it take in order to eliminate the marriage penalty?

Mr. BROWNBACK. In order to be able to eliminate the marriage penalty, there are different ways people have configured and looked at this issue. The bill we are putting forward has a \$151 billion price tag over 5 years. So you are not even talking about dealing with the entire surplus with this marriage tax penalty.

Mr. ASHCROFT. Less than one-third.

Mr. BROWBACK. Less than one-third.

Out of every \$5 surplus you have, \$1.50 is going back to married families. Does that make any rational sense here, that we are getting \$5 in and saying, OK, \$1.50 is back. I think we ought to be doing far more. This ought to start the overall situation, but we are looking at least a start here.

This is the sort of thing we need to do. We need to move. You ought to see the groups supporting this. The National Taxpayers Union, with 300,000 members, strongly supports the Marriage Tax Elimination Act. The Marriage Tax Elimination Act would address that and dramatically widen the scope of tax relief.

This is a broad tax relief issue—21 million families, not just individuals, 21 million families, in America pay this tax penalty. Currently, laws force many married Americans to pay a higher tax bill than they would if they remained single and had the same combined income. Such a double standard is wholly at odds with the American ideal that taxes should not be a primary consideration in any individual's economic or social choices. I want to underline "social choices" because we have social problems in this country. We have social maladies in this country.

I held a forum with JOE LIEBERMAN last week about the overall issue of violence and teen violence taking place, and everyone there—

Mr. FORD. Will the Senator yield?

Mr. BROWBACK. From the left, from the right—I want to go ahead and finish this point, if I could—from the left and from the right. We had a former Black Panther there, a former Clinton administration official saying the real problem we have here is we have a breakdown in the families taking place. We have too little density of responsible adults per children. We are saying send a signal that does not decrease the density of adults per child. I think that is a responsible social policy instead of a social choice here that is actually contrary to the issue.

Americans for Tax Reform support the Marriage Tax Elimination Act, offered in the House by Representatives WELLER! AND MCINTOSH. "We believe that married working couples deserve the same treatment as singles." That is their statement.

Now, isn't that pretty clear? Now is the perfect time for action because the Congressional Budget Office is anticipating an earlier-than-expected fiscal surplus. This is Americans for Tax Reform saying that this is a good way to go. For many Americans, the average marriage tax is approximately equal in value to half a year of car payments. Half a year of car payments we are talking about. With an extra \$1,400 a year, a couple might be able to send a child to the school of their choice. The bottom line is, according to the Americans for Tax Reform, a marriage tax is very real to many working couples in this country.

I ask people who are watching this, if you would look and figure up your own tax and see how many of you are paying a marriage tax penalty for being married.

Mr. BRYAN. Will the Senator yield?

Mr. BROWBACK. If I can retain the floor.

Mr. BRYAN. The Senator from Nevada would like to inquire of the Senator from Kansas, the Senator from Nevada has a bill he would like to introduce. It would take 7 or 8 minutes. Is it possible to work out some kind of time arrangement to do so? The Senator from Nevada also has a flight at 12:45 he would like to make. I am prepared to enter into a unanimous consent if my colleagues agree the floor would be immediately reclaimed by the Senator from Kansas. I am not trying to cut him off, but I do have a time constraint that poses some limitations upon the Senator from Nevada.

Mr. BROWBACK. Mr. President, I am happy, if I retain the floor after the 7 minutes or the 8 minutes, to yield with that understanding.

Mr. BRYAN. I will propound a unanimous consent, if that is agreeable.

I ask unanimous consent to be allowed to have 8 minutes with the understanding the floor would be retained by the Senator from Kansas.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Without objection, it is so ordered.

The Senator from Nevada is recognized.

Mr. BRYAN. I thank the Senator from Kansas for his consideration.

(The remarks of Mr. BRYAN pertaining to the introduction of S. 2326 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BROWBACK. Mr. President, I was glad to accommodate the Senator from Nevada. I have had similar situations come up. I understand the Senator from New York may have a similar time situation, and I would be willing to accommodate him, with a unanimous consent to obtain the floor after the Senator from New York is finished. He had previously been willing to yield the floor to some other individuals.

I ask unanimous consent to yield 10 minutes to the Senator from New York, with the understanding that I retain the floor after that 10 minutes.

