

Committee on Indian Affairs will meet during the session of the Senate on Wednesday, February 10, 1999, at 9:30 a.m., to hold a confirmation hearing on the nomination of Montie Deer to be the Chairman of the National Indian Gaming Commission. The hearing will be held in room 485 of the Russell Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 202/224-2251.

ADDITIONAL STATEMENTS

SENATE LEGISLATIVE CLERK SCOTT BATES

• Ms. MIKULSKI. Mr. President, the United States Senate experienced a great and sudden loss on Friday night with the untimely death of our legislative clerk, Scott Bates. Mr. Bates was, in many ways, a symbol of the endurance and integrity of our institution, and his passing is a time of sadness for our Senate family.

For thirty years, Scott Bates was a faithful, dedicated and passionate servant of the United States Senate. He devoted his life to ensuring that our legislative body operated with efficiency, precision and dignity. Neither I nor my colleagues, nor any of our predecessors here will ever forget the clear, powerful voice of Scott Bates—calling the roll, announcing our votes, or just saying “hello.”

Scott Bates was a man of honor and humility. He was a mainstay of our sacred institution for three decades. I join my colleagues in mourning his passing and celebrating his life. To his wife, Ricki, who is still recovering in the hospital, we wish you a speedy recovery—please know that you and your three children, Lori, Lisa and Paul, are in our thoughts and prayers. You will remain a cherished part of the Senate family.●

KING HUSSEIN OF JORDAN

• Mr. BROWBACK. Mr. President, I rise to honor the memory of a great man, King Hussein of Jordan.

Today the world said goodbye to King Hussein and the great outpouring of grief by his people and the presence today in Amman of almost all of the world's leaders, is testament to his greatness and to the real honor and affection in which he was held; it was a testament to the enormous contribution he made to world peace and stability.

King Hussein was very young when he became king 47 years ago, in a tough neighborhood where wits and courage and character are quickly tested—and tested often. During his reign, he dodged at least 12 assassination attempts and 7 plots to overthrow him.

Though he took over a shaky throne, his perseverance, his vision and his

great faith carried him through and resulted in a much stronger nation of Jordan and a more stable Middle East. He took his country far down the path of democratic reforms—reforms which he had hoped to continue to improve upon and to broaden.

His rule saw his country acquire stability and make peace with Israel. He modernized Jordan and created a situation in which Jordanians enjoy a degree of political freedom not found in most other Arab nations.

He did all this by living his faith and his ideals: he practiced political tolerance and even reached a peace and pardoned those who had tried to kill him.

He was a true friend and ally of the United States but his true devotion was to his people and to the cause of peace. He took great risks to achieve this peace.

He was a lynchpin in Middle East Peace Process. Only a few months ago, he left his sickbed and came to Wye to help broker the Wye River accord that revived the failing peace process between Israel and the Palestinians. It was his presence and his commitment that brought a successful resolution to this agreement.

He did this at great personal sacrifice when he was near death. He fought illness with grace, courage and faith in the same way he had lived his life.

A stronger Kingdom of Jordan and a more stable Middle East, capable of eventually sustaining a lasting peace will be one of his great legacies.

Mr. President it is vitally important for the United States and Jordan to continue our close ties and to deepen our mutual commitment.

I join my colleagues in expressing my support and best wishes to King Hussein's son and successor, King Abdullah.

I met with King Abdullah this past November. He is very capable, knowledgeable and his is a strong leader. He is now a key to peace in the world and he is up to the task. We all wish him God's speed and great blessings.●

THE NATIONAL SALVAGE MOTOR VEHICLE CONSUMER PROTECTION ACT

• Mr. LOTT. Mr. President, I want to talk about America's used car buyers. They are looking to this Congress to take prompt action on legislation that will curtail the fraudulent practice of “title washing.” A deceptive scheme that costs consumers and the automobile industry over \$4 billion annually and places millions of structurally unsafe vehicles back on America's roads and highways.

Last week I brought to your attention a January 8, 1999, Washington Post article entitled “Wrecked Cars, On the Road Again.” This is scary—government crash test cars—deliberately destroyed cars—are being rebuilt and sold

to unsuspecting consumers as undamaged vehicles. One of these crash cars could have been next to any one of us on the way to work today.

