these individuals—who have committed moral, ethical, and/or professional abuses, or who have defrauded the Federal Government—to remain unscathed in their jobs is being tolerated under the arcane, self-protecting Foreign Service employment laws. I propose to try to do something about that.

More startling, perhaps, is that the Foreign Service and the President continue to recommend some of these individuals for promotion!

I have recommended to Secretary Albright that we work together to address this issue in legislation. Specifically the Foreign Relations Committee will examine the numerous moral, ethical, and professional lapses of Foreign Service officers and the personnel grievance process to determine whether the cases I have referenced are symptomatic of more severe and pervasive behavior within the Foreign Service. I suspect that deeper investigation will, in fact, show just how widespread these abuses are.

I assure you, Mr. President, that the Foreign Relations Committee will review the punishment given to those Foreign Service officers violating U.S. laws and regulations and how that punishment compares to the way in which similar cases are resolved involving military officers in the Department of Defense and other career officers in federal agencies. The Committee will study the Grievance Board process and recommend necessary amendments to the laws governing the Foreign Service and its grievance procedures.

Mr. President, the point is this, and I shall conclude on this note.

Americans deserve the finest diplomatic representation around the world. Our nation is ill-served when the U.S. career diplomatic corps tolerates moral, ethical, and professional abuses within its ranks and fails adequately to deal with those who are guilty of such abuses.

I say again, Mr. President, that it is my intent to find out the full scope of all of this and to try to do something about it.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty, two withdrawals, and sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BREAUX:

S. 1583. A bill to suspend temporarily the duty on B-Bromo-B-nitrostyrene; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. DORGAN):

S. 1584. A bill to direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defibrillators to be carried on, aircraft operated by air carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 1585. A bill to provide for the appointment of additional Federal district judges in the State of Florida, and for other purposes; to the Committee on the Judiciary.

By Mr. BUMPERS (for himself, Mr. GRAHAM, Mr. CONRAD, and Mr. INOUYE):

S. 1586. A bill to authorize collection of certain State and local taxes with respect to the sale, delivery, and use of tangible personal property; to the Committee on Finance.

By Mr. HOLLINGS:

S. 1587. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to ensure the continued enforcement of the pay-as-you-go budget requirement until such time as the budget is balanced in order to protect the social security trust funds, the Federal military retiree trust fund, the highway trust funds, the medicare trust fund, the civil service retirement trust fund, the unemployment trust fund, and the airports trust fund; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committees have thirty days to report or be discharged.

S. 1588. A bill to exclude the social security trust funds, the Federal military retiree trust fund, the highway trust funds, the medicare trust fund, the civil service retirement trust fund, the unemployment trust fund, and the airports trust fund from the annual Federal budget baseline for all purposes including budget enforcement; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986. With instructions that if one Committee reports, the other Committees have thirty days to report or be discharged.

By Mr. HUTCHINSON (for himself, Mr. NICKLES, Mr. COVERDELL, Mr. SESSIONS, Mr. DEWINE, and Mr. MURKOWSKI):

S. 1589. A bill to provide dollars to the classroom; to the Committee on Labor and Human Resources.

By Mr. COVERDELL (for himself, Mr. LOTT, Mr. NICKLES, Mr. MACK, Mr. CRAIG, Mr. MCCONNELL, Mr. GREGG, Mr. COATS, Mr. INHOFE, Mr. MURKOWSKI, Mr. ABRAHAM, Mr. KYL, and Mr. WARNER):

S. 1590. A bill to improve elementary and secondary education; to the Committee on Finance.

By Mr. CAMPBELL:

S. 1591. A bill entitled the ''Bulletproof Vest Partnership Grant Act of 1998''; to the Committee on the Judiciary.

By Mr. WARNER:

S. 1592. A bill to amend section 40102(a)(37)(B)(ii) of title 49, United States Code, to modify the definition of the term ''public aircraft'' to provide for certain transportation by government-owned aircraft; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SPECTER (for himself, Mr. HARKIN, Mr. FRIST, Mr. REED, Ms. SNOWE, Mr. DEWINE, and Mr. D'AMATO):

S. Res. 170. A resolution expressing the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 1999; to the Committee on the Budget.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRIST (for himself and Mr. DORGAN):

S. 1584. A bill to direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defibrillators to be carried on, aircraft operated by air carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE AVIATION MEDICAL ASSISTANCE ACT OF 1998

Mr. FRIST. Mr. President—I rise today, along with my colleague Senator DORGAN from North Dakota, to introduce the Aviation Medical Assistance Act of 1998.

Thirty years ago the first battery powered portable defibrillator was approved for use. A defibrillator is a medical device that electrically converts an abnormal heart rhythm to a normal rhythm. It can and does save lives. The time between the onset of abnormal rhythm and the application of electrical defibrillatory current is critical. If the time of first defibrillation is between five and six minutes after the onset of abnormal rhythm, the patient survival rate is greater than 40 percent.

One clear example is that of Graeme Seiber of Tennessee. As my colleagues may recall on September 14, 1995, Mr. Seiber went into full cardiac arrest as he stepped off an elevator in the Dirksen building, and collapsed in the corridor near my Senate office.

After heroic actions by members of Senator Chafee's staff, I performed CPR on Mr. Seiber and when the Capitol Physician's Emergency Response

Team arrived, I was able to insert a tube directly into Mr. Seiber's lungs to aid the flow of oxygen. But, most importantly, the team had a portable defibrillator that I used to shock his heart back into a normal rhythm. A team of emergency medical technicians arrived shortly thereafter, and Mr. Seiber was taken to George Washington University Hospital by ambulance.

Because of the quick action of those involved and the use of a portable defibrillator, Graeme Seiber is alive today as one of a very small percentage of patients who actually survive sudden cardiac arrest.

But that was in the United States Senate, which has a competent medical team that responds quickly with the proper medical equipment, like a defibrillator. What would have happened to Mr. Seiber if he suffered cardiac arrest in a setting in which medical care and a defibrillator was not readily available.

This past May, my friend, colleague and fellow Tennessean, Representative JIMMY DUNCAN held a hearing before the House Subcommittee on Aviation, which he chairs, on the quality of medical kits used by the airlines. On November 6, 1997 Representative DUNCAN introduced the Aviation Medical Assistance Act to address concerns that arose from the hearing.

The Aviation Medical Assistance Act of 1997 directs the Administrator of the Federal Aviation Administration to reevaluate regulations regarding the medical equipment and flight attendant training for commercial airlines.

To address the lack of information regarding fatalities on aircraft, the airlines would be required to make an effort to report monthly to the Administrator of the FAA over the course of a year regarding deaths on aircrafts.

The bill also addresses the critical issue of liability arising from individuals assisting in an in-flight medical emergency. The bill declares that the individual rendering aid shall not be liable when attempting to provide medical assistance, except in the case of gross negligence or willful misconduct.

Finally, the bill requires the FAA Administrator to decide whether or not to require automatic external defibrillators on aircraft and in airports. To their credit, two major airlines, Delta Airlines and American Airlines have already initiated a plan to equip their entire fleet with defibrillators and upgrade their medical equipment.