Mr. DORGAN. Mr. President, reserving the right to object, let me inquire of the Senator from Kansas. I understand we are in morning business. I don't object and would not object to the Senator taking substantial time in morning business. As I understand it, we are allowed 10 minutes, but the Senator has, by unanimous consent, received permission to speak for as long as he chooses. Normally, in morning business when Senators want to speak, we can increase that time of 10 minutes.

In this circumstance, we were about prepared to go to the legislative branch

appropriations bill. Senator BENNETT from Utah made an opening statement in morning business. I am the ranking member on that subcommittee and I was prepared to make an opening statement. I guess I would like to get some notion of how long the Senator from Kansas intends to retain the floor in morning business before I agree to other sets of circumstances, so I can try to gauge the time and understand what might transpire on the floor of the Senate. So reserving the right to object, I inquire of the Senator from Kansas as to what are his intentions.

Mr. BROWBACK. I thank the Senator. As I understand it, negotiations are going on now as to whether or not we will be able to bring up this particular elimination of the marriage tax penalty. We are trying to get agreement with your side of the aisle on whether or not that would be allowed to be brought up in the legislative branch appropriations bill. That is my desire. If we get that worked out, I will be yielding rapidly so that you can go forward with your items. If that is not getting worked out, I am going to talk about this for awhile, because it is an important issue.

The Legislative Calendar is short. We have spent a lot of time talking about the tobacco settlement—a month. We have spent a lot of time talking about things that don't as directly affect the American family as the marriage tax penalty does, on 21 million American families. So I think it is time that we start talking about something that gets to North Dakota families and others directly. That is why I am willing to do this and to tie things up until we get moving forward on some of that.

Mr. DORGAN. Mr. President, the Senator from Kansas certainly has that right. In fact, when the bill is brought to the floor—the bill is not yet technically on the floor, the legislative appropriations bill—when the bill is brought to the floor, the Senator certainly has a right to offer any amendments. Nothing will prevent the Senator from his right to offer an amendment.

I guess the issue is whether the Senator can offer his amendment, but other people are prevented from offering theirs. Maybe it will be worked out, but my expectation is that it won't get worked out. You used the term "tie up" the floor. I would really prefer that you not do that in morning business. I prefer that you find a way to do that the minute the bill is on the floor, if you so choose. But tying up the floor in morning business simply inconveniences others who would like to do some work here.

I am sympathetic to the notion that there is a marriage penalty. I guess I am standing here, however, with the Senate in morning business, hoping that perhaps the Senator might allow the Senator from New York to proceed, and then allow me to proceed, and others who might want to proceed, and then it doesn't matter whether somebody talks until Sunday noon. I would

like, in the morning business segment, or perhaps the opening segment of the appropriations bill, to be able to dispatch that business and let whoever wants to talk, do it until they are exhausted.

You are speaking of a subject of some importance, I admit that. I am sympathetic to the issue you are raising. I hope that you perhaps would allow us to do the things we would like to do in preparation to get the bill to the floor.

Mr. BROWNBACK. Mr. President, retaining the floor, I am going to proceed on forward with a discussion of the marriage tax penalty. I withdraw my unanimous consent request if it is not going to be agreed to.

The PRESIDING OFFICER. The Senator from Kansas has the floor.

Mr. BROWNBACK. I was proceeding earlier, before allowing the Senator from Nevada to speak before catching a plane.

A number of groups have taken notice of this issue of a marriage tax penalty and think that it is clearly time and it is important that we at this time address this particular issue.

The Independent Women's Forum has sent a letter urging Congress to "put the Tax Code where its rhetoric is."

I think that is a real interesting way they state that in the letter. "We should put the Tax Code where the Congress' rhetoric is." We talk a lot about families, values, and virtues, and those sorts of institutions that make for a civil society. We talk endlessly about those things. Yet, then we tax them; we tax them disproportionately. This group has the courage to be able to identify, well, I guess then you guys really don't mean it. You will say one thing and do another.

The Independent Women's Forum urges Congress to put the Tax Code where its rhetoric is and eliminate marriage penalties. Serious steps to reform tax laws would mean real liberation to those who work and those who may have to in the future. Marriage taxes can impose a nearly 50-percent marginal tax rate on second earners.