I ask my colleagues to think about how they would feel if their son or daughter unknowingly purchased a NHSTA crash test car. Aside from the significant monetary loss, buyers of these previously totaled cars or trucks are also unwittingly risking life and limb. As well as everyone with whom they share the road.

As my colleagues are well aware, Senator Ford and I coauthored legislation in the 105th Congress with the intent of putting dishonest rebuilders out of business. Our bill would have provided greater disclosure to potential used car buyers by establishing national uniform definitions for salvage, rebuilt salvage, nonrepairable, and flood vehicles. As everyone knows, especially the crooks and charlatans who prey on unsuspecting victims, that it is the lack of uniformity and the inconsistencies in state automobile titling procedures that allows title laundering to flourish unabated.

Mr. President, the provisions of the National Salvage Motor Vehicle Consumer Protection Act mirrored the recommendations of the Motor Vehicle Titling, Registration and Salvage Advisory Committee. This congressionally mandated committee, overseen by the U.S. Department of Transportation, included State motor vehicle officials, motor vehicle manufacturers, dealers, recyclers, insurers, salvage yard operators, scrap processors, federal and state law enforcement representatives, and others. While I would like to claim credit for authoring the definitions in the title branding legislation, they were in fact based on the knowledge and experience of the Salvage Committee and the recommendations offered in their final report. So these are not my definitions, they are the expert advisory committee's definitions.

Mr. President, too often Congress lets recommendations from commissions we mandate sit on a shelf gathering dust.

Mr. President, I do not want this to happen here. Title washing is a pervasive problem. The salvage advisory group provided a wealth of information and recommendations to address this national problem. Congress needs to act.

Aside from promoting the use of uniform definitions, the bill requires rebuilt salvage vehicles to undergo a theft inspection in addition to any required state safety inspection. These vehicles would also have a decal permanently affixed to its window and the driver's doorjamb to provide even greater disclosure. Equally important, the vehicle's brand would be carried forward to each state where the vehicle is retitled. And, the Vehicle Identification Numbers (VIN) of irreparably

damaged vehicles would be tracked to prevent automobile theft.

Contrary to the misrepresentations about this bill, it allowed states to adopt disclosure standards beyond those provided for in the bill. In fact, states would have had broad latitude to provide almost unlimited disclosure to their citizens. This important legislation merely created a basic minimum national standard while allowing states the flexibility to adopt more stringent regulations. It also did not create a federal mandate on the states as some had proposed. As my colleagues will recall, the Supreme Court held in *New York v. United States* [505 U.S. 144 (1992)] that states cannot be forced by Congress to execute programs that should be administered by the U.S. government.

Mr. President, Congress came very close to enacting title branding legislation last year. The original measure received the formal support of 57 of our colleagues in this chamber and a similar bill passed the House of Representatives with a vote of 333 to 72. Throughout the legislative process, a number of significant changes were made to the bill to address the concerns expressed by consumer groups and some state attorneys general. In a good faith effort, the following changes were included in the modified version of the bill.

The percentage threshold for defining a "salvage vehicle" was lowered from 80 percent to 75 percent.

The final bill included a provision allowing states broad latitude in determining which vehicles would be designated as "salvage." The compromise permitted a state to maintain or establish a lower percentage threshold for defining a "salvage vehicle." So if a state set its percentage threshold below the 75 percent level, it would still have been in compliance with the bill. Some consumer groups and state attorneys general advocated that states be able to set their thresholds as low as they desired. This bill would have allowed any state to do just that.

A new provision was added that allowed states to cover any vehicle, regardless of age. This is referred to as "older model salvage vehicle."

Another new provision in the legislation granted state attorneys general the ability to sue on behalf of consumers who are victimized by rebuilt salvage fraud and to recover monetary judgments for damages that citizens may have suffered.

The bill's section on "prohibited acts," replaced the House's "knowingly and willfully" standard with a "knowingly" standard.

Two new prohibited acts were included—one related to failure to make a flood disclosure and the other related to moving a vehicle or title across state lines for the purpose of avoiding the bill's requirements.