It is critical that individuals who suffer cardiac arrest or other medical emergencies receive quick and proper attention to increase their odds of survival. It is my hope that this legislation will improve emergency medical care for all in-flight emergencies. I would like to thank Congressman DUNCAN for his leadership in the House of Representatives on this important issue. I am also grateful to Senator DORGAN for partnering with me on this potentially lifesaving legislation. I am proud to introduce the companion legislation in the Senate.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 1585. A bill to provide for the appointment of additional Federal district judges in the State of Florida, and for other purposes; to the Committee on the Judiciary.

THE FLORIDA FEDERAL JUDGESHIP ACT OF 1998

Mr. MACK. Mr. President, I come before the Senate today to introduce with my esteemed colleague and friend, Senator Graham, the Florida Federal Judgeship Act of 1998. This legislation will provide the Middle and Southern Districts of Florida with the judgeships which have been recommended for them by the Judicial Conference of the United States. The Middle District would receive three new permanent judgeships and one temporary judgeship (the highest number of new judgeships recommended for any district in the country), while the Southern District would receive two new permanent judgeships.

I would not be introducing this bill if I did not believe there is a real need for increased judicial resources in Florida. The pressures upon our court system, particularly in the Middle District, are some of the most acute in the entire country. The Middle District currently contains 55% of Florida's population, projected to grow to two-thirds of the population by the year 2005; and yet this District has only one-third of Florida's judges. This District also contains the federal correctional center at Coleman. When construction of this facility is completed in FY 1999, it will be the largest prison complex in the country. The increased prisoner petitions which come with this will stretch judicial resources even further.

To add to the problem, a portion of the Middle District has been designated a High Intensity Drug Trafficking Area. While I am pleased that Florida will be receiving additional assistance in the war against drugs, we must also recognize and anticipate the increased demands that this will put upon this district as more criminals are apprehended and prosecuted.

Both districts contain major tourist attractions in frequently visited cities, including Disney World, Universal Studios, and Busch Gardens in Tampa and Orlando and the international playground of South Beach in Miami. This heavy flow of both tourism and winter residents serve to make the needs of these two judicial districts unique in our nation.

The statistics kept by the Administrative Office of the US Courts demonstrate the compelling need for new judges in these districts. The numbers for the latest twelve month period show that the Middle District ranks second in the nation in average cases (adjusted for complexity) filed per judge, with a crushing 855. The Southern District averages 605 per judge. To put this in perspective, the national average for this time period was 519. Clearly, both of these districts are in need of relief.

I urge the Judiciary Committee and the full Senate to consider and pass this legislation expeditiously. I would also like to take this opportunity to express my gratitude to Chairman Hatch for his swift consideration of all of the judicial nominees from Florida last year. The Southern and Middle Districts of Florida received three excellent new district judges, Donald Middlebrooks of West Palm Beach, Alan Gold of Miami, and Richard Lazzara of Tampa. In addition, Judge Stanley Marcus was nominated to the federal appeals court and confirmed by the full Senate in only six weeks. I know I speak for both Senator Graham and myself in saying that we are grateful for Chairman Hatch's responsiveness to the needs of these districts.

It will not be possible to provide Floridians with a safe environment and access to justice unless there is a court system in place which can handle the demands of this dynamic and growing part of our country. This legislation is integral to providing that court system.

Mr. GRAHAM. Mr. President, I am extremely pleased to join with my distinguished colleague from Florida, Senator MACK, in introducing the Florida Federal Judgeship Act of 1998.

This legislation will create six additional U.S. District Court judgeships in Florida—two in the Southern District and four—three permanent and one temporary—in the fast-growing Middle District of Florida.

Mr. President, make no mistake: Florida's federal courts are in the midst of a full-blown crisis. Currently, the Miami-based Southern District has sixteen judges. The Middle District, which also includes the Jacksonville, Tampa, St. Petersburg, Orlando, Sarasota, and Fort Myers metropolitan areas, has eleven.

Because this number of judgeships is too small to meet the increasing demand of Florida's rapidly growing population, judges face overwhelming caseloads, and the public faces a denial of justice.

Prosecutors and law-enforcement personnel are stymied in their efforts to mete out swift justice.

Civil litigants are forced to endure unreasonable waits to bring their cases to resolution.

Prominent legal and judicial officials all over Florida have told us that this is not a tenable situation.

For example, Middle District U.S. Attorney Charles Wilson, whose office is responsible for bringing alleged criminals to trial, has said that the judicial shortage has a ''negative and severe'' effect on the work of federal prosecutors and law enforcement officials.

Floridians are not alone in their concern about overcrowded court dockets.

In September 1996, the Judicial Conference of the United States—the principal policy-making body of the Federal judiciary, which is chaired by the

Chief Justice of the Supreme Court of the United States and comprised of Federal judges from throughout the United States—asked Congress to create four new judgeships in the Middle District and two in the Southern—precisely what our legislation would authorize.

Senator MACK and I are introducing our bill so that Congress can meet the urgent request of the Judicial Conference, and provide the additional judicial resources needed for these two U.S. District Courts to meet their increasing caseload.

We are certain that many States have justifiable concerns about overcrowded Federal District Court dockets. I hope that this Congress this year will meet those needs by considering and adopting the recommendations that the Judicial Conference of the United States submitted to us almost a year and a half ago.

But we also believe that the urgent nature of Florida's judicial crisis makes our State a special case.

I am going to be saying some things about Florida of which I am not proud. They are not positive. But they happen to be the facts as to the circumstances that our Federal courts face.

First, Florida has one of the highest caseloads per judge in the Nation.

For the last several years, the Judicial Conference has proposed all recommendations for increased judgeship based on weighted filings—a number that takes into account both the total number of cases filed per judge and the level of case complexity.

I would like to note that this is a retrospective look. The Judicial Conference looks at prior history, in terms of evaluating future needs. In the case of the State of Florida, because of the rapid growth, which I will soon detail, and because of the time required—a year and a half has already passed since the Judicial Conference did the calculations that I will soon review—Congress has not yet acted on its recommendation to authorize these additional positions. It would then require the process of actually filling those vacancies. So, there will be a gap of many months between the time that the numbers were calculated based on past history, as to what the need was, before relief in the form of an actual human being sitting at a bench to render justice will be in place.

But looking back to the 1996 numbers, the Southern District's weighted filings stood at 588 per judge.

This was 33 percent above the national average of 435 weighted filing per judge.

In the Middle District, the story was even worse—623 weighted filings per judge, a figure that represented one of the highest in the entire nation.

As a result, nearly 1,800 criminal defendants have cases pending in the Middle District.

The story is even worse on the civil side of the docket, where more than 6,200 cases have yet to receive final disposition.

In fact, the situation is so dire that Middle District Chief Judge Elizabeth Kovachevich has announced plans to shut down the Federal courthouses in Jacksonville and Orlando for 3 months this summer and recruit their judges, and any others from around the Nation who can spare the time, to tackle the growing civil case backlog in the Tampa Bay area.

Innovative measures like this may help to alleviate the problem in the short-term.

But the Florida caseload is not going to experience a slowdown in growth anytime soon, and the judicial backlog will get worse unless Congress takes preventative action for the long term.

Second, this legislation recognizes that Florida's largest Federal judicial districts are responsible for a massive area that includes nearly 80 percent of Florida's 15 million residents.

The Southern and Middle Districts combined jurisdiction stretches from Key West—the southernmost city in the continental United States—north to include Miami, Ft. Lauderdale, West Palm Beach, Melbourne, Fort Myers, Sarasota, Tampa, St. Petersburg, Orlando, and Jacksonville.

