

research and development credit and to extend certain other expiring provisions for 30 months, and for other purposes; read the first time.

By Mr. ASHCROFT (for himself, Mr. HAGEL, Mr. BAUCUS, Mr. DODD, Mr. BROWNBACK, Mr. KERREY, Mr. ROBERTS, Mr. DORGAN, Mr. DASCHLE, Mr. ABRAHAM, Mr. ALLARD, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mr. BURNS, Mr. CONRAD, Mr. CRAIG, Mr. CRAPO, Mr. DURBIN, Mr. FITZGERALD, Mr. GORTON, Mr. GRAMS, Mr. HARKIN, Mr. HUTCHINSON, Mr. INHOPE, Mr. JEFFORDS, Mr. KERRY, Mr. LEAHY, Mrs. LINCOLN, Mr. CHAFEE, Mr. THOMAS, and Mr. WARNER):

S. 1771. A bill to provide stability in the United States agriculture sector and to promote adequate availability of food and medicine for humanitarian assistance abroad by requiring congressional approval before the imposition of any unilateral agricultural medical sanction against a foreign country or foreign entity; read the first time.

By Mrs. MURRAY:

S. 1772. A bill to amend the Elementary and Secondary Education Act of 1965 to foster family and school partnerships for promoting children's educational achievement through strengthening family involvement and providing professional development to school staff, and to amend the Higher Education Act of 1965 to provide for parenting education programs; to the Committee on Health, Education, Labor, and Pensions.

S. 1773. A bill to amend the Elementary and Secondary Education Act of 1965 to increase student involvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, and Mr. HATCH):

S. 1769. A bill to continue reporting requirements of section 2519 of title 18, United States Code, beyond December 21, 1999, and for other purposes; to the Committee on the Judiciary.

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

Mr. LEAHY. Mr. President, I am pleased to introduce today a bill to 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."

The AO has done an excellent job at 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 should be continued. 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.

The bill would update the reporting requirements currently in place with one additional reporting requirement. Specifically, the bill would require the wiretap report to include information on the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plaintext 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 effect 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 bill 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 Enforcement 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 bill we introduce today would direct the Attorney General to continue providing these specific categories of information. In addition, the bill 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. I therefore urge 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.

Mr. President I ask unanimous consent that the full 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. 1769

*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 "Continued Reporting of Intercepted Wire, Oral, and Electronic Communications Act".

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Section 2519(3) of title 18, United States Code, requires the Director of the Administrative Office of the United States Courts to transmit to Congress a full and complete annual report concerning the number of applications for orders authorizing or approving the interception of wire, oral, or electronic communications. This report is required to include information specified in section 2519(3).

(2) The Federal Reports Elimination and Sunset Act of 1995 provides for the termination of certain laws requiring submittal to Congress of annual, semiannual, and regular periodic reports as of December 21, 1999, 4 years from the effective date of that Act.

(3) Due to the Federal Reports Elimination Act and Sunset Act of 1995, the Administrative Office of United States Courts is not required to submit the annual report described in section 2519(3) of title 18, United States Code, as of December 21, 1999.

**SEC. 3. CONTINUED REPORTING REQUIREMENTS.**

(a) CONTINUED REPORTING REQUIREMENTS.—Section 2519 of title 18, United States Code, is amended by adding at the end the following:

"(4) The reports required to be filed by subsection (3) are exempted from the termination provisions of section 3003(a) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104-66)."

(b) EXEMPTION.—Section 3003(d) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104-66) is amended—

(1) in paragraph (31), by striking "or" at the end;

(2) in paragraph (32), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(33) section 2519(3) of title 18, United States Code."

**SEC. 4. ENCRYPTION REPORTING REQUIREMENTS.**

Section 2519(1)(b) of title 18, United States Code, is amended by striking "and (iv)" and inserting "(iv) 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, and (v)".

**SEC. 5. REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES.**

Section 3126 of title 18, United States Code, is amended by striking the period and inserting ", which report shall include information concerning—

"(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

"(2) the offense specified in the order or application, or extension of an order;

"(3) the number of investigations involved;

"(4) the number and nature of the facilities affected; and

"(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order."

By Mrs. MURRAY:

S. 1772. A bill to amend the Elementary and Secondary Education Act of 1965 to foster family and school partnerships for promoting children's educational achievement through strengthening family involvement and providing professional development to school staff, and to amend the Higher Education Act of 1965 to provide for parenting education programs; to the Committee on Health, Education, Labor, and Pensions.

