

again. They haven't learned the discipline and effort that it takes to maintain an honest credit rating.

So one of the things this act requires is that before a person is discharged from bankruptcy, they will have to have some counseling on how to manage their debt, and perhaps they will not come back again. I think that would be a good thing.

We are concerned about fraud in bankruptcy. The forms are basically self-proving. They are accepted by the court. Whatever a person says their income is and their ability to repay is, it is basically accepted and rarely verified. We find that is a problem. So they will have to file documents with their bankruptcy file. It will include a Federal tax return, monthly income and expenses, their actual wage stubs, how much money they are actually making, so it will allow a judge to decide properly what the right procedure is under the circumstances. It allows that a person to whom a debt is owed gets notice—a small businessman, garage owner, furniture store, or a doctor's office gets a note from the court that Billy Jones is filing for bankruptcy, and you are notified as a creditor. This says you don't have to have a lawyer, but you can, in fact, go on your own and defend your interests in the bankruptcy court. You may need a lawyer, in which case you can hire a lawyer. But it will clearly make it known that creditors who have clearly proven debt can go down to the bankruptcy court and establish that debt and defend their interest, without having to spend more money on an attorney than perhaps the debt is worth. I think that would be good.

We are dealing with a huge increase in personal bankruptcies—1.4 million, a 94-percent increase, since 1990. In many States in this country, in many Federal bankruptcy districts, many people are filing under chapter 13. When you file under chapter 13, what you do is you go to court and you say: I owe all this money, judge. I have this much income and I would like to work my way out of it. These people are suing me. I am getting phone calls at home. I want you to have a stay, to stop them all from suing me. Take my money and tell me who to pay and I will pay my money, every bit I can, to pay off these debts.

That is a preferable way, in my opinion, for a person to deal with financial difficulties, if they can't pay their bills. Some people are so far in debt that that it will be hopeless; straight bankruptcy chapter 7 is for them.

Under the present state of the law, amazing though it might be, there is no standard on that. The debtor himself can choose whether to go into chapter 13 or chapter 7. He can choose whether or not to pay off his debts. In Alabama, I am proud to say, in the northern district of Alabama, over 60 percent of the individual filers choose to file chapter 13 and repay a large portion of their debt. That is something I

think reflects well on the people of the northern district of Alabama. The numbers are high in the other districts in Alabama—over 50 percent, choose Chapter 13. But we know in certain other districts in this country, the number of people filing chapter 13 is under 10 percent. Many of these people have high incomes and could, in fact, easily pay off all or part of their debt.

So that is why we have said in this legislation that if your income is above the median income, which for a family of two is \$40,000, and for a family of four, over \$50,000—if you are making above the median income, then you ought to be considered by the judge for repayment of as much of your debt as you can under the chapter 13 bankruptcy. So for the first time we will have a realistic way for a judge to objectively analyze these debtors, to see if they can pay back some of their debts.

That is why Senator HATCH says the average bankruptcy costs the average family \$400 per year. When people don't pay their debts, somebody else has to pay them. It drives up the cost of business, the interest rates at the bank, and it drives up the charges the furniture store is going to make, or that the doctor office has to charge, to come out ahead if people are not paying their debts. It is that simple.

Paying your debt is a big deal. If we ever get to the point in this country where people don't feel like they have to pay debts back and they can wipe them out whenever they want to, we will have endangered the economic strength and commercial vitality of our Nation. Make no mistake about it. Our legal system and our economic system is based on honesty and integrity and responsibility. People pay their taxes based on their own calculations. They add up the numbers and they write that check to the Federal Government. That is why taxes ought to be low because when we ask too much of people they start cheating; they feel justified in cheating. We have relatively low taxes compared to other nations, and we have the lowest amount of cheating in the world.

We are making some important progress with this legislation. It will help us economically because, as the Secretary of the Treasury, Mr. Summers, has said, bankruptcy costs do add to interest rates. Everybody will pay higher interest rates if the bankruptcy filings are up. If bankruptcies are down, interest rates can drop. It will be passed on to the consumer. It ultimately always is.

I wish to express my appreciation to Senator GRASSLEY, who has worked so hard on this legislation. He has listened to everybody concerned. He has spent an extraordinary number of hours with the members of the Democratic leadership and members of the committee on both sides of the aisle. He has worked with them to achieve a bill that is responsive to virtually every complaint that can be thought up.