Florida adds over 200,000 new permanent residents every year.

Between 1980 and 1995, for example, the middle district grew by 52 percent, and it is expected to increase even from this elevated new level by an additional 21 percent in the next decade.

However, since 1990, the last time Congress approved more judges for Florida, our United States district courts have not received any additional resources from the Federal Government to cope with this growth.

Third, this proposal will assist the work of law enforcement officials. If we are committed to assuring that criminals face punishment that is both just but swift, we must be willing to provide resources to all aspects of the judicial system.

In both the southern and middle districts, drug prosecutions and other serious criminal cases make up a large percentage of the total case files. For example, both the southern and middle districts have been designated by this Congress as high-intensity drug trafficking areas. These antidrug zones generate a substantial number of lengthy multidefendant prosecutions, and the addition of judges will help law enforcement officials and prosecutors in their fight against drug crimes.

In addition, the Federal prosecutors and law enforcement officials throughout Florida, but especially in the southern and middle districts, are being forced to spend more time combating the cheats, the fly-by-night operators and the other criminals who are engaged in a systematic campaign to defraud and plunder our Medicare and other health care programs.

Mr. President, as shocking as it is, it has been estimated that nearly 20 percent of all Medicare expenditures in the Southern District of Florida are lost to fraud. Nearly 30 percent of all Medicare fraud nationwide takes place in the State of Florida.

In November of 1997, the new southern district U.S. Attorney Tom Scott pledged to create a comprehensive antifraud task force made up of local, State and Federal law enforcement officials to fight health care fraud. I am optimistic that this new effort will be successful in increasing the number of fraud offenders brought to justice. I am hopeful that it will deter others from entering this pernicious activity. But I am very concerned that unless the southern and middle districts have the adequate number of judges, many of these charlatans will not receive the swift and severe punishment they deserve.

It is vital that we act quickly to resolve this crisis. Since 1991, filings have gone up 21 percent in the middle district; 30 percent in the southern district. Congress and the White House must be vigilant in their shared responsibility for recommending, nominating and confirming Federal judicial nominees.

Mr. President, I commend Chairman ORRIN HATCH, of the Judiciary Committee, and its membership, including our current Presiding Officer, for their recognition of the overcrowding problems facing Florida's Federal district courts.

Last year, the Senate confirmed three Federal district judges—Donald Middlebrooks of West Palm Beach, Alan Gold of Miami, and Richard Lazzara of Tampa—to replace three judges who had retired or taken senior status. From late September of 1997, when Judge Lazzara was confirmed, until yesterday when the President nominated William P. Dimitrouleas of Fort Lauderdale and Judge Steven Mickle of Gainsville to fill openings in the Southern and Northern Districts of Florida, we had no judicial nominations pending before the Senate.

Senator HATCH's and Members' leadership and understanding and their determination to address Florida's special needs are very much appreciated by the residents of our State.

U.S. Federal district courts are the first stop for most citizens involved in the Federal judicial system. Most Federal cases are disposed of at the district court level. It is essential that these citizens have their claims heard in a timely manner.

As the court caseload increases nationally, the Senate must be willing to expand judicial positions where they are needed.

Our legislation is simple, sound and will serve the interest of America and will serve the interest of our State of Florida.

I look forward to working with Senator MACK, with yourself and with the other members of the Judiciary Committee on this matter, Mr. President. I urge all my colleagues to support the passage of this much-needed legislation. For thousands of crime victims,

for thousands of civil litigants in Florida's southern and middle judicial districts, justice delayed is rapidly becoming justice denied.

Mr. President, I appreciate the opportunity to join my colleague, Senator MACK, in introducing this legislation.

I ask unanimous consent that two letters which I have received—one from the middle district chief judge, Judge Elizabeth Kovachevich, and one from the U.S. Department of Justice, the U.S. Attorney for the Middle District of Florida, Mr. Charles Wilson—be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. DISTRICT COURT,
MIDDLE DISTRICT OF FLORIDA,
Tampa, FL, December 17, 1997.

Hon. BOB GRAHAM,
U.S. Senate, Washington, D.C.

Hon. CONNIE MACK,
U.S. Senate, Washington, D.C.

DEAR SENATORS GRAHAM AND MACK: Initially, I wish to sincerely thank both of you for your respective participations in several of the events scheduled in Tampa on December 12, 1997. Each of you attended two of the four activities, and it certainly was greatly appreciated, and noted, by the other participants and attendees of those respective celebrations. Your presence was a significant contribution toward the success of that day.

Further, your joint letter that was published in the Tampa Tribune last week on December 12 produced great positive reaction on this West Coast of Florida! The Accelerated Trial Calendar is the ''last hurrah'' for Tampa/Fort Myers by the eleven judges of the Middle District of Florida before senior status claims two of our eleven by the year 2000. If we are successful, we must be prepared to utilize the same tactic in the future in Jacksonville and Orlando.

Consistent with the foregoing, and our efforts to help ourselves, we enclose a *conservative* statistical compilation prepared by our Clerk's office in MD/FL, which graphically demonstrates what would occur *without* the ATC, and, what will happen when we go from eleven to nine active United States District Judges. I remind you that our previous Tampa/Fort Myers chart shows that as of October 31, 1997, our *real* projections for July 1998, without the ATC, would have been 4,400 civil cases and 1,000 criminal cases pending, totaling 5,400 cases for the Tampa/Fort Myers judges!

These next five years will see a congressional election, with consequences in 1999, and, a presidential and congressional election, with consequences in 2001. If this district must wait for national political machinations, we will collapse! Just the plans for H.I.D.T.A. in Tampa and Orlando, during the next three years, and the funding for same, will generate substantial multi-defendant, multi-month prosecutions of persons ''targeted for federal sentencing guideline implications;'' these are *not* in *any* of our present calculations!

I would hope that the Senate Judiciary Committee will provide us with a hearing to answer any questions regarding your proposed legislation to provide us with *new judgeships* as soon as reasonably possible, perhaps in February 1998.

With warmest personal regards, I am

Sincerely yours,

ELIZABETH A. KOVACHEVICH,
Chief Judge, Middle District of Florida.

U.S. DEPARTMENT OF JUSTICE,
Tampa, FL, May 21, 1997.

Hon. BOB GRAHAM,
U.S. Senate, Washington, D.C.

Hon. CONNIE MACK,
U.S. Senate, Washington, D.C.

DEAR SENATORS GRAHAM AND MACK: You have requested comment from the United States Attorney regarding the impact of the shortage of resident District Court Judges on the U.S. Attorney's Office for the Middle District of Florida. I write to report that the impact is negative and severe.

For our Criminal Division, the most direct effect of the judicial shortage is the assignment of cases to visiting judges for trial. Although visiting judges provide a great service to the Middle District, the use of them for a substantial number of criminal trials poses several problems. First, the very fact that a case is transferred to a visiting judge's docket often causes unnecessary delay. Secondly, I am advised by Assistant United States Attorneys that visiting judges are, understandably, not as well-versed in Eleventh Circuit case law, requiring the expenditure of additional time by both prosecution and defense attorneys in addressing significant legal issues during the course of a case. Finally, the Middle District of Florida is one of the leaders in the country in the filing of multiple-defendant and complex white collar crime litigation characterized by longer trials. For example, last year, our office prosecuted 16 members of the Outlaws Motorcycle Gang for conspiracy, racketeering and other offenses. The trial lasted for eighteen weeks. During that period of time, the cases assigned to the presiding judge accumulated without the judicial attention that they would have ordinarily received. Given our present prosecution priorities (i.e., drug trafficking, violent crime, health care fraud and telemarketing fraud), we expect that the number of multiple-defendant and sophisticated white collar criminal cases will continue to increase in the future. In fact, many such cases are awaiting trial at the present time.

