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Senate

FOSTER CARE INDEPENDENCE ACT

• Ms. SNOWE. Mr. President, I rise today to support the Foster Care Independence Act. I am a cosponsor of the foster care bill that was originally introduced in the Senate by our colleague, the late Senator John Chafee. Mr. President, this bill is an enormously important piece of legislation. It provides the means for States to support some of our most vulnerable children—teens who are facing the tenuous position of being dropped from foster care support for the simple reason that they are turning 18.

For many young people, the transition to adulthood is an exciting time of newfound independence. These young people navigate this challenging time with the help and support of their parents and family, secure in the knowledge that a "safety net" awaits them at home.

This momentous transition can be much more daunting, however, for the 20,000 foster children who make the difficult shift from foster care to independence and adulthood. Research has shown that these children—who average four homes in the final 7 years of their foster care—face many challenges when their benefits end and they are left on their own at the age of 18.

Today, there are more than 500,000 children in foster care throughout the United States—young people wrenched from the security of their homes by death, abuse, or other tragedy. For these children, foster parents offer the only support they know, and the abrupt end of care can make transition to adulthood all the more important. We are asking these teens to move out of their foster care and immediately become productive members of society—yet we forget that older foster kids face the same growing pains faced by teens in more stable homes. They are struggling with growing up, struggling with establishing their independence, and struggling to mature and develop their personal identity. But this strug-

gle is made exponentially more difficult when the teens must also face the struggle of housing, poverty, and unemployment.

In 1986, Congress created the Independent Living Program to address the transitional needs of foster children as they reach the age when they are asked to live independently. Studies of teens who are forced to abruptly leave foster care have found that they have a significantly higher-than-normal rate of school dropouts, out-of-wedlock births, homelessness, health and mental health problems, poverty, and unemployment. One 1998 study of former foster care youth by researchers at the University of Wisconsin-Madison found that more than 40 percent of interviewed youth had been homeless, incarcerated, or had received public assistance since leaving State care. This same study found that during the 12- to 18-month period after leaving care, 44 percent of former care youths had difficulty obtaining medical care due to a lack of medical insurance and the high cost of care.

These foster children deserve a safe, stable, and nurturing environment in order for them to become productive, self-sufficient members of society. The Foster Care Independence Act will expand Independent Living Program services to provide this support for foster children who are 18 to 21 years old and are still learning valuable life skills. This bill will enable teens between the ages of 18 and 21 to successfully shift from foster families into independent adulthood. This bill will help teens during this important transition by doubling Independent Living Program funding and expanding access to Medicaid health care and mental health services through their 21st birthday.

Foster children frequently lack a sense of permanency and the skills that are essential to becoming self-reliant and productive adults. Through State-administered Independent Living Programs, foster children will be able

to obtain mentoring and personal support. The expanded program will assist older foster care adolescents in obtaining a high school diploma and/or secondary education; career exploration; and preventative health services. They may also use this program to develop vital daily living skills such as budgeting, locating and maintaining housing, and financial planning.

We expect much of our youth because they are the future of our Nation. In turn, we must be willing to give them the support they need to learn, grow, and transition to productive and stable adult lives. The Foster Care Independence Act provides these crucial services for America's older foster children. As Congress works to conclude the first session of the 106th Congress, it is essential that the Senate echo the broad, bipartisan support given to this bill by the U.S. House of Representatives—which recently passed a companion bill by a large majority—and give these older foster children the stability they deserve.

Mr. President, we have all heard the old adage "an ounce of prevention is worth a pound a cure." Surely this rings true for helping our older foster children in their transition to adulthood. I can think of no better tribute to Senator Chafee, in tribute to his memory and to his life's work as an advocate of America's children, to name this bill in honor of him. And for this reason I rise today in support of the bill and I ask my colleagues to vote for this tremendously important piece of legislation.●

CONTINUED REPORTING OF INTERCEPTED WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS ACT

• Mr. LEAHY. Mr. President, I am pleased that the Senate is today considering H.R. 3111 to exempt from automatic elimination and sunset certain reports submitted to Congress that are useful and helpful in informing the

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Congress and the public about the activities of federal agencies in the enforcement of federal law. Senator HATCH and I offer as an amendment to H.R. 3111 the text of a bill, S. 1769, which I introduced with Chairman HATCH on October 22, 1999 and which passed the Senate on November 5, 1999. This amendment will continue and enhance the current reporting requirements for the Administrative Office of the Courts and the Attorney General on the eavesdropping and surveillance activities of our federal and state law enforcement agencies.

For many years, the Administrative Office (AO) of the Courts has complied with the statutory requirement, in 18 U.S.C. §2519(3), to report to Congress annually the number and nature of federal and state applications for orders authorizing or approving the interception of wire, oral or electronic communications. By letter dated September 3, 1999, the AO advised that it would no longer submit this report because "as of December 21, 1999, the report will no longer be required pursuant to the Federal Reports Elimination and Sunset Act of 1995." I commend the AO for alerting Congress that their responsibility for the wiretap reports would lapse at the end of this year, and for doing so in time for Congress to take action.

