juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

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

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Mrs. FEINSTEIN. Mr. President, I am pleased that the Senate today, by unanimous consent, passed H.R. 3235, the National Police Athletic League Youth Enrichment Act of 2000, a bill that will authorize the Department of Justice to provide grant money to police after-school programs to reduce crime and drug use. This bill is companion legislation to S. 1874, a bill introduced by Senator GRAHAM, Senator BINGAMAN, and myself. The Senate bill has a total of 22 cosponsors.

I want to thank my colleagues in this body, particularly my friend Senator HATCH, for their support of this legislation. I also want to thank Representative TOM BARRETT for his work on the bill, and Representatives CANADY and SCOTT for helping shepherd the legislation through the House.

I also want to acknowledge the tremendous efforts of the Police Athletic League in spreading the word about the bill. In particular, Ron Exley of the California Police Activities League labored tirelessly to build support for the legislation.

H.R. 3235 would create a program directing the Department of Justice's Office of Justice Programs to award grants to the Police Athletic League, PAL, to establish new PAL chapters to serve public housing projects and other distressed areas and to expand existing chapters to assist additional youth.

To do this, the bill would authorize $16 million a year for 5 years beginning with fiscal year 2001. The money would be used to enhance the services provided by the existing 320 established PAL chapters and provide seed money for the establishment of an additional 250 chapters over 5 years.

The Police Athletic League was founded by police officers in New York City in 1914. Its mission is to offer an alternative to crime, drugs, and violence for our nation's most at-risk youth. In the last 75 years, PAL has become one of the largest youth-crime prevention programs in the nation, with a network of 1700 facilities serving more than 3000 communities and 1.5 million young people. Over one-third of existing PALs are in California, and these chapters serve more than 300,000 at-risk youth. Off-duty police officers staff local chapters, and PALs receive most of their funding from private sources.

PALs currently provide kids with after-school recreational, educational, mentoring, and crime prevention programs. By keeping kids busy and out of trouble, PALs have significantly reduced juvenile crime and victimization in hundreds of communities across the country. One study found, for example, that PALs have cut crime in Baltimore by 30 percent and decreased juvenile victimization there by 40 percent. Another study concluded that PAL reduced crime and gang activity in a HUD housing development in El Centro, California by 64 percent.

PAL programs involve close, positive interaction between kids and cops, encouraging youngsters to view the police in a favorable light and obey the law. The programs are generally held after school, during the prime hours that some youth turn to crime and other anti-social activities.

PAL programs more than pay for themselves, saving taxpayers millions of dollars in crime, drug, and dropout costs. The Department of Justice has found, for example, that each youngster who drops out of high school and turns to crime and drugs costs taxpayers a staggering $2–3 million. Even so, the legislation requires any new chapter seeking a grant to explain the manner in which it will operate without additional direct federal assistance when the act is discontinued.

In short, this valuable legislation will help fight crime and benefit kids in California and across the country. It will now go to President Clinton's desk for signature.●

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

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

The bill (H.R. 3235) was read the third time and passed.

PRESIDENTIAL THREAT PROTECTION ACT OF 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 775, H.R. 3048.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3048) to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes.

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

AMENDMENT NO. 4319

Mr. LOTT. Mr. President, Senator HATCH has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. HATCH, for himself, Mr. LEAHY, and Mr. THURMOND, proposes an amendment numbered 4319.

The amendment is as follows:

On page 3, strike lines 19 through 24 and insert the following:

''(e)(1) When directed by the President, the United States Secret Service is authorized to participate, under the direction of the Secretary of the Treasury, in the planning, coordination, and implementation of security operations at special events of national significance, as determined by the President.

''(2) At the end of each fiscal year, the President through such agency or office as the President may designate, shall report to the Congress—

''(A) what events, if any, were designated special events of national significance for security purposes under paragraph (1); and

''(B) the criteria and information used in making each designation.''.

On page 7, line 6, after ''offense'' insert ''or apprehension of a fugitive''.

On page 8, strike lines 17 through 19.

On page 9, strike line 14 and insert the following:

issuance.