Thus far in Fiscal Year 1997, 32 per cent of criminal jury trials (8/25) in the Tampa Division of the Middle District of Florida were conducted by visiting judges. Another 20% of these trials (5/25) were conducted by a judge on senior status. In our Ft. Myers Division, where we presently have seven criminal AUSAs but no resident district Court Judge, fully 91% (10/11) of the criminal trials were conducted by a visiting judge.

Our Ft. Myers Division is most severely impacted by the judicial shortage. Because of the absence of a resident judge, Ft. Myers cases are assigned to Tampa judges. As a result, some cases that should be tried in Ft. Myers are moved to Tampa to accommodate the judges' busy schedules. This includes many cases that are important to the citizens in and around Ft. Myers. In fact, the bigger the case (and thus the more local attention warranted by it) the more likely it is to be transferred to Tampa for no other reason than the Court's schedule. Transfers are also expensive. Even for relatively insignificant hearings in a case, if there is a disputed issue, all attorneys, parties and witnesses must take an entire day to drive to Tampa and back. If a Ft. Myers case is tried by a Tampa Judge in Tampa, my office must incur the travel and accommodation expense of the Ft. Myers AUSA originally assigned to the case.

Our Civil Division is also impacted quite directly by the shortage of Article III judges in our District. First, in light of their heavy caseload, District Court judges typically do not have the time to grant oral argument in connection with sophisticated motions to dismiss or motions for summary judgment in civil cases. The result is that the judges take several months to decide motions that might otherwise be disposed of quite promptly if oral argument were heard. In those cases where the motions are meritorious, the delay results in unnecessary expenditures on expert witnesses and other pretrial matters, all to the great detriment of the parties even if the correct result is ultimately reached. Worse yet, meritorious motions are sometimes denied only to have the court adopt the movant's legal position after trial (the first time the judge has had a real chance to ponder the case), suggesting that trial was in fact unnecessary. We believe that these problems would be avoided by oral argument in many instances, but we recognize that our overburdened judiciary simply does not have the luxury to grant oral argument very often.

Second, the lack of a judge in Fort Myers has a serious negative impact on civil cases there. By way of illustration, we are presently prosecuting a complex ''fair housing'' case in the Fort Myers Division. At one point the District Court judge transferred the case to Tampa, notwithstanding that numerous victims reside in south or southwest Florida and would have been substantially inconvenienced by a Tampa trial. On our motion, the case was transferred back to Fort Myers, but it cannot be tried for many months. If a judge were resident there, this case would probably have been tried already.

FInally, civil cases which for some reason are not reached on the calendar of one of the visiting judges usually roll to the next month in which a nonresident judge will be visiting, as opposed to the next calendar month. This causes significant unwarranted delay. For example, in a large pending discrimination case, an opposing counsel who appears particularly reluctant to go to trial was able to obtain a continuance, thereby delaying the case not for one month, but for approximately five. This phenomenon would also be eliminated by additional judgeships.

I hope the information supplied herein is helpful. If I can be of further assistance, please let me know.

Sincerely yours,

CHARLES R. WILSON,
U.S. Attorney.

By Mr. BUMPERS (for himself, Mr. GRAHAM, Mr. CONRAD, and Mr. INOUYE):

S. 1586. A bill to authorize collection of certain State and local taxes with respect to the sale, delivery, and use of tangible personal property; to the Committee on Finance.

THE CONSUMER AND MAIN STREET PROTECTION ACT OF 1998

Mr. BUMPERS. Mr. President, I rise today to introduce legislation to resolve a serious problem facing consumers and Main Street businesses in America. This problem allows consumers to be misled regarding their tax liabilities and puts Main Street businesses at a competitive disadvantage vis-a-vis out-of-State companies. The problem of which I speak is the loophole that allows companies to ship goods across State lines without collecting the taxes due on those goods.

My bill, The Consumer and Main Street Protection Act of 1998, will give States the option if they choose, of removing this unfair advantage enjoyed by out-of-State companies. The legal effect will be to authorize a State or

local jurisdiction to require out-of-State companies to collect use taxes on sales of personal property delivered into that State or local jurisdiction, if that State taxes its own citizens on retail sales.

This bill does not create a new tax. Indeed, it doesn't create a tax at all. It merely deals with how existing taxes are collected. Specifically, it would allow States, if they choose, to shift the burden of collecting and remitting use taxes from the consumer to the company.

At this point, I should clarify the meaning of the term ''use tax.'' A use tax is a tax on goods purchased in one jurisdiction for use in another jurisdiction. For example, goods purchased in Tennessee for use in Arkansas are subject to an Arkansas use tax. Use taxes are used to keep people from avoiding sales taxes. If a State doesn't have a use tax, its citizens can avoid paying sales taxes by making purchases in another State. By imposing a use tax equal to its sales tax, States can remove the incentive to engage in tax circumvention.

Therefore, in the 45 States which presently have sales and use taxes, consumers are legally obligated to pay those taxes, whether the purchases are made at a local department store, via mail order, or over the internet. Unfortunately, catalog companies typically do not make their customers aware of this obligation—in fact, some mislead customers into believing that out-of-State purchases are ''tax free.'' This, of course, is patently false. The company may be exempt from collecting use taxes, but the customer is still liable for paying those taxes directly to the State revenue department on every out-of-State purchase.

This situation causes three serious problems. First, consumers are often shocked to discover that their ''tax-free'' purchase is not really tax free. State revenue departments inform tens of thousands of consumers every year of this sad fact. The consumer finds he is liable for back taxes, interest and penalties.

Second, Main Street retailers are placed in an unfair position vis-a-vis mail order houses. This occurs because mail order products if no tax is collected, are cheaper than if bought in Main Street department stores. Not only do most mail order houses not collect use taxes, they don't tell their customers that they are legally liable to pay the tax.

Third, State and local governments lose revenues because billions of dollars of the taxes are never collected. According to the Advisory Commission on Intergovernmental Relations, State and local governments lose over $3.3 billion a year for this reason. This occurs, even as mail order companies impose significant costs on State and local governments by sending an avalanche of catalogs and product packaging to municipal landfills. Every year over 3 million tons of third class mail, most of which is catalogs, goes to landfills in this country. This is not surprising considering the billions of catalogs which consumers receive in the mail every year. One company alone, Fingerhut, Inc., mails out nearly 500 million catalogs annually. With mail order sales growing by approximately 6 percent per year, this burden on State and local government will increase significantly in coming years.

THE BELLAS HESS AND QUILL CASES

A short discussion of case law is in order to explain why this matter requires Congressional intervention. The Supreme Court has twice considered the question of whether a State may impose tax collections duties on an out-of-State mail order company. In 1967, the Court ruled in National Bellas Hess v. Department of Revenue that such a State action violated both the Due Process Clause and the Commerce Clause of the United States Constitution. Bellas Hess therefore made it impossible for Congress to craft a legislative solution to the problem: although the Commerce Clause is the exclusive domain of Congress, the Due Process Clause is not subject to Congressional discretion. As long as the due process holding from Bellas Hess remained good law, Congress' hands were tied.