In the original bill, conforming states were prohibited from using syno-

nyms of terms defined in the legislation (i.e. reconstructed, unrebuildable, junk) in connection with a vehicle. The modified bill deleted this restrictive language, giving states increased flexibility to provide additional disclosures to their citizens regarding the damage history of vehicles.

The compromise bill added a provision making it clear that nothing in the legislation would affect any private right of action under existing state laws. Let me say again that a citizen's ability to pursue private rights of action would have continued under the legislation.

At the request of Senator SLADE GORTON, the proposed federal criminal penalty provision was removed from the bill. As a former state attorney general, Senator GORTON was concerned that creating new federal penalties would unnecessarily increase the burden on an already stressed federal court system, especially in instances where existing state civil and criminal remedies would adequately address violations of the bill's titling requirements. Senator GORTON's concerns were recently buttressed by Chief Justice Rehnquist who recently complained about Congress' "trend to federalize crimes that traditionally have been handled in state courts." While the proposed criminal penalty was dropped, a provision authorizing civil penalties was retained.

At the request of Sen. ERNEST HOLLINGS, a new provision was added concerning the Secretary of Transportation advising automobile dealers of the prohibition on selling vans as school buses.

Again, these were significant changes aimed at achieving consensus and balancing the need for uniformity with the desire to provide states with reasonable and appropriate flexibility.

It is also important to point out that the final title branding bill that passed the House with a bipartisan majority last October was strongly supported by state motor vehicle administrators. These are the very people responsible for implementing titling rules and procedures. If there is anyone that Congress should listen to on this topic, it is the state DMV directors. They have the most commitment to and significant knowledge and experience dealing with titling matters. Since they are on the front lines, these administrators know what works and what will not. Their only vested interest is to ensure that the people they serve in their states have an effective titling system. To that end, they have been working with the Department of Transportation and the Department of Justice to develop a National Motor Vehicle Title Information System that would provide titling offices around the country with accurate, reliable, and timely registration information.

As I have said repeatedly, title branding legislation would signifi-

cantly improve disclosure for used car buyers. It would close the many loopholes that exist by establishing uniform definitions. It would create national standards that would protect the safety and well-being of consumers and motorists across America. Enacting this legislation would allow our sons and daughters to buy a used car without fear that they may be purchasing a totaled and subsequently rebuilt vehicle.

For these reasons, I intend on introducing the National Salvage Motor Vehicle Consumer Protection Act as it passed the House last October. I have also solicited technical corrections from a number of interested and affected sources including the U.S. Department of Transportation.

Mr. President, I ask my colleagues from both sides of the aisle to safeguard our friends and families from title fraud by formally supporting this legislation.

With your help, Congress can put thousands of chop-shop owners and con-artists out of business and keep millions of structurally unsafe vehicles off our nation's roads and highways. Let us take quick action to keep our constituents from buying wrecks on wheels.●

TRIBUTE TO REAR ADMIRAL WILLIAM L. STUBBLEFIELD ON THE OCCASION OF HIS RETIREMENT

● Mr. KERRY. Mr. President, I rise today to pay tribute to Rear Admiral Bill Stubblefield on the occasion of his retirement as the Director of the Office of NOAA Corps Operations and the Director of the NOAA Corps, in the Department of Commerce's National Oceanic and Atmospheric Administration. Rear Admiral Stubblefield has given 33 years of dedicated service to the nation.

Bill Stubblefield served as a commissioned officer in the U.S. Navy from 1962 to 1968 aboard a minesweeper and an icebreaker, and then with the U.S. Navy's SOSUS network. In 1968, he resigned his commission from the Navy to further his education and received his Master's degree in Geology from the University of Iowa in 1971.

In July 1971 Admiral Stubblefield joined the NOAA Commissioned Corps as a Lieutenant in his home town of Medina, Tennessee, and attended the 38th NOAA Corps Basic Officer Training Class which was held at the United States Merchant Marine Academy in Kings Point, New York. After his commissioning, he was assigned to serve as a Junior Officer aboard the NOAA Ships *Pathfinder* and *Rainier*, conducting hydrographic surveys in California, Washington, and Alaska. His next assignment was ashore with the Environmental Research Laboratory, Office of Oceanic and Atmospheric Research, in Miami, Florida, as Deputy