''(11) With respect to subpoenas issued under paragraph (1)(A)(i)(III), the Attorney General shall issue guidelines governing the issuance of administrative subpoenas pursuant to that paragraph. The guidelines required by this paragraph shall mandate that administrative subpoenas may be issued only after review and approval of senior supervisory personnel within the respective investigative agency or component of the Department of Justice and of the United States Attorney for the judicial district in which the administrative subpoena shall be served.''.

At the end of the bill, insert the following:

SEC. 6. ADMINISTRATIVE SUBPOENAS TO APPREHEND FUGITIVES.

(a) AUTHORITY OF ATTORNEY GENERAL.—Section 3486(a)(1) of title 18, United States Code, as amended by section 5 of this Act is further amended in subparagraph (A)(i)—

(1) by striking ''offense or'' and inserting ''offense,''; and

(2) by inserting ''or (III) with respect to the apprehension of a fugitive,'' after ''children,''.

(b) ADDITIONAL BASIS FOR NONDISCLOSURE ORDER.—Section 3486(a)(6) of title 18, United States Code, as amended by section 5 of this Act, is further amended in subparagraph (B)—

(1) by striking ''or'' and the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting ''; or''; and

(3) by adding at the end the following:

''(v) otherwise seriously jeopardizing an investigation or undue delay of a trial.''.

(c) DEFINITIONS.—Section 3486 of title 18, as amended by section 5 of this Act, is further amended by adding at the end the following:

''(g) DEFINITIONS.—In this section—

''(1) the term 'fugitive' means a person who—

''(A) having been accused by complaint, information, or indictment under Federal law of a serious violent felony or serious drug offense, or having been convicted under Federal law of committing a serious violent felony or serious drug offense, flees or attempts to flee from, or evades or attempts to evade the jurisdiction of the court with jurisdiction over the felony;

''(B) having been accused by complaint, information, or indictment under State law of a serious violent felony or serious drug offense, or having been convicted under State law of committing a serious violent felony or serious drug offense, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

''(C) escapes from lawful Federal or State custody after having been accused by complaint, information, or indictment of a serious violent felony or serious drug offense or having been convicted of committing a serious violent felony or serious drug offense; or

''(D) is in violation of subparagraph (2) or (3) of the first undesignated paragraph of section 1073;

''(2) the terms 'serious violent felony' and 'serious drug offense' shall have the meanings given those terms in section 3559(c)(2) of this title; and

''(3) the term 'investigation' means, with respect to a State fugitive described in subparagraph (B) or (C) of paragraph (1), an investigation in which there is reason to believe that the fugitive fled from or evaded, or attempted to flee from or evade, the jurisdiction of the court, or escaped from custody, in or affecting, or using any facility of, interstate or foreign commerce, or as to whom an appropriate law enforcement officer or official of a State or political subdivision has requested the Attorney General to assist in the investigation, and the Attorney General finds that the particular circumstances of the request give rise to a Federal interest sufficient for the exercise of Federal jurisdiction pursuant to section 1075.''.

SEC. 7. FUGITIVE APPREHENSION TASK FORCES.

(a) IN GENERAL.—The Attorney General shall, upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, establish permanent Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the United States Marshals Service, for the purpose of locating and apprehending fugitives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for the United States Marshals Service to carry out the provisions of this section $30,000,000 for the fiscal year 2001, $5,000,000 for fiscal year 2002, and $5,000,000 for fiscal year 2003.

(c) OTHER EXISTING APPLICABLE LAW.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

SEC. 8. STUDY AND REPORTS ON ADMINISTRATIVE SUBPOENAS.

(a) STUDY ON USE OF ADMINISTRATIVE SUBPOENAS.—Not later than December 31, 2001, the Attorney General, in consultation with the Secretary of the Treasury, shall complete a study on the use of administrative subpoena power by executive branch agencies or entities and shall report the findings to the Committees on the Judiciary of the Senate and the House of Representatives. Such report shall include—

(1) a description of the sources of administrative subpoena power and the scope of such subpoena power within executive branch agencies;

(2) a description of applicable subpoena enforcement mechanisms;

(3) a description of any notification provisions and any other provisions relating to safeguarding privacy interests;

(4) a description of the standards governing the issuance of administrative subpoenas; and

(5) recommendations from the Attorney General regarding necessary steps to ensure that administrative subpoena power is used and enforced consistently and fairly by executive branch agencies.