In 1992, however, the Supreme Court overruled the due process portion of Bellas Hess. In Quill Corporation versus North Dakota, the Court revisited the issue of mail order tax collection and, applying a more modern due process analysis, concluded that mail order activities now constitute a sufficient connection to the State to justify the tax collection requirement. In other words, a State's imposition of tax collection requirements on an out-of-State mail order company no longer offends due process.

The Quill case therefore clears the way for Congress to act on this issue.

Although Quill did not overrule the Commerce Clause portion of Bellas Hess, that holding does not preclude Congressional action. As I mentioned earlier, because the Commerce Clause grants Congress exclusive authority over interstate commerce, Congress may, if it chooses, grant the States the authority to require out-of-State tax collection. Indeed, the Supreme Court expressly acknowledged in Quill that ''Congress is now free to decide whether, when, and to what extent the States may burden interstate mail-order concerns with a duty to collect use taxes.''

PROTECTIONS AGAINST UNDUE BURDENS ON BUSINESS

In writing this bill, I have taken great care to insure that it does not place an undue burden on business—particularly small business. I have included four provisions designed to protect against an overburdensome effect: (1) De minimus provision—The Act expressly exempts any company whose total U.S. revenue is less than $3 million. The exemption will not apply, however, in any State where the company's revenue exceeds $100,000; (2) One-rate-per-State provision—In situations where an out-of-State company is subject to multiple local tax rates in a single State, the company will have the option of paying each applicable local rate or paying one standard rate, called an ''in-lieu fee;'' (3) Filing frequency limitation—States may not require out-of-State companies to file tax returns more than once per quarter; (4) Mandatory information service—States must maintain a toll-free telephone service to provide out-of-State companies with necessary tax information and forms.

WHAT THE BILL DOES NOT DO

The intent of this bill is not to injure the mail order industry. There are many fine mail order companies in America which offer many useful products, and I have no quarrel with any of them aside from their exemption from collecting use taxes. The intent of the bill is merely to insure that consumers are protected and Main Street businesses are treated equitably in relation to companies located out-of-State.

Let me repeat, this bill does not create a new tax. It merely allows for the fair and equitable collection of existing taxes. If the residents of a State do not wish to pay a use tax, then they can repeal that use tax. That is their prerogative. But if they choose to have a use tax, the Federal Government should allow them to enforce it. That is what this bill does—it authorizes the States to collect taxes fairly and evenly from all who conduct business in the State.

Finally, this bill is not a preemption of the States' power to tax. In fact, States are not required to take any action as a result of this bill. They may completely ignore this legislation and continue their present tax collection methods. This bill merely grants the States a power presently denied under the Commerce Clause and imposes the limitations on that power which are necessary to insure that the resulting burden on out-of-State companies is not unreasonable.

BROAD SUPPORT

This measure has already gained extensive support. The legislation was crafted with the input of a broad-based coalition of business and governmental associations. They represent large constituencies in every State, all of which actively and vocally support the bill. Mr. President, I ask unanimous consent that a list of these organizations be printed in the RECORD.

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

SUPPORTERS OF THE CONSUMER AND MAIN STREET PROTECTION ACT OF 1998

BUSINESS ASSOCIATIONS

Home Furnishing International
International Council of Shopping Centers
Jewelers of America
Marine Operators Association of America
Marine Retailers Association of America
National Floor Covering Association
National Home Furnishings Association
North American Retail Dealers Association

Performance Warehouse Association
Computing Technology Industry Association
National Association of Retail Druggists
National Office Products Association
National Small Business United
International Home Furnishings Representatives Association

STATE AND LOCAL GOVERNMENT ASSOCIATIONS

National Governors' Association
National Conference of State Legislatures
National Association of Counties
National League of Cities
U.S. Conference of Mayors
Multistate Tax Commission
Federation of Tax Administrators
Government Finance Officers Association
National Association of State Budget Officers
National Association of State Auditors, Comptrollers and Treasurers
National Association of State Treasurers

EDUCATION AND LABOR ORGANIZATIONS

AFL-CIO Public Employees Department
American Federation of State, County and Municipal Employees
American Federation of Teachers
National School Boards Association
American Association of School Administrators
National Education Association

Mr. BUMPERS. Mr. President, I urge my colleagues in the Senate to carefully consider this issue. It is very important for the continued vitality of Main Street America, and I invite you to join in this effort to ensure fair competition in American business.

Mr. President, I ask unanimous consent that the bill and outline be printed in the RECORD.

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

S. 1586

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Consumer and Main Street Protection Act of 1997''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) merchandise purchased from out-of-State firms is subject to State and local sales taxes in the same manner as merchandise purchased from in-State firms,

(2) State and local governments generally are unable to compel out-of-State firms to collect and remit such taxes, and consequently, many out-of-State firms choose not to collect State and local taxes on merchandise delivered across State lines,

(3) moreover, many out-of-State firms fail to inform their customers that such taxes exist, with some firms even falsely claim that merchandise purchased out-of-State is tax-free, and consequently, many consumers unknowingly incur tax liabilities, including interest and penalty charges,

(4) Congress has a duty to protect consumers from explicit or implicit misrepresentations of State and local sales tax obligations,

(5) small businesses, which are compelled to collect State and local sales taxes, are subject to unfair competition when out-of-State firms cannot be compelled to collect and remit such taxes on their sales to residents of the State,

(6) State and local governments provide a number of resources to out-of-State firms including government services relating to disposal of tons of catalogs, mail delivery, communications, and bank and court systems,

(7) the inability of State and local governments to require out-of-State firms to collect and remit sales taxes deprives State and local governments of needed revenue and forces such State and local governments to raise taxes on taxpayers, including consumers and small businesses, in such State,

(8) the Supreme Court ruled in Quill Corporation v. North Dakota, 112 S. Ct. 1904 (1992) that the due process clause of the Constitution does not prohibit a State government from imposing personal jurisdiction and tax obligations on out-of-State firms that purposefully solicit sales from residents therein, and that the Congress has the power to authorize State governments to require out-of-State firms to collect State and local sales taxes, and

(9) as a matter of federalism, the Federal Government has a duty to assist State and local governments in collecting sales taxes on sales from out-of-State firms.

SEC. 3. AUTHORITY FOR COLLECTION OF SALES TAX.

(a) IN GENERAL.—A State is authorized to require a person who is subject to the personal jurisdiction of the State to collect and remit a State sales tax, a local sales tax, or both, with respect to tangible personal property if—

(1) the destination of the tangible personal property is in the State,

(2) during the 1-year period ending on September 30 of the calendar year preceding the calendar year in which the taxable event occurs, the person has gross receipts from sales of such tangible personal property—

(A) in the United States exceeding $3,000,000, or

(B) in the State exceeding $100,000, and

(3) the State, on behalf of its local jurisdictions, collects and administers all local sales taxes imposed pursuant to this Act.

(b) STATES MUST COLLECT LOCAL SALES TAXES.— Except as provided in section 4(d), a State in which both State and local sales taxes are imposed may not require State sales taxes to be collected and remitted under subsection (a) unless the State also requires the local sales taxes to be collected and remitted under subsection (a).

(c) AGGREGATION RULES.—All persons that would be treated as a single employer under section 52 (a) or (b) of the Internal Revenue Code of 1986 shall be treated as one person for purposes of subsection (a).