They are saying in their publication, most of which are spouses, obviously, this is a State-sponsored discrimination, the unintended consequence of which is to discourage—they are saying here—women from entering the labor force.

"If Congress is sincere in improving the lives of American families, it will eliminate tax loopholes that choke paychecks. Real support for the family begins with tax reform."

There is a strong letter that they are citing that we ought to change our Tax Code along that line.

Let's look at the Catholic Alliance, and what they say.

The Catholic Alliance Endorses the Marriage Tax Elimination Act.

Their president announces support for the Marriage Tax Elimination Act and the end of the marriage tax penalty. They say this:

Catholic Alliance promotes the primacy of the family as a matter of public policy. We

support the Marriage Tax Elimination Act as one step in the right direction. The current tax code, while it still exists, should be used as a vehicle to promote social responsibility. It certainly should not be used in a punitive manner toward the preeminent institution of marriage and family.

How better could you describe it than that? "It certainly should not be used in a punitive manner toward the preeminent institution of marriage and family."

They go on to state:

We welcome the Marriage Tax Elimination Act introduced today by representatives Dave McIntosh and Jerry Weller. This bill can be a first step in recognizing in law that the family is the first church, the first school, the first government, the first hospital, the first economy, and the first and most vital mediating institution in our culture. In order to encourage stable two-parent marriage bound households we can no longer support a tax code that penalizes them," Fournier said.

Then this is what Pope John Paul II said in a letter in a publication called "Christian Family in the Modern World." The Pope says this:

... families should grow in awareness of being "protagonists" of what is known as "family politics" and assume responsibility for transforming society; otherwise families will be the first victims of the evils that they have done no more than note with indifference.

There are some pretty strong terms that they noted.

UNANIMOUS CONSENT AGREEMENT

Mr. D'AMATO. Mr. President, I wonder if my colleague will yield for a suggestion that I would propound a unanimous consent. I have legislation that I know the Senator from Kansas is supportive of, and we want the Senate to be supportive. It would take me no more than 5 minutes to ask that it be brought up under a unanimous consent agreement.

I will speak for no more than 10 minutes, and probably less, because I have had an opportunity to make my views known; then, further, that the ranking member, Senator DORGAN, on the legislative appropriations, be given up to 15 minutes so that he might make his opening remarks on the legislative appropriations. That would be no longer than 25 minutes, and thereafter the Senator would retain the floor and the floor would return to him.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. Reserving the right to object, if at that point in time I would be able to retain the floor, I am willing to agree.

Mr. D'AMATO. That would be the agreement.

Mr. BROWNBACK. I can then continue with my statement and have it appear continuously in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York is recognized for 10 minutes.

Mr. D'AMATO. I thank my colleague from Kansas for being gracious, and Senator DORGAN, the ranking member,

for his suggestion so we can accommodate the needs of our colleagues.

SENSE OF CONGRESS REGARDING THE CULPABILITY OF SLOBODAN MILOSEVIC FOR WAR CRIMES

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 105, and, further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 105) expressing the sense of the Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I believe we are about to take historic action that is so important, because, to date, what we have been doing is pleading, negotiating, hoping while the world burns in front of us. When I say "the world," I am talking of technically the people in this war-torn area of Kosovo.

It is incredible that 90 percent of the population there are ethnic Albanians under withering attack. In today's New York Times, it graphically speaks about it on the front page.

As a witness to this, a former paramilitary, former police officer in the Serbian police, said he can no longer stay there and work there as he watched innocent women and children being raped, killed, tortured and savaged—3 million people on the move, ethnic cleansing, moving them out of their homes, moving them out of their communities all because of one thing—all because of their ethnicity.

What we do today is the least we should be doing; and that is calling for the United States to, yes, utilize the provisions that the United Nations set up in terms of Security Council Resolution 827 creating the International Criminal Tribunal.

This man can and should be charged as the war crime criminal that he is. The documentation has already been chronicled in one of the best reports, which I have submitted to this body. The conclusions are inescapable. It is called "War Crimes and the Issue of Responsibility," prepared by Norman Cigar and Paul Williams. It documents the systematic slaughter and use of paramilitary groups against innocent civilians. There is no doubt that not only did he know about that but that he continues to perpetuate this kind of conduct.