(b) REPORT ON FREQUENCY OF USE OF ADMINISTRATIVE SUBPOENAS.—

(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury shall report in January of each year to the Committees on the Judiciary of the Senate and the House of Representatives on the number of administrative subpoenas issued by them under this section, whether each matter involved a fugitive from Federal or State charges, and the identity of the agency or component of the Department of Justice or the Department of the Treasury issuing the subpoena and imposing the charges.

(2) EXPIRATION.—The reporting requirement of this subsection shall terminate in 3 years after the date of enactment of this section.

Mr. LEAHY. Mr. President, the Presidential Threat Protection Act, H.R. 3048, is a high priority for the Secret Service and the Service's respected Director, Brian Stafford, and I am pleased that this legislation is passing the Senate today, along with legislation that Senators THURMOND, HATCH and I have crafted to assist the U.S. Marshals Service in apprehending fugitives.

The Presidential Threat Protection Act, H.R. 3048, would expand or clarify the Secret Service's authority in four ways. First, the bill would amend current law to make clear it is a federal crime, which the Secret Service is authorized to investigate, to threaten any current or former President or their immediate family, even if the person is not currently receiving Secret Service protection and including those people who have declined continued protection, such as former Presidents, or have not yet received protection, such as major Presidential and Vice-Presidential candidates and their families.

Second, the bill would incorporate in statute certain authority, which is currently embodied in a classified Executive Order, PDD 62, clarifying that the Secret Service is authorized to coordinate, design, and implement security operations for events deemed of national importance by the President ''or the President's designee.''

Third, the bill would establish a ''National Threat Assessment Center' within the Secret Service to provide training to State, local and other Federal law enforcement agencies on threat assessments and public safety responsibilities.

Finally, the bill authorizes the Secretary of the Treasury to issue administrative subpoenas for investigations of ''imminent'' threats made against an individual whom the service is authorized to protect. The Secret Service has requested that the Congress grant this administrative subpoena authority to expedite investigation procedures particularly in situations where an individual has made threats against the President and is en route to exercise those threats.

''Administrative subpoena'' is the term generally used to refer to a demand for documents or testimony by an investigative entity or regulatory agency that is empowered to issue the subpoena independently and without the approval of any grand jury, court or other judicial entity. I am generally skeptical of administrative subpoena power. Administrative subpoenas avoid the strict grant jury secrecy rules and the documents provided in response to such subpoenas are, therefore, subject to broader dissemination. Moreover, since investigative agents issue such subpoenas directly, without review by a judicial officer or even a prosecutor, fewer ''checks'' are in place to ensure the subpoena is issued with good cause and not merely as a fishing expedition.

H.R. 3048 addresses these general concerns with the following procedural safeguards, some of which would apply not only to the new administrative subpoena authority of the Secret Service but also to current administrative subpoena authority granted to the FBI to issue administrative subpoenas in cases involving child abuse, child sexual exploitation, and Federal health care offenses.

The new administrative subpoena authority in threat cases may only be exercised by the Secretary of the Treasury upon determination of the Director of the Secret Service that the threat is imminent, and the Secret Service must notify the Attorney General of the issuance of each subpoena. I should note that this requirement will help ensure that administrative subpoenas will be used in only the most significant investigations since obtaining the authorization for such a subpoena from senior Treasury and Secret Service personnel may take longer than simply going to the local U.S. Attorney's office to get a grand jury subpoena.

The bill would limit the scope of both current and new administrative subpoena authority of the FBI for obtaining records in child sex abuse and exploitation cases from Internet Service Providers to the name, address, local and long distance telephone billing records, telephone number or services used by a subscriber.