(d) DESTINATION.—For purposes of subsection (a), the destination of tangible personal property is the State or local jurisdiction which is the final location to which the seller ships or delivers the property, or to which the seller causes the property to be shipped or delivered, regardless of the means of shipment or delivery or the location of the buyer.

SEC. 4. TREATMENT OF LOCAL SALES TAXES.

(a) UNIFORM LOCAL SALES TAXES.—

(1) IN GENERAL.—Sales taxes imposed by local jurisdictions of a State shall be deemed to be uniform for purposes of this Act and shall be collected under this Act in the same manner as State sales taxes if—

(A) such local sales taxes are imposed at the same rate and on identical transactions in all geographic areas in the State, and

(B) such local sales taxes imposed on sales by out-of-State persons are collected and administered by the State.

(2) APPLICATION TO BORDER JURISDICTION TAX RATES.—A State shall not be treated as failing to meet the requirements of paragraph (1)(A) if, with respect to a local jurisdiction which borders on another State, such State or local jurisdiction—

(A) either reduces or increases the local sales tax in order to achieve a rate of tax equal to that imposed by the bordering State on identical transactions, or

(B) exempts from the tax transactions which are exempt from tax in the bordering State.

(b) NONUNIFORM LOCAL SALES TAXES.—

(1) IN GENERAL.—Except as provided in subsection (d), nonuniform local sales taxes required to be collected pursuant to this Act shall be collected under one of the options provided under paragraph (2).

(2) ELECTION.—For purposes of paragraph (1), any person required under authority of this Act to collect nonuniform local sales taxes shall elect to collect either—

(A) all nonuniform local sales taxes applicable to transactions in the State, or

(B) a fee (at the rate determined under paragraph (3)) which shall be in lieu of the nonuniform local sales taxes described in subparagraph (A).

Such election shall require the person to use the method elected for all transactions in the State while the election is in effect.

(3) RATE OF IN-LIEU FEE.—For purposes of paragraph (2)(B), the rate of the in-lieu fee for any calendar year shall be an amount equal to the product of—

(A) the amount determined by dividing total nonuniform local sales tax revenues collected in the State for the most recently completed State fiscal year for which data is available by total State sales tax revenues for the same year, and

(B) the State sales tax rate.

Such amount shall be rounded to the nearest 0.25 percent.

(4) NONUNIFORM LOCAL SALES TAXES.—For purposes of this Act, nonuniform local sales taxes are local sales taxes which do not meet the requirements of subsection (a).

(c) DISTRIBUTION OF LOCAL SALES TAXES.—

(1) IN GENERAL.—Except as provided in subsection (d), a State shall distribute to local jurisdictions a portion of the amounts collected pursuant to this Act determined on the basis of—

(A) in the case of uniform local sales taxes, the proportion which each local jurisdiction receives of uniform local sales taxes not collected pursuant to this Act,

(B) in the case of in-lieu fees described in subsection (b)(2)(B), the proportion which each local jurisdiction's nonuniform local sales tax receipts bears to the total nonuniform local sales tax receipts in the State, and

(C) in the case of any nonuniform local sales tax collected pursuant to this Act, the geographical location of the transaction on which the tax was imposed.

The amounts determined under subparagraphs (A) and (B) shall be calculated on the basis of data for the most recently completed State fiscal year for which the data is available.

(2) TIMING.—Amounts described in paragraph (1) (B) or (C) shall be distributed by a State to its local jurisdictions in accordance with State timetables for distributing local sales taxes, but not less frequently than every calendar quarter. Amounts described in paragraph (1)(A) shall be distributed by a State as provided under State law.

(3) TRANSITION RULE.—If, upon the effective date of this Act, a State has a State law in effect providing a method for distributing local sales taxes other than the method under this subsection, then this subsection shall not apply to that State until the 91st day following the adjournment sine die of that State's next regular legislative session which convenes after the effective date of this Act (or such earlier date as State law may provide). Local sales taxes collected pursuant to this Act prior to the application of this subsection shall be distributed as provided by State law.

(d) EXCEPTION WHERE STATE BOARD COLLECTS TAXES.—Notwithstanding section 3(b) and subsections (b) and (c) of this section, if a State had in effect on January 1, 1995, a State law which provides that local sales taxes are collected and remitted by a board of elected States officers, then for any period during which such law continues in effect—

(1) the State may require the collection and remittance under this Act of only the State sales taxes and the uniform portion of local sales taxes, and

(2) the State may distribute any local sales taxes collected pursuant to this Act in accordance with State law.

SEC. 5. RETURN AND REMITTANCE REQUIREMENTS.

(a) IN GENERAL.—A State may not require any person subject to this Act—

(1) to file a return reporting the amount of any tax collected or required to be collected under this Act, or to remit the receipts of such tax, more frequently than once with respect to sales in a calendar quarter, or

(2) to file the initial such return, or to make the initial such remittance, before the 90th day after the person's first taxable transaction under this Act.

(b) LOCAL TAXES.—The provisions of subsection (a) shall also apply to any person required by a State acting under authority of this Act to collect a local sales tax or in-lieu fee.

SEC. 6. NONDISCRIMINATION AND EXEMPTIONS.

Any State which exercises any authority granted under this Act shall allow to all persons subject to this Act all exemptions or other exceptions to State and local sales taxes which are allowed to persons located within the State or local jurisdiction.

SEC. 7. APPLICATION OF STATE LAW.

(a) PERSONS REQUIRED TO COLLECT STATE OR LOCAL SALES TAX.—Any person required by section 3 to collect a State or local sales tax shall be subject to the laws of such State relating to such sales tax to the extent that such laws are consistent with the limitations contained in this Act.

(b) LIMITATIONS.—Except as provided in subsection (a), nothing in this Act shall be construed to permit a State—

(1) to license or regulate any person,

(2) to require any person to qualify to transact intrastate business, or

(3) to subject any person to State taxes not related to the sales of tangible personnel property.

(c) PREEMPTION.—Except as otherwise provided in this Act, this Act shall not be construed to preempt or limit any power exercised or to be exercised by a State or local jurisdiction under the law of such State or local jurisdiction or under any other Federal law.

SEC. 8. TOLL-FREE INFORMATION SERVICE.

A State shall not have power under this Act to require any person to collect a State or local sales tax on any sale unless, at the time of such sale, such State has a toll-free telephone service available to provide such person information relating to collection of such State or local sales tax. Such information shall include, at a minimum, all applicable tax rates, return and remittance addresses and deadlines, and penalty and interest information. As part of the service, the State shall also provide all necessary forms and instructions at no cost to any person using the service. The State shall prominently display the toll-free telephone number on all correspondence with any person using the service. This service may be provided jointly with other States.

SEC. 9. DEFINITIONS.