Essentially this same bill passed this body 97 to 1 last year. It passed the House with over 300 votes. Why we couldn't get it finally passed last time is beyond my comprehension. It was nothing more than a bunch of obstructive tactics. I can't accept the complaint and refuse to accept the argument that women and children are somehow being abused under this act when every objective analysis would indicate that we are making a historic move toward providing the greater protection that has ever been provided to alimony and child support payments. That is absolutely false. Why people tend to want to attack this bill to delay its passage and frustrate us in this effort is beyond me.

I believe we are eliminating abuses in the system. For example, I point out a landlord who leases an apartment to a tenant; that tenant's lease is for 1 year, that year is up, and he owes the landlord money. The landlord seeks to move him out because he is going to rent the apartment to somebody else. That tenant can file for bankruptcy and stay, or stop, any lawsuits for eviction. Months can go by. And the landlord has to hire an attorney to go to bankruptcy court to try to get the "stay" lifted—that is what they call it—on filing the eviction notice so they can go forward with it. This bill would say if your lease is up, you can continue with your case. Eventually the landlord always wins, but often it takes months to get a final hearing, and it will cost him a good deal of money and attorney's fees.

There are many abuses such as this in the system. Those kinds of things ought to be eliminated.

We have had the experience of the existing system since 1978. We have not given it the kind of overhaul it needs. We have completed that now. I am proud of this legislation. I know that Senator HATCH, who chairs the Judiciary Committee and has worked extraordinarily hard on it, also shares that view.

I am also pleased to have the support and leadership of Senator TORRICELLI and the ranking member of the subcommittee. He has worked hard for this bill. He understands the economics behind it. He understands that this is going to help those who are in need and at the same time is not going to allow abuses to occur in the system.

We are at a good point. I think we are going to have a vote next week. I am confident that once again we will have an overwhelming vote for this legislation.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

CONSULTATION ON NOMINATIONS

Mr. GRASSLEY. Mr. President, I have sent a letter to the majority leader requesting that I be consulted on certain nominations. I am asking to be consulted on the nominations of Anthony Harrington to be United States Ambassador to Brazil, Calendar No. 364, and for Charles Manatt to be United States Ambassador to the Dominican Republic, Calendar No. 361. Further, I ask to be consulted on all the promotion lists for career State Department foreign service officers.

I take this step reluctantly but believe it is necessary. The administration is required by law to submit to Congress on 1 November every year the so-called Majors' List, the list of major drug producing and trafficking countries that the President intends to certify on 1 March of the following year. The administration has never met this deadline, despite the fact that Congress extended it several years ago from 1 October to 1 November in order to give the administration more time in which to meet the requirement. Last year the list was over a month late. Despite repeated messages that this deliberate flouting of the law was not acceptable, the administration has again failed to submit the list or to offer any explanations. The list has yet to leave the State Department and must still wait for the laborious interagency review process. There is every likelihood that the list will be significantly late again this year.

With this as background, I have asked to be consulted on any unanimous-consent requests involving consideration of the nominations I have indicated until such time as the administration complies with the law. I will consider additional requests depending on the delay that is involved in the administration complying. I regret this course but I regret more the administration's failure to comply with the law.

TESTIMONY OF GENERAL KLAUS NAUMANN

Mr. LEVIN. Mr. President, yesterday the Armed Services Committee received testimony from recently-retired German General Klaus Naumann, the former Chairman of NATO's Military Committee. In that capacity, General Naumann was NATO's highest ranking military officer and headed the NATO organization which consists of the Chiefs of Defense, i.e. the Chairman of the Joint Chiefs of Staff General Hugh Shelton and his counterparts, of all 19 NATO countries and to which NATO's Supreme Allied Commander, Europe, General Wesley Clark, and Supreme Allied Commander, Atlantic, Admiral Harold Gehman, report.

The topic for the hearing was lessons learned from NATO's Operation Allied Force, the air campaign against the Federal Republic of Yugoslavia.

Mr. President, I ask unanimous consent that a copy of General Naumann's

opening statement be printed in the RECORD immediately following my remarks.

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

(See Exhibit 1.)

Mr. LEVIN. I hope that my colleagues will read General Naumann's thoughtful, straight-forward, and insightful statement. But, I want to highlight a few of General Naumann's conclusions—conclusions with which I agree and whose implications I believe merit careful consideration by us all.

First and most importantly, General Naumann concluded that "it was the cohesion of our 19 nations which brought about success." In the course of the hearing, he pointed out that this cohesion was maintained despite the fact that, for example, polls indicated that some 95 percent of Greek citizens opposed the operation.