The bill would also expressly allow a person whose records are demanded pursuant to an administrative subpoena to contest the administrative subpoena by petitioning a federal judge to modify or set aside the subpoena.

The bill would authorize a court to order non-disclosure of the administrative subpoena for up to 90 days (and up to a 90 day extension) upon a showing that disclosure would adversely affect the investigation in an enumerated way.

Upon written demand, the agency must return the subpoenaed records or things if no case or proceedings arise from the production of records ''within a reasonable time.''

The administrative subpoena may not require production in less than 24 hours after service so agencies may have to wait for at least a day before demanding production.

The Senate amendment to H.R. 3048 would modify the House-passed version, which provides that violation of the administrative subpoena is punishable by fine or up to five years' imprisonment. This penalty provision in the House version of the bill is both unnecessary and excessive since current law already provides that failure to comply with the subpoena may be punished as a contempt of court—which is

either civil or criminal. See 18 U.S.C. §3486(c). Under current law, the general term of imprisonment for some forms of criminal contempt is up to six months. See, e.g., 18 U.S.C. §402. The Senate amendment would strike that provision in the House bill.

Secret Service protective function Privilege. While passage of this legislation will assist the Secret Service in fulfilling its critical mission, this Congress is unfortunately coming to a close without addressing another significant challenge to the Secret Service's ability to fulfill its vital mission of protecting the life and safety of the President and other important persons. I refer to the misguided and unfortunately successful litigation of Special Counsel Kenneth Starr to compel Secret Service agents to answer questions about what they may have observed or overheard while protecting the life of the President.

As a result of Mr. Starr's zealous efforts, the courts refused to recognize a protective function privilege and required that at least seven Secret Service officers appear before a federal grand jury to respond to questions regarding President Clinton, and others. In re Grand Jury Proceedings, 1998 W.L. 272884 (May 22, 1998 D.C.), affirmed 1998 WL 370584 (July 7, 1998 D.C. Cir) (per curiam). These recent court decisions, which refused to recognize a protective function privilege, could have a devastating impact upon the Secret Service's ability to provide effective protection. The Special Counsel and the courts ignored the voices of experience—former Presidents, Secret Service Directors, and others—who warned of the potentially deadly consequences. The courts disregarded the lessons of history. We cannot afford to be so cavalier; the stakes are just too high.

In order to address this problem, I introduced the Secret Service Protective Privilege Act, S. 1360, on July 13, 1999, to establish a Secret Service protective function privilege so Secret Service agents will not be put in the position of revealing private information about protected officials as Special Prosecutor Kenneth Starr compelled the Secret Service to do with respect to President Clinton. Unfortunately, the Senate Judiciary Committee took no action on this legislation in this Congress.

Few national interests are more compelling than protecting the life of the President of the United States. The Supreme Court has said that the nation has ''an overwhelming interest in protecting the safety of its Chief Executive and in allowing him to perform his duties without interference from threats of physical violence.'' Watts v. United States, 394 U.S. 705, 707 (1969). What is at stake is not merely the safety of one person: it is the ability of the Executive Branch to function in an effective and orderly fashion, and the capacity of the United States to respond to threats and crises. Think of the shock waves that rocked the world in November 1963 when President Kennedy was assassinated. The assassination of a President has international repercussions and threatens the security and future of the entire nation.

The threat to our national security and to our democracy extends beyond the life of the President to those in direct line of the Office of the President—the Vice President, the President-elect, and the Vice President elect. By Act of Congress, these officials are required to accept the protection of the Secret Service—they may not turn it down. This statutory mandate reflects the critical importance that Congress has attached to the physical safety of these officials.

Congress has also charged the Secret Service with responsibility for protecting visiting heads of foreign states and foreign governments. The assassination of a foreign head of state on American soil could be catastrophic from a foreign relations standpoint and could seriously threaten national security.

The bill I introduced, S. 1360, would enhance the Secret Service's ability to protect these officials, and the nation, from the risk of assassination. It would do this by facilitating the relationship of trust between these officials and their Secret Service protectors that is essential to the Secret Service's protective strategy. Agents and officers surround the protectee with an all-encompassing zone of protection on a 24-hour-a-day basis. In the face of danger, they will shield the protectee's body with their own bodies and move him to a secure location.