The AO has done an excellent job of preparing the wiretap reports. We need to continue the AO's objective work in a consistent manner. If another agency took over this important task at this juncture and the numbers came out in a different format, it would immediately generate questions and concerns over the legitimacy and accuracy of the contents of that report.

In addition, it would create difficulties in comparing statistics from prior years going back to 1969 and complicate the job of congressional oversight. Furthermore, transferring this reporting duty to another agency might create delays in issuance of the report since no other agency has the methodology in place. Finally, federal, state and local agencies are well accustomed to the reporting methodology developed by the AO. Notifying all these agencies that the reporting standards and agency have changed would inevitably create more confusion and more expense as law enforcement agencies across the country are forced to learn a new system and develop a liaison with a new agency.

The system in place now has worked well and we should avoid any disruptions. We know how quickly law enforcement may be subjected to criticism over their use of these surreptitious surveillance tools and we should avoid aggravating these sensitivities by changing the reporting agency and methodology on little to no notice. I appreciate, however, the AO's interest in transferring the wiretap reporting requirement to another entity. Any such transfer must be accomplished with a minimum of disruption

to the collection and reporting of information and with complete assurances that any new entity is able to fulfill this important job as capably as the AO has done.

The amendment would update the reporting requirements currently in place with one additional reporting requirement. Specifically, the amendment would require the wiretap reports prepared beginning in calendar year 2000 to include information on the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order.

Encryption technology is critical to protect sensitive computer and online information. Yet, the same technology poses challenges to law enforcement when it is exploited by criminals to hide evidence or the fruits of criminal activities. A report by the U.S. Working Group on Organized Crime titled, "Encryption and Evolving Technologies: Tools of Organized Crime and Terrorism," released in 1997, collected anecdotal case studies on the use of encryption in furtherance of criminal activities in order to estimate the future impact of encryption on law enforcement. The report noted the need for "an ongoing study of the affect of encryption and other information technologies on investigations, prosecutions, and intelligence operations." As part of this study, "a database of case information from federal and local law enforcement and intelligence agencies should be established and maintained." Adding a requirement that reports be furnished on the number of occasions when encryption is encountered by law enforcement is a far more reliable basis than anecdotal evidence on which to assess law enforcement needs and make sensible policy in this area.

The final section of this amendment would codify the information that the Attorney General already provides on pen register and trap and trace device orders, and require further information on where such orders are issued and the types of facilities—telephone, computer, pager or other device—to which the order relates. Under the Electronic Communications Privacy Act ("ECPA") of 1986, P.L. 99-508, codified at 18 U.S.C. 3126, the Attorney General of the United States is required to report annually to the Congress on the number of pen register orders and orders for trap and trace devices applied for by law enforcement agencies of the Department of Justice. As the original sponsor of ECPA, I believed that adequate oversight of the surveillance activities of federal law enforcement could only be accomplished with reporting requirements such as the one included in this law.

The reports furnished by the Attorney General on an annual basis compile information from five components of the Department of Justice: the Federal Bureau of Investigation, the Drug En-

forcement Administration, the Immigration and Naturalization Service, the United States Marshals Service and the Office of the Inspector General. The report contains information on the number of original and extension orders made to the courts for authorization to use both pen register and trap and trace devices, information concerning the number of investigations involved, the offenses on which the applications were predicted and the number of people whose telephone facilities were affected.

These specific categories of information are useful, and the amendment would direct the Attorney General to continue providing these specific categories of information. In addition, the amendment would direct the Attorney General to include information on the identity, including the district, of the agency making the application and the person authorizing the order. In this way, the Congress and the public will be informed of those jurisdictions using this surveillance technique—information which is currently not included in the Attorney General's annual reports.

The requirement for preparation of the wiretap reports will soon lapse so I am delighted to see the Senate take prompt action on this legislation to continue the requirement for submission of the wiretap reports and to update the reporting requirements for both the wiretap reports submitted by the AO and the pen register and trap and trace reports submitted by the Attorney General.●

DIGITAL THEFT DETERRENCE AND COPYRIGHT DAMAGES IMPROVEMENT ACT OF 1999

● Mr. LEAHY. Mr. President, the Senate is today passing an important bill, H.R. 3456, which is the Hatch-Leahy-Schumer "Digital Theft Deterrence and Copyright Damages Improvement Act of 1999." This legislation should help our copyright industries, which in turn helps both those who are employed in those industries and those who enjoy the wealth of consumer products, including books, magazines, movies, and computer software, that makes the vibrant culture of this country the envy of the world.

This legislation has already traveled an unnecessarily bumpy road to get to this stage of final passage, and it should be sent promptly to the President's desk.

On July 1, 1999, the Senate passed four intellectual property bills, which Senator HATCH and I had joined in introducing and which the Judiciary Committee had unanimously reported. Each of these bills (S. 1257, the text of which is considered today as H.R. 3456; S. 1258, the "Patent Fee Integrity and Innovation Protection Act"; S. 1259, the "Trademark Amendments Act"; and S. 1260, the "Copyright Act Technical Corrections Act") make important improvements to our intellectual