General Naumann also concluded that "it will be virtually impossible to use the devastating power of modern military forces in coalition operations to the fullest extent" but that this disadvantage "is partly compensated by the much stronger political impact a coalition operation has as compared to the operation of a single nation." In that regard, I asked General Naumann for his reaction to a lesson that, I believe, applies. The lesson is not that we ought to use less than decisive force but that if that is not an option, then the judgment that must be made is whether or not the risk in utilizing what I call "maximum achievable force," i.e. the maximum force that is politically achievable and which is less than decisive force, whether the risk involved outweighs the value of proceeding. General Naumann, as General Clark did in a prior hearing, agreed that it was a lesson learned from NATO's air campaign and that the question or balancing test that I posed was the proper one.

General Naumann had a number of other lessons and sage advice for us, such as that the United States should fully support the European Security and Defense Identity (ESDI) within the Alliance and that ESDI can strengthen the transatlantic link. Once again, I strongly urge my colleagues to read General Naumann's statement.

EXHIBIT 1

STATEMENT OF GENERAL (RET) KLAUS NAUMANN, GERMAN ARMY, FORMER CHAIRMAN NATO, MC

(Senate Armed Services Committee Hearing on Kosovo After-Action Review, November 3, 1999)

Mr. Chairman, Senator Levin, Distinguished Senators, it is my honour and indeed a privilege to testify in the Senate Armed Forces Committee on the lessons learnt from Kosovo. I would like to congratulate you, Mr. Chairman, and your colleagues on your effort to review the operation. I feel this is wise and farsighted since the next crisis will come, for sure, although I am unable to predict when and where.

I will discuss first the lessons learnt during the crisis management phase, then the air campaign until the day on which I left

NATO, i.e., May 6, 1999 and end with a few conclusions.

With your indulgence I would like to start with a brief remark on the Military Committee (MC) which seems to be a largely unknown animal in the United States of America.

The MC consists of the Chiefs of Defense (CHOD) of all NATO countries and an Icelandic Representative of equivalent rank. The Strategic Commanders (SC), i.e. SACEUR and SACLANT, participate in the MC meetings. The meetings are chaired by an elected chairman who has served as CHOD of a NATO country and who is NATO's highest ranking military officer.

The MC meets three times a year and in its permanent session in which the CHODs/Commanders are represented by a permanent representative of three or two star rank once a week as a minimum. SACEUR and SACLANT report to the MC and through it to the Secretary General and the North Atlantic Council (NAC).

The MC is the source of ultimate military advice for the NAC and it has to translate the Council's guidance into strategic directives for the two SCs.

The MC played a crucial role during the Kosovo Crisis in keeping the NATO nations together. It was in the MC where the OPLANs were discussed and finalized in such a way that a smooth passage in the NAC was guaranteed and during the war the MC acted as the filter which helped to stay clear of micromanagement of military operations. It is my firm belief that this helped to avoid potentially divisive debates and it allowed SACEUR to concentrate on his superbly executed task to conduct the operation.

The Kosovo War itself deserves careful analysis for a couple of reasons.

It was after all the first coalition war fought in Europe in the information age, fought and won by a coalition of 19 democratic nations who did neither have a clearly defined common interest in Kosovo nor did they perceive the events in Kosovo as a clear and present danger to anyone of them. They fought eventually for a principle that is dear to all of them, the principles that Human Rights ought to be respected. They thus demonstrated that this is more important for them than the principle of territorial integrity which has governed International Law since the Westphalian Peace of 1648. This coalition fought without a clear cut mandate by the UNSC in a situation which was not a case of self defense and it stayed together and on course throughout the 78 days of the air campaign. It was the first war ever which at the first glance was brought to an end by the use of airpower alone. But it would be premature and indeed wrong to conclude from that that future conflicts could be fought and won from the distance by the use of airpower. One could say that only if we had clear evidence that it were the results of the campaign which made Milosevic eventually blink. That, however cannot be said by anyone on our side.

In my view the war proved once again the seasoned experience that we military will do best if we plan and fight joint operations and that it would be a deadly illusion to believe that the Revolution in Military Affairs will allow us to fight a war without any casualties.

What lessons did we learn during the Crisis Management Phase of the conflict?

Allow me to start with the rather straightforward statement that we could have done better in crisis management since we simply did not achieve what has to remain the ultimate objective of crisis management, namely to avoid an armed conflict. I do not know whether we ever had a fair chance to achieve it since Milosevic wanted to solve the