That is how the Secret Service averted a national tragedy on March 30, 1981, when John Hinckley attempted to assassinate President Reagan. Within seconds of the first shot being fired, Secret Service personnel had shielded the President's body and maneuvered him into the waiting limousine. One agent in particular, Agent Tim McCarthy, positioned his body to intercept a bullet intended for the President. If Agent McCarthy had been even a few feet farther from the President, history might have gone very differently.

For the Secret Service to maintain this sort of close, unremitting proximity to the President and other protectees, it must have their complete, unhesitating trust and confidence. Secret Service personnel must be able to remain at the President's side even during confidential and sensitive conversations, when they may overhear military secrets, diplomatic exchanges, and family and private matters. If our Presidents do not have complete trust in the Secret Service personnel who protect them, they could try to push away the Secret Service's ''protective envelope'' or undermine it to the point where it could no longer be fully effective.

This is more than a theoretical possibility. Consider what former President Bush wrote in April, 1998, after hearing of the independent counsel's efforts to compel Secret Service testimony:

> The bottom line is I hope that [Secret Service] agents will be exempted from testifying before the Grand Jury. What's at stake here is the protection of the life of the President and his family and the confidence and trust that a President must have in the [Secret Service]. If a President feels that Secret Service agents can be called to testify about what they might have seen or heard then it is likely that the President will be uncomfortable having the agents nearby. I allowed the agents to have proximity first because they had my full confidence and secondly because I knew them to be totally discreet and honorable. . . . I can assure you that had I felt they would be compelled to testify as to what they had seen or heard, no matter what the subject, I would not have felt comfortable having them close in. . . . I feel very strongly that the [Secret Service] agents should not be made to appear in court to discuss that which they might or might not have seen or heard. What's at stake here is the confidence of the President in the discretion of the [Secret Service]. If that confidence evaporates the agents, denied proximity, cannot properly protect the President.

As President Bush's letter makes plain, requiring Secret Service agents to betray the confidence of the people whose lives they protect could seriously jeopardize the ability of the Service to perform its crucial national security function.

The possibility that Secret Service personnel might be compelled to testify about their protectees could have a particularly devastating affect on the Service's ability to protect foreign dignitaries. The mere fact that this issue has surfaced is likely to make foreign governments less willing to accommodate Secret Service both with respect to the protection of the President and Vice President on foreign trips, and the protection of foreign heads of state traveling in the United States.

The security of our chief executive officers and visiting foreign heads of state should be a matter that transcends all partisan politics and I regret that this legislation does not do more to help the Secret Service by providing a protective function privilege.

The Fugitive Apprehension Act. The Senate amendment to H.R. 3048 incorporates into the bill the substance of the Thurmond-Biden-Leahy substitute amendment to S. 2516, the Fugitive Apprehension Act, which passed the Senate unanimously on July 26, 2000. That substitute amendment reconciled the significant differences between S. 2516, as introduced, and S. 2761, ''The Capturing Criminals Act,'' which I introduced with Senator KOHL on June 21, 2000. The Senate amendment to H.R. 3048 makes certain changes to S. 2516 to ensure that the authority granted is consistent with privacy and other appropriate safeguards.

As a former prosecutor, I am well aware that fugitives from justice are an important problem and that their capture is an essential function of law enforcement. According to the FBI, nearly 550,000 people are currently fugitives from justice on federal, state, and local felony charges combined. This means that there are almost as many

fugitive felons as there are citizens residing in my home state of Vermont.

The fact that we have more than one half million fugitives from justice, a significant portion of whom are convicted felons in violation of probation or parole, who have been able to flaunt court order and avoid arrest, breeds disrespect for our laws and poses undeniable risks to the safety of our citizens.

