Finally, I would like to express my gratitude to David Smith, a leading expert on civil asset forfeiture, who gave tirelessly of his time over the past few months. His expertise and good counsel were invaluable in producing the legislation that the Senate passes today.

It is time for Congress to catch up with the American people and the courts and do the right thing on this important issue of fairness. I am glad that the Senate is acting without delay to pass this long overdue reform legislation.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The committee substitute was agreed to.

The bill (H.R. 1658), as amended, was read a third time and passed.

Mr. SESSIONS. Mr. President, the bill we have just considered is a very important piece of legislation that has been the subject of considerable effort for over a year now in the Judiciary Committee in the House.

Great efforts have been expended by all parties interested in this legislation to achieve a piece of legislation that would provide enhanced protections to private property owners and at the same time would not undermine, in a real and significant and unnecessary way, the ability of law enforcement agencies to seize and forfeit to the interest of the Government assets from illegal drug dealers and other criminal assets that are forfeited.

In the early 1980s, this Congress passed one of its most historic pieces of legislation that attacked crime in America. It was the asset forfeiture law. At that time, I was a U.S. attorney in Mobile, AL. This Federal law became a daily part of the work of my office.

We instructed our assistant U.S. attorneys that whenever they were prosecuting a drug case, it was not just enough to sentence and punish the criminal, they ought to be sure the ill-gotten gains, the profits they made from selling illegal substances in this country, would be seized and forfeited to the United States.

On a regular basis that was done all over this country. It was a major, important, historic step against crime, particularly against drug crime in America. Hundreds of millions, perhaps billions of dollars, have been forfeited from illegal enterprises since that day. The forfeitures are conducted under this Federal law, although States have the ability to forfeit assets, too.

In Federal court, the Government had to prove its case, seize the asset; a cost bond would be posted by the defendant if he wished to contest the seizure, and a court would hear the case and make a ruling in that fashion.

A number of people believed strongly that requiring a person to post a cost bond was not a healthy thing under our legal system. They wanted to change that. Chairman HENRY HYDE in the House Judiciary Committee felt that way; so did Senator ORRIN HATCH, chairman of the Senate Judiciary Committee. We began to analyze and study what we could do to deal with this problem of asset forfeiture.

At the time, Senators SCHUMER, THURMOND, BIDEN, and myself introduced asset forfeiture reform legislation in the Senate. Senators HATCH and LEAHY introduced another piece of legislation that was closer to the Hyde bill.

For some months now, we have worked together to see what we could do to protect legitimate constitutional rights of American citizens, while at the same time protecting this tremendous asset to law enforcement of the seizing and forfeiting of assets.

It is wrong, in my opinion, for a person who has made his money and his livelihood for years selling dope in America to go to jail and leave a mansion out there that he can come back to and the Federal taxpayers having to pay for his time in jail, or to have bank accounts with hundreds of thousands of dollars in them and not have that seized by the Government but, in fact, serving his time in jail and getting out and living high off the ill-gotten gains he achieved as a drug trafficker.

I would say, 98 percent of forfeitures in America today in Federal court are as a result of drug cases.

In my relatively small office in Alabama, when I was a U.S. attorney, we seized probably $8 million to $10 million that we actually turned into the Federal Treasury, after expenses and other items were paid.

In one case, we seized a Corvette automobile that was rumored to be worth hundreds of thousands of dollars because it was a unique Corvette. In fact, the drug dealer's car eventually was sold for $170,000, as I remember. We seized mansions in Florida on the Gulf Coast. We seized bank accounts in foreign countries—big freighters, small boats, expensive sail boats, automobiles of all kinds, and bank accounts into the millions of dollars.

These are effective tools against the drug trafficking industry. In fact, many countries now recognize that, and they are at this time attempting to pass similar laws in their countries. It certainly is important to America.