FAMILY AND SCHOOL PARTNERSHIP ACT OF 1999

S. 1773. A bill to amend the Elementary and Secondary Education Act of 1965 to increase student involvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

YOUTH AND ADULT SCHOOL PARTNERSHIP ACT OF 1999

Mrs. MURRAY. Mr. President, we are rapidly coming to the end of the session. This Congress has a lot of unfinished business left in far too many areas: Patients' Bill of Rights, prescription drug, guns, juvenile justice, and education. Today I want to take a few minutes to talk about one of America's top priorities, education. Today I am going to be introducing, a little bit later, and describing several bills that will improve education in America. We are about to start our biggest debate on education in 5 years as we begin the work on the Elementary and Secondary Education Act.

If the past few weeks are any indication, I am very concerned that in this critical education debate our children are going to be the losers, and that would really be a shame. Education has long been a bipartisan issue, but somehow in this Congress partisanship has too often pushed progress aside.

Two weeks ago, I tried to help our schools continue a very successful initiative to hire more teachers so there would be fewer kids in each of our classrooms. Just 1 year ago, this initiative was announced as a bipartisan issue and leaders on both sides of the aisle claimed credit for this national effort to reduce class sizes in grades 1 through 3. But now, a year later, this amendment has been defeated on a party line vote.

Parents and teachers want real solutions. They want real investments. They want a real commitment to our schools. I believe we can do what is right for education in this Congress. When we listen to parents and educators and students, a vision for improving our schools based on their real needs is clear. I believe we must first establish the following principles: We need to ensure that all children have an equal opportunity to learn. We need to elevate the teaching profession through better pay and greater respect. We need to hold educators accountable for students' progress. And we need to invest more money in public education.

This plan is built on a partnership among Federal, State and local officials, working together to help all our students. It starts with making the school work for our students. That means making sure the school buildings are safe and secure and modern. That is why I am an original cosponsor of the School Modernization Act, so kids do not have to learn in crumbling schools or overcrowded classrooms.

It means making sure the teachers have the training and professional development they need to give our kids the best. That is why I am an original cosponsor of the Public Schools Education Excellence Act. A section of that act that I wrote called Teacher Technology Training will make sure all educators know the best ways to use technology to teach our children.

It means making sure education does not stop when the school bell rings. We need to give our kids safe and educational things to do when the school day is over and parents are still at work. And it means making sure there are, at most, 18 students in each classroom instead of 30. We know in smaller classes kids get the time and attention they need. That is why I wrote and I am going to continue to fight for the Class Size Reduction and Teacher Quality Act, to give schools the money they need to reduce our class sizes, particularly in the younger grades.

Everyone wants smaller classes. When you ask experts in education, they tell you that, based on their research, smaller classes make a big difference. When you ask teachers what makes the biggest difference, the answer is smaller classes. And when you ask parents, Do you want your child in a class of 30 or 18? the answer is clear; they want smaller classes. Smaller classes help kids learn the basics and improve classroom discipline. Parents, teachers, and experts all want smaller classes.

Last year, this Congress promised schools we would fund smaller class sizes for 7 years. This year, schools across the country are taking advantage of that program. But here we are, just 1 year later, and that commitment is fading. Last week, I released a letter signed by 38 Senators, Senators who are going to stand up for class size reduction. The President said if this Congress does not fund class size reduction, he will veto the bill. Last week, 38 Senators said they would stand with him and back up that veto.

Let me say to my colleagues, if you shortchange class size, the President will veto your bill. If you try to override that veto, we will stand together to make sure our kids get the smaller classes they deserve, the ones we promised them 1 year ago, a promise made by both parties to all of our kids.

I have other ideas on how we can help our students. As we begin discussing our Nation's Federal education law, I

will introduce legislation to assure that all segments of our school community—teachers, students, and families—play their role in improving education.

To help teachers, my legislation will give us the tools to recruit the world's finest educators; to retain educators by improving professional development and creating career ladders so that our best teachers will not leave the classroom but will have the opportunity to continue to grow professionally; to make sure all teachers can use the tools of technology to boost student achievement.

It will reward and recognize great educators. It will offer a meaningful financial bonus for States to improve teacher pay. And it will require educators to meet the same high standards we expect of our students.

Today, I am introducing legislation to help students by creating more meaningful roles for students in their schools and communities, finding the best examples of students and adults working together and rewarding those efforts and sharing those ideas with all schools, and showing the link between student involvement and student achievement.