Our Federal law enforcement agencies should be commended for the job they have been doing to date on capturing federal fugitives and helping the states and local communities bring their fugitives to justice. The U.S. Marshals Service, our oldest law enforcement agency, has arrested over 120,000 federal, state and local fugitives in the past four years, including more federal fugitives than all the other federal agencies combined. In prior years, the Marshals Service spearheaded special fugitive apprehension task forces, called FIST Operations, that targeted fugitives in particular areas and was singularly successful in arresting over 34,000 fugitive felons.

Similarly, the FBI has established twenty-four Safe Streets Task Forces exclusively focused on apprehending fugitives in cities around the country. Over the period of 1995 to 1999, the FBI's efforts have resulted in the arrest of a total of 65,359 state fugitives.

Nevertheless, the number of outstanding fugitives is too large. The Senate amendment to H.R. 3028 will help make a difference by providing new but limited administrative subpoena authority to the Department of Justice to obtain documentary evidence helpful in tracking down fugitives and by authorizing the Attorney General to establish fugitive task forces.

Unlike initial criminal inquiries, fugitive investigations present unique difficulties. Law enforcement may not use grand jury subpoenas since, by the time a person is a fugitive, the grand jury phase of an investigation is usually over. Use of grand jury subpoenas to obtain phone or bank records to track down a fugitive would be an abuse of the grand jury. Trial subpoenas may also not be used, either because the fugitive is already convicted or no trial may take place without the fugitive.

This inability to use trial and grand jury subpoenas for fugitive investigations creates a gap in law enforcement procedures. Law enforcement partially fills this gap by using the All Writs Act, 28 U.S.C. §1651(a), which authorizes federal courts to ''issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.'' The procedures, however, for obtaining orders under the Act, and the scope and non-disclosure terms of such orders, vary between jurisdictions. Authorizing administrative subpoena power will help bridge the gap in fugitive investigations by providing a uniform mechanism for federal law enforcement agencies to obtain records useful for tracking a fugitive's whereabouts.

The Thurmond-Biden-Leahy substitute amendment, which previously passed the Senate, incorporated a number of provisions from the Leahy-Kohl ''Capturing Criminals Act'' and made significant and positive modifications to the original version of S. 2516. These improvements are largely incorporated into the current Hatch-Leahy-Thurmond amendments to H.R. 3048, which the Senate considers today. First, as introduced, S. 2516 would have limited use of an administrative subpoena to those fugitives who have been ''indicted,'' and failed to address the fact that fugitives flee after arrest on the basis of a ''complaint'' and may flee after the prosecutor has filed an ''information'' in lieu of an amendment. The prior substitute amendment and the current Hatch-Leahy-Thurmond amendment to H.R. 3048, by contrast, would allow use of such subpoenas to track fugitives who have been accused in a ''complaint, information or indictment.''

Second, S. 2516, as introduced, would have required the U.S. Marshals Service to report quarterly to the Attorney General (who must transmit the report to Congress) on use of the administrative subpoenas. While a reporting requirement is useful, the requirement as described in the original S. 2516 was overly burdensome and insufficiently specific. The prior substitute amendment and the current Hatch-Leahy-Thurmond amendment to H.R. 3048 would require, as set forth in the Capturing Criminals Act, that the Attorney General report for the next three years to the Judiciary Committees of both the House and Senate on the following information about the use of administrative subpoenas in fugitive investigations: the number issued, by which agency, identification of the charges on which the fugitive was wanted and whether the fugitive was wanted on federal or state charges.

Third, although the original S. 2516 outlined the procedures for enforcement of an administrative subpoena, it was silent on the mechanisms for contesting the subpoena by the recipient. The procedures outlined in H.R. 3048 address this issue in a manner fully consistent with those I originally outlined in the Capturing Criminals Act by allowing a person, who is served with an administrative subpoena, to petition a court to modify or set aside the subpoena.