For the purposes of this Act—

(1) the term ''compensating use tax'' means a tax imposed on or incident to the use, storage, consumption, distribution, or other use within a State or local jurisdiction or other area of a State, of tangible personal property;

(2) the term ''local sales tax'' means a sales tax imposed in a local jurisdiction or area of a State and includes, but is not limited to—

(A) a sales tax or in-lieu fee imposed in a local jurisdiction or area of a State by the State on behalf of such jurisdiction or area, and

(B) a sales tax imposed by a local jurisdiction or other State-authorized entity pursuant to the authority of State law, local law, or both;

(3) the term ''person'' means an individual, a trust, estate, partnership, society, association, company (including a limited liability company) or corporation, whether or not acting in a fiduciary or representative capacity, and any combination of the foregoing;

(4) the term ''sales tax'' means a tax, including a compensating use tax, that is—

(A) imposed on or incident to the sale, purchase, storage, consumption, distribution, or other use of tangible personal property as may be defined or specified under the laws imposing such tax, and

(B) measured by the amount of the sales price, cost, charge or other value of or for such property; and

(5) the term ''State'' means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

SEC. 10. EFFECTIVE DATE.

This Act shall take effect 180 days after the date of the enactment of this Act. In no event shall this Act apply to any sale occurring before such effective date.

OUTLINE OF THE CONSUMER AND MAIN STREET PROTECTION ACT OF 1998

Effect: Congress would give states the authority to require out-of-state sellers to collect the sales taxes due on goods shipped into the state. Under current law, out-of-state companies are exempt from collecting these taxes, even though consumers must pay them. This places an inappropriate burden on the consumer and places local retailers at a competitive disadvantage.

Not a New Tax: The Act does not create a new tax. It merely deals with how existing taxes are collected, shifting the burden of collecting those taxes from the consumer to the company.

Small Companies Exempted: A company will be exempt if its nationwide sales are less than $3 million. The exemption will not apply in any state where the company's sales exceed $100,000.

One Rate Per State: The Act will not require complicated tax calculations. Rather than dealing with a variety of state and local rates, companies will have the option of collecting a single blended rate for each state into which products are shipped.

Filing Frequency: Under the Act, out-of-state companies will only have to file tax returns once per quarter.

Toll-Free Information Service: To utilize the Act, states must establish a toll-free information service to provide out-of-state companies with necessary information and forms.

Distribution of Local Sales Taxes: State governments must remit to local jurisdictions the appropriate local share of taxes collected from out-of-state companies. To ensure this, the Act requires states to distribute local taxes collected out-of-state in the same proportion as local taxes collected in-state. Distributions must occur at least once every calendar quarter.

Uncollected Sales Taxes on Mail Order Goods, 1994

	Millions
Alabama	$48.6
Arizona	44.4
Arkansas	19.6
California	482.8
Colorado	47.9
Connecticut	50.4
D.C.	9.9
Florida	168.9
Georgia	72.9
Hawaii	9.8
Idaho	9.7
Illinois	233.1
Indiana	54.5
Iowa	28.3
Kansas	33.5
Kentucky	41.7
Louisiana	61.9
Maine	13.3
Maryland	60.1
Massachusetts	69.0
Michigan	108.4
Minnesota	53.1
Mississippi	28.0
Missouri	63.5
Nebraska	17.4
Nevada	17.4
New Jersey	112.2
New Mexico	16.8
New York	359.4
North Carolina	71.1
North Dakota	5.8
Ohio	116.3
Oklahoma	41.8
Pennsylvania	145.0
Rhode Island	14.2
South Carolina	31.3
South Dakota	7.3
Tennessee	68.8
Texas	235.2
Utah	16.8
Vermont	6.0
Virginia	59.9
Washington	76.2
West Virginia	18.6
Wisconsin	46.6
Wyoming	4.4
Total	3,301.5

Source: Advisory Commission on Intergovernmental Relations.

By Mr. CAMPBELL:

S. 1591. A bill entitled the ''Bulletproof Vest Partnership Grant Act of 1998''; to the Committee on the Judiciary.

THE BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 1998

Mr. CAMPBELL. Mr. President, today I am introducing the Bulletproof Vest Partnership Grant Act of 1998, a bill to establish a matching grant program to help State, Tribal and local jurisdictions purchase armor vests for the use by law enforcement officers. I also am working with my colleague, Senator LEAHY, on an expanded version of body armor legislation.

There are far too many law enforcement officers who patrol our streets and neighborhoods without the proper protective gear against violent criminals. As a former deputy sheriff, I know first-hand the risks which law enforcement officers face everyday on the front lines protecting our communities.

Today, more than ever, violent criminals have bulletproof vests and deadly

weapons at their disposal. In fact, figures from the U.S. Department of Justice indicate that approximately 150,000 law enforcement officers—or 25 percent of the nation's 600,000 state and local officers—do not have access to bulletproof vests.

The evidence is clear that a bulletproof vest is one of the most important pieces of equipment that any law enforcement officer can have. Since the introduction of modern bulletproof material, the lives of more than 1,500 officers have been saved by bulletproof vests. In fact, the Federal Bureau of Investigation has concluded that officers who do not wear bulletproof vests are 14 times more likely to be killed by a firearm than those officers who do wear vests. Simply put, bulletproof vests save lives.

Unfortunately, many police departments do not have the resources to purchase vests on their own. The Bulletproof Vest Partnership Grant Act of 1998 would form a partnership with state and local law enforcement agencies in order to make sure that every police officer who needs a bulletproof gets one. It would do so by authorizing up to $25 million per year for a new grant program within the U.S. Department of Justice. The program would provide 50–50 matching grants to state and local law enforcement agencies and Indian tribes to assist in purchasing bulletproof vests and body armor. To make sure that no police department is left out of the program, the matching requirement could be waived for those jurisdictions that cannot afford it.

This bill is a companion to legislation introduced in the House of Representatives by Congressman PETER J. VISCLOSKY from Indiana. That legislation already has over 200 cosponsors.

This bill has been endorsed by the Fraternal Order of Police, the National Sheriffs' Association, the International Union of Police Associations, the Police Executive Research Forum, the International Brotherhood of Police Officers, and the National Association of Police Organizations.

While we know that there is no way to end the risks inherent to a career in law enforcement, we must do everything possible to ensure that officers who put their lives on the line every day also put on a vest. Body armor is one of the most important pieces of equipment an officer can have and often means the difference between life and death.

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

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

S. 1591

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bulletproof Vest Partnership Grant Act of 1998''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS—Congress finds that—

(1) too many law enforcement officers die, while protecting the public, as a result of gunshot wounds;

(2) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

(3) more than 92 percent of such law enforcement officers were killed by firearms;

(4) the number of law enforcement officers who die as a result of gunshot wounds has declined significantly since the introduction of modern bulletproof material;

(5) according to studies, between 1985 and 1994, bullet resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States;

(6) the number of law enforcement officers who were killed in the line of duty would significantly decrease if every law enforcement officer in the United States has access to an armor vest; and

(7) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite decreases in the national crime rate, and has concluded that there is a ''public safety crisis in Indian country.

(b) PURPOSE.—The purpose of this Act is to save lives of law enforcement officers by helping State and local law enforcement departments provide officers with armor vests.

SEC. 3. PROGRAM AUTHORIZED.

(a) GRANT AUTHORIZATION.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase vests for use by law enforcement officers.

(b) USES OF FUNDS.—Awards shall be distributed directly to the State, unit of local government or Indian tribe and shall be used for the purchase of not more than 1 armor vest for each policy officer in a jurisdiction.

(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this Act, the Director of the Bureau of Justice Assistance may give preferential consideration, where feasible, to applications from jurisdictions that—

(1) have the greatest need for armor vests based on the percentage of officers in the department who do not have access to a vest;

(2) have a mandatory wear policy that requires on-duty officers to wear armor vests whenever feasible; and

(3) have a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation.