Because we know parents and families are a child's first and best teachers, I am also introducing legislation that will invite families into our schools, train teachers, and administrators in the best ways to involve parents, and invest in family involvement at newer and higher levels.

It will use technology to make it easier for parents to stay informed and involved in their child's education. Borrowing from an example in my home State of Washington, it will build on the success of parent cooperative preschools which use local community colleges as a vehicle to improve parent involvement and school readiness for young kids.

I have talked with parents in my State, and it has become clear they want to be involved in their child's education. Too often, though, their jobs prevent them from being involved. That is why I introduced my Time for Schools Act. Which lets parents take up to 24 hours of unpaid leave off work each year to attend academic events at school and be involved in their child's education. That is the type of real-world solution that will help our parents.

Those are all parts of the comprehensive vision for improving education. I believe this plan will help prepare America for the next century. It is based on what we know works and has real money to back it up.

All too often, the debates on education begin with talk about how bad our public schools are. Everyone will hear that our schools are in shambles. I believe our schools are not failing, but if we let this Congress cut edu-

cation funding, we will be failing our public schools.

Most of our public schools are doing a good job. Some are not, but they are all facing more and more challenges with fewer resources than ever before. We have to recognize those challenges and prepare our schools and our children for the future.

Today, I hear a lot of talk about bureaucracy. I hear our schools are trapped by red tape. I was a school board member, and I know what it is like to fill out forms and, yes, we should reduce paperwork. That is why the class size reduction application is only one page, is available online, and takes just a few minutes to fill out. Less paperwork is good. But somehow some people have convinced themselves that if there are fewer forms, our kids will magically get the resources they need. Fewer forms will not buy a textbook or build a classroom. It takes resources and support, and it takes real dollars. Reducing bureaucracy sounds good, but it means nothing if it is only as good as the paper on which it is written.

I hear a lot of talk about flexibility. That sounds great. I support flexibility because I know that principals and local school boards understand their own needs best. But we cannot forget right now that the Federal Government sets money aside for specific programs, like for homeless children or gifted children, money to help our schools become safe and drug free. That money is targeted for special needs which we as a country believe are important, and those Federal funds do a lot of good because they are seven times more targeted than other education funds. That money ensures that every American child gets a good education.

But the plans I hear about tell schools, "Do whatever you want with the money." At the same time, those plans start cutting the amount of money available to schools, and then our kids are the losers. When that dollar is no longer attached to a specific need, like making our schools safe after Columbine, or meeting the needs of a child who is behind or a child who is gifted, it is a lot easier to cut that money.

Now schools think they have a choice, but they really have fewer options because there is less money available than there was the day before. When schools have choice with less money, national priorities and protections lose out.

Suddenly that choice does not sound so good. Suddenly that choice is not liberating; it is limiting, and that is wrong because some of our kids are going to be left behind when a bill promising some version of flexibility makes schools choose between children. Let's not forget that we have already passed a better version of school

flexibility called Ed-Flex earlier this year. Let's see how that serves our children before we try more risky approaches.

We cannot forget why the Federal Government got involved in education. Thirty years ago, when education was left to States and localities alone, some kids got left behind. So the Federal Government set a basic safety net for all children. These are the targeted funds that some plans would put into a block grant and then cut.

The Federal Government does two other vital things: It helps us meet national priorities, such as teaching technology or reducing class size, and it also helps students meet their potential and achieve at their highest levels. When this Congress ignores the reasons why we have a Federal partner in education, we are left with false choices that fail our children.

Our country deserves a real choice. We must offer real plans, real money to improve our schools, not false choices and not funding cuts. I urge my colleagues to listen to the American people. We should treat education like a priority and do right by all of our children.

#### ADDITIONAL COSPONSORS

S. 1235

At the request of Mr. ROBB, his name was added as a cosponsor of S. 1235, a bill to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 1626

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1626, a bill to amend title XVIII of the Social Security Act to improve the process by which the Secretary of Health and Human Services makes coverage determinations for items and services furnished under the medicare program, and for other purposes.

#### SENATE CONCURRENT RESOLUTION 59

At the request of Mr. SMITH, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of Senate Concurrent Resolution 59, a concurrent resolution urging the President to negotiate a new base rights agreement with the Government of Panama in order for United States Armed Forces to be stationed in Panama after December 31, 1999.

#### SENATE RESOLUTION 118

At the request of Mr. REID, the names of the Senator from Kentucky