Fourth, the original S. 2516 set forth no procedure for the government to command a custodian of records to avoid disclosure or delay notice to a customer about the existence of the subpoena. This is particularly critical in fugitive investigations when law enforcement does not want to alert a fugitive that the police are on the person's trail. Both the prior substitute amendment to S. 2516, which passed the Senate last July, and H.R. 3048, which the Senate considers today, provide express authority for law enforcement to apply for a court order directing the custodian of records to delay notice to subscribers of the existence of the subpoena on the same terms applicable in current law to other subpoenas issued, for example, to telephone companies and financial institutions. This procedure is consistent with provisions I originally proposed in the Capturing Criminals Act.

Fifth, S. 2516, as introduced, would have authorized use of an administrative subpoena in fugitive investigations upon a finding by the Attorney General that the documents are ''relevant and material,'' which is further defined to mean that ''there are articulable facts that show the fugitive's whereabouts may be discerned from the records sought.'' In my view, changing the standard for issuance of a subpoena from ''relevancy'' to a hybrid of ''relevant and material'' would set a confusing precedent. Accordingly, the current Hatch-Leahy-Thurmond amendment to H.R. 3048 amendment would authorize issuance of an administrative subpoena in fugitive investigations based on the same standard as for other administrative subpoenas, i.e., that the documents may be relevant to an authorized law enforcement inquiry.

Sixth, the original S. 2516 authorized the Attorney General to issue guidelines delegating authority for issuance of administrative subpoenas in fugitive investigations only to the Director of the U.S. Marshals Service, despite the fact that the FBI, and the Drug Enforcement Administration also want this authority to find fugitives on charges over which they have investigative authority. The substitute amendment to S. 2516, which previously passed the Senate, and the current Hatch-Leahy-Thurmond amendment to H.R. 3048, which we consider today, would authorize the Attorney General to issue guidelines delegating authority for issuance of administrative subpoenas to supervisory personnel within components of the Department. In addition, the current Hatch-Leahy-Thurmond amendment to H.R. 3048 would require that the Attorney General's guidelines require that administrative subpoenas in fugitive investigations be issued only upon the review and approval of senior supervisory personnel within the respective investigating agency and of the U.S. Attorney in the judicial district in which the subpoena would be served.

Seventh, the original S. 2516 did not address the issue that a variety of administrative subpoena authorities exist in multiple forms in every agency. The substitute amendment to S. 2516, which previously passed the Senate, and the Hatch-Leahy-Thurmond amendment to H.R. 3048, which we consider today, incorporates from the Capturing Criminals Act a requirement that the Attorney General provide a report on this issue.

Eighth, the current Hatch-Leahy-Thurmond amendment to H.R. 3048 would limit the use of administrative subpoenas in fugitive investigations to those fugitives who have been accused or convicted of serious violent felony or serious drug offenses.

Finally, as introduced, S. 2516 authorized the U.S. Marshal Service to establish permanent Fugitive Apprehension Task Forces. By contrast, the substitute amendment to S. 2516, which previously passed the Senate, and the Hatch-Leahy-Thurmond amendment to H.R. 3048, which we consider today, would authorize $40,000,000 over three years for the Attorney General to establish multi-agency task forces (which will be coordinated by the Director of the Marshals Service) in consultation with the Secretary of the Treasury and the States, so that the Secret Service, BATF, the FBI and the States are able to participate in the Task Forces to find their fugitives.

The Hatch-Leahy-Thurmond amendment to H.R. 3048 will help law enforcement—with increased resources for regional fugitive apprehension task forces and administrative subpoena authority—to bring to justice both federal and state fugitives who, by their conduct, have demonstrated a lack of respect for our nation's criminal justice system.

I urge that the Senate pass H.R. 3048 with the Hatch-Leahy-Thurmond amendment without delay.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4319) was agreed to.

The bill (H.R. 3048), as amended, was read the third time and passed.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2000—CONFERENCE REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the conference report to accompany H.R. 1654, which is the NASA authorization conference report.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.)

(The conference report is printed in the House proceedings of the RECORD of September 12, 2000.)

Mr. HOLLINGS. Mr. President, I rise in support of H.R. 1654 which authorizes appropriations for the National Aeronautics and Space Administration for fiscal years 2000 to 2002.