I believed very strongly that when we set about amending this law, we do not need to place any unnecessary burdens on law enforcement and the prosecutors who will have to handle these cases. In fact, a large percentage, perhaps 90 percent or more, of these cases are confessed by the defendant because he has to establish where he got this money. Not many people can explain why they have $50,000 in cash in the trunk of their car along with maybe a few kilograms of cocaine. Normally, there is evidence in addition that they have been a drug dealer and that they haven't had employment; that their house note is being paid in cash. Oftentimes they paid for their Mercedes automobile in cash, those kinds of things. So the proof turns out to be pretty good, as a normal rule.

I believe the negotiation over this legislation was a fine example of the Senate at work; the Senate and House, as a matter of fact. We believe the agreement that has been reached today will both satisfy the House Judiciary Committee leadership and the Senate Judiciary Committee leadership. Now it has already passed the Senate. If the identical bill passes in the House, it will become law. We will have done what we set out to do, to pass legislation that will strengthen protections and civil liberties in America without undermining the rule of law in this country.

I was proud to be a part of that. We worked very hard on it. I express particular appreciation to my staff on the Judiciary Committee: Kristi Lee, who is now U.S. Magistrate in Mobile, AL, and Ed Haden, who is with me today, who both worked with extraordinary skill to make this legislation become a reality.

In recent weeks, I am particularly proud of the work Ed Haden has done to be firm and strong for good, solid legislation that could have the support of law enforcement in America.

I also express my appreciation for the leadership of Senator HATCH who chairs the Judiciary Committee. His skill and knowledge on these issues is unsurpassed, and his dedication to American law is unsurpassed.

I also was extraordinarily impressed with the commitment and knowledge and ability of Chairman HENRY HYDE of the House Judiciary Committee. His insight and commitment to making this law better was remarkable, and I think the result has been something of which we can all be proud.

ORDER FOR STAR PRINT—S. 2285

Mr. SESSIONS. Mr. President, I ask unanimous consent that a star print of S. 2285 be made with the changes that are at the desk.

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

ORDERS FOR TUESDAY, MARCH 28, 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, March 28. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S.J. Res. 14, as under the previous agreement.

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

Mr. SESSIONS. I ask unanimous consent that the Senate stand in recess from the hours of 12:30 to 2:15 for the weekly party luncheons.

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

PROGRAM

Mr. SESSIONS. For the information of all Senators, tomorrow morning the Senate will resume consideration of the pending flag desecration resolution. Under the order, there will be 2 hours remaining for debate relating to the Hollings amendment, to be followed by an additional hour for general debate. At 2:15 on Tuesday, following the party luncheons, the Senate will proceed to two consecutive votes on the pending amendments to the flag desecration resolution. It is hoped that following those votes, the Senate will be able to reach a consent agreement regarding the passage vote of S. J. Res. 14. As a reminder, if an agreement is not reached for a vote on passage, then under the provisions of rule XXII, a cloture vote will occur on Wednesday of this week.

I thank all the Members for their attention.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Tuesday, March 28, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 27, 2000:

DEPARTMENT OF STATE

GREGORY G. GOVAN, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS CHIEF U.S. DELEGATE TO THE JOINT CONSULTATIVE GROUP. (NEW POSITION)

THE JUDICIARY

BEVERLY B. MARTIN, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE G. ERNEST TIDWELL, RETIRED.

ROGER L. HUNT, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA, VICE A NEW POSITION CREATED BY PUBLIC LAW 106–113, APPROVED NOVEMBER 29, 1999.

WITHDRAWALS

Executive messages transmitted by the President to the Senate on March 27, 2000, withdrawing from further Senate consideration the following nominations:

THE JUDICIARY

GAIL S. TUSAN, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE G. ERNEST TIDWELL, RETIRED, WHICH WAS SENT TO THE SENATE ON AUGUST 3, 1999.

DEPARTMENT OF JUSTICE

JOSE ANTONIO PEREZ, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE STEPHEN SIMPSON GREGG, WHICH WAS SENT TO THE SENATE ON JANUARY 6, 1999.