(d) MINIMUM AMOUNT.—Unless all applications submitted by any State or unit of local government pursuant to subsection (a) have been funded, each qualifying State or unit of local government shall be allocated in each fiscal year pursuant to subsection (a) not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to that subsection.

(e) MAXIMUM AMOUNT.—A qualifying State or unit of local government may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants pursuant to subsection (a).

(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent, unless the Director of the Bureau of Justice Assistance determines a case of fiscal hardship and waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program.

(g) ALLOCATION OF FUNDS.—At least half of the funds awarded under this program shall be allocated to units of local government or Indian tribes with fewer than 100,000 residents.

SEC. 4. APPLICATIONS.

(a) STATE AND TRIBAL APPLICATIONS.—To request a grant under this Act, the chief executive of a State shall submit an application to the Director of the Bureau of Justice Assistance, signed by the Attorney General of the State requesting the grant, or Indian tribe shall submit an application to the Director, in such form and containing such information as the Director may reasonably require.

(b) LOCAL APPLICATIONS.—To request a grant under this Act, the chief executive of a unit of local government shall submit an application to the Director of the Bureau of Justice Assistance, signed by the chief law enforcement officer of the unit of local government requesting the grant, in such form and containing such information as the Director may reasonably require.

(c) RENEWAL.—A State, unit of local government, or Indian tribe is eligible to receive a grant under this Act every 3 years.

(d) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States and units of local government must meet) in submitting the applications required under this section.

SEC. 5. PROHIBITION OF PRISON INMATE LABOR.

Any State, unit of local government, or Indian tribe that receives financial assistance provided using funds appropriated or otherwise made available by this Act may not purchase equipment or products manufactured using prison inmate labor.

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) The term ''armor vest'' means—

(A) body armor which has been tested through the voluntary compliance testing program operated by the National Law Enforcement and Corrections Technology Center of the National Institute of Justice (NIJ), and found to comply with the requirements of NIJ Standard 0101.03, or any subsequent revision of such standard; or

(b) body armor which exceeds the specifications stated in subparagraph (A), and which the law enforcement officer's agency or department permits the officer to wear on duty.

(2) The term ''State'' means each of the 50 States, the District of Columbia, Puerto Rico, the United States Virgin Islands, American Samoa, and the Northern Mariana Islands.

(3) The term ''qualifying State or unit of local government'' means any State or unit of local government which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Director of the Bureau of Justice Assistance and the conditions set out in section 3.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

SEC. 7. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated $25,000,000 for each fiscal year to carry out this program.

SEC. 8. SENSE OF THE CONGRESS.

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available by this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

ADDITIONAL COSPONSORS

S. 971

At the request of Mr. LAUTENBERG, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 971, A bill to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

S. 1208

At the request of Mrs. BOXER, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1208, A bill to protect women's reproductive health and constitutional right to choice, and for other purposes.

S. 1214

At the request of Mr. ALLARD, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 1214, A bill to amend the Line Item Veto Act of 1996 to eliminate the requirement that a Federal budget deficit must exist in order for the President to use the line-item veto authority.

S. 1251

At the request of Mr. D'AMATO, the names of the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 1251, A bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 1252, A bill to amend the Internal Revenue Code of 1986 to increase the amount of low- income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1260

At the request of Mr. NICKLES, his name was added as a cosponsor of S. 1260, A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

At the request of Mr. GRAMM, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1260, supra.

S. 1297

At the request of Mr. COVERDELL, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], the Senator from Texas [Mrs. HUTCHISON], the Senator from Wyoming [Mr. THOMAS], the Senator from Oklahoma [Mr. INHOFE], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 1297, A bill to redesignate Washington National Airport as ''Ronald Reagan Washington National Airport.''

S. 1384

At the request of Mr. DASCHLE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1384, A bill to amend title 5, United States Code, to make the Federal Employees Health Benefits Program available to the general public, and for other purposes.

S. 1427

At the request of Mr. FORD, the names of the Senator from Oregon [Mr. WYDEN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Mississippi [Mr. LOTT], the Senator from Georgia [Mr. COVERDELL], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 1427, A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve lowpower television stations that provide community broadcasting, and for other purposes.

S. 1480

At the request of Ms. SNOWE, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1480, A bill to authorize appropriations for the National Oceanic and Atmospheric Administration to conduct research, monitoring, education and management activities for the eradication and control of harmful algal blooms, including blooms of Pfiesteria piscicida and other aquatic toxins.

S. 1575

At the request of Mr. COVERDELL, the names of the Senator from Maine [Ms. COLLINS], the Senator from Alabama [Mr. SHELBY], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alaska [Mr. STEVENS], the Senator from New Hampshire [Mr. SMITH], the Senator from Oklahoma [Mr. INHOFE], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 1575, A bill to rename the Washington National Airport located in the District of Columbia and Virginia as the ''Ronald Reagan Washington National Airport.''

SENATE CONCURRENT RESOLUTION 12

At the request of Mr. TORRICELLI, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Concurrent Resolution 12, A concurrent resolution expressing the sense of the Congress with respect to the collection on data on ancestry in the decennial census.

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Maine [Ms. COLLINS], the Senator from Iowa [Mr. HARKIN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Concurrent Resolution 65, A concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 71

At the request of Mr. REED, his name was added as a cosponsor of Senate Concurrent Resolution 71, A concurrent resolution condemning Iraq's threat to international peace and security.

At the request of Mr. LOTT, the names of the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Oklahoma [Mr. NICKLES], the Senator from Alabama [Mr. SHELBY], the Senator from Colorado [Mr. ALLARD], the Senator from Ohio [Mr. DEWINE], the Senator from Missouri [Mr. BOND], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Alabama [Mr. SESSIONS], the Senator from Indiana [Mr. LUGAR], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Concurrent Resolution 71, supra.

At the request of Mr. ENZI, his name was added as a cosponsor of Senate Concurrent Resolution 71, supra.

At the request of Mr. COCHRAN, his name was added as a cosponsor of Senate Concurrent Resolution 71, supra.

At the request of Mr. KYL, his name was added as a cosponsor of Senate Concurrent Resolution 71, supra.

At the request of Mr. SANTORUM, his name, and the name of the Senator from Nebraska [Mr. KERREY] were added as cosponsors of Senate Concurrent Resolution 71, supra.

At the request of Mr. CLELAND, his name was withdrawn as a cosponsor of Senate Concurrent Resolution 71, supra.

SENATE RESOLUTION 168

At the request of Mr. HUTCHINSON, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Resolution 168, A resolution expressing the sense of the Senate that the Department of Education, States, and local educational agencies should spend a greater percentage of Federal education tax dollars in our children's classrooms.

AMENDMENT NO. 1397

At the request of Mr. GRAMM the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of Amendment No. 1397 intended to be proposed to S. 1173, A bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

SENATE RESOLUTION 170—RELATIVE TO BIOMEDICAL RESEARCH

Mr. SPECTER (for himself, Mr. HARKIN, Mr. FRIST, Mr. REED, Ms. SNOWE, Mr. DEWINE, and Mr. D'AMATO) submitted the following resolution; which was referred to the Committee on the Budget:

S. RES. 170

Whereas past investments in biomedical research have resulted in better health, an improved quality of life for all Americans and a reduction in national health care expenditures;

Whereas the Nation's commitment to biomedical research has expanded the base of