We have taken a long road to reach this point. I particularly want to thank my fellow conferees, Senators MCCAIN, FRIST, STEVENS, and BREAUX. You and your staffs have worked in a professional, bipartisan manner to get this bill done. Congratulations.

In the past year alone, we have heard of great successes at NASA—launch of the first element of the International Space Station, discoveries about the nature of our universe by our new Chandra X-Ray Observatory, the discovery of evidence to show liquid water on Mars. However, NASA has also seen some chinks in its armor with the failure of the Mars Climate Orbiter and the Mars Polar Lander and subsequent questions about the ''faster, better, cheaper'' mission concept. I note that Section 301 of the bill requires an independent cost analysis of missions that are projected to cost more than $150 million so that we do not operate under unrealistic budget constraints that have been blamed, in part, for these losses.

It seems that NASA is at a bit of a crossroads both in trying to operate more efficiently without losing its effectiveness and in looking forward to the day when the International Space Station will be complete. So you see, this is the perfect time for an authorization bill like this one to help lay down a road map for the agency.

Specifically, H.R. 1654 authorizes $13.6 billion for NASA in FY 2000, $14.2 billion in FY 2001, and $14.6 billion in FY 2002. These are at or above the requested level. The conference report highlights some priorities within NASA's accounts. I want to make it very clear for the record, though—this is an authorization bill. None of this money in any of these accounts can be spent until appropriated. The VA–HUD appropriations law will have the final say on spending, and that is as it should be.

Senator MCCAIN and Senator BREAUX, I am sure, will summarize the major provisions of this legislation. I would like to discuss, briefly, why the conferees did what we did in a few places.

The bill imposes a cap on the total development cost of the International Space Station and related Space Shuttle launch costs. While I am no supporter of the International Space Station, I support the cap as a way of imposing a program that until recently was bleeding more and more red ink every day.

Nonetheless, I am concerned about the safety of the Shuttle, the Station, and our astronauts. As soon as NASA expressed concerns about safety, we immediately listened to their concerns and accommodated them without putting a hole in the cap that you could fly the Shuttle through.

Section 324 of the bill alters the provisions of the Space Act relating to insurance, indemnification, and cross waivers for experimental launch vehicles. Current law provides broad authority for the Administrator of NASA to indemnify the developers of experimental launch vehicles. As you may know, the parallel authority under FAA's licensing authority for operational vehicles sunsets periodically. H.R. 1654 places a sunset on the authority for experimental vehicles to allow us to review its use. The bill also does not allow reciprocal waivers of liability in a case where a loss results from the willful misconduct of a party to such waiver.

I am pleased we could include section 322 which would prohibit the licensing of the U.S. launch of a payload containing advertising which would be visible to the naked eye from space. It also encourages the President to seek agreements with other nations to do the same. I, for one, do not believe that advertisements should compete for space in the sky with constellations, meteor showers, and planets.

The conferees have authorized $25 million in FY 2001 and 2002 for the Commercial Remote Sensing Program's data purchases. I hope that such funding would be used to assist local and state government users acquire and use remote sensing data in their operations.

The conferees have worked with the Administration to resolve several complicated policy issues. We did not come to the exact place the Administration wanted us to be. Nonetheless, I think we have come to provisions which satisfy the Administration's bottom line. Does the Administration love the bill? Of course not—what agency likes oversight, likes an authorization bill, especially if that agency has been operating in the absence of authorization since FY 1993. Nonetheless, I think we have done a good job. This is a bill the President can and should sign.

We resolve the Administration's concerns regarding onerous provisions relating to Russian involvement in the Space Station program by making them country-neutral and forward-looking. The bill keeps the Space Station Commercial Demonstration Program in law, albeit for a shorter authorization period. H.R. 1654 will allow NASA to lease an inflatable habitation module or ''Trans-HAB.'' The bill does not terminate the Triana satellite program. And, as I mentioned before, the bill accounts for safety-related concerns about the cap provision.

Unfortunately, we could not include some meritorious provisions which were transmitted to the Hill with NASA's FY 2001 budget submission. I would be happy to work in the next Congress with NASA on a policy bill